

Status of recommendations of the Review of the *Workplace Gender Equality Act 2012*

Last updated: 7 February 2023

Recommendation 1 – Make it easier for employers to report to WGEA and improve collection and sharing of gender data									
<p>1.1 Improve the quality of data reported to WGEA, and reduce the regulatory burden for employers, by tasking a new Gender Data Steering Group (Recommendation 1.2) to drive and oversee research and stakeholder consultation (including with both human resources and payroll Digital Service Providers) to identify how to:</p> <p>a. enable WGEA to use data employers have already provided to government and</p>	<p>Gender Data Working Group has been established to support the work of the Gender Data Steering Group (GDSG) and fulfil Recommendation 1.1a and b.</p> <p>The Co-Chairs of the GDSG provided a report to the Deputy Secretaries Data Group (DSDG) on its work during the 16 November meeting of the DSDG.</p>	In Progress							
<p>b. invest in a way to assist employers to extract other data from their own employer systems using a digital solution where possible.</p>			<p>1.2 Improve the sharing of gender data among WGEA, other departments and agencies by establishing a Gender Data Steering Group under the Deputy Secretary Data Group.</p>	<p>Gender Data Steering Group has been established.</p>	Completed	Recommendation 2 – Publish organisation gender pay gaps to accelerate action to close them			<p>2.1 Amend the <i>Workplace Gender Equality Act 2012</i> to allow WGEA to publish gender pay gap information at an employer level as an overall figure and by quartile to encourage change within organisations. Individual employee pay information is not to be published. Conduct further stakeholder consultation to identify the best way to implement this recommendation and conduct a regulatory impact assessment ahead of implementation.</p>
<p>1.2 Improve the sharing of gender data among WGEA, other departments and agencies by establishing a Gender Data Steering Group under the Deputy Secretary Data Group.</p>	<p>Gender Data Steering Group has been established.</p>	Completed							
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Recommendation 3 – Bridge the ‘action gap’ with new gender equality standards		
<p>3.1 Bridge the ‘action gap’ to strengthen the existing minimum standards by amending the <i>Workplace Gender Equality (Minimum Standards) Instrument 2014</i> to:</p> <p>a. add a new minimum standard to require relevant employers with 500 or more employees to commit to, achieve and report to WGEA on measurable genuine targets to improve gender equality in their workplace against three of the six gender equality indicators</p>	<p>Further development underway to determine most effective and appropriate implementation options, including as part of any future legislative reforms.</p>	In Progress
<p>b. strengthen the existing minimum standards to require relevant employers with 500 or more employees to have policies or strategies that cover all six gender equality indicators (not just one policy or strategy for one gender equality indicator in the current minimum standards), and</p>	<p>Implemented through the remade Workplace Gender Equality (Gender Equality Standards) Instrument 2023.</p>	Completed
<p>c. rename the minimum standards to be ‘gender equality standards.’</p>	<p>To be partially implemented through the Workplace Gender Equality Amendment (Closing the Gender Pay Gap) Bill 2023.</p> <p>Further implementation required in the Workplace Gender Equality (Gender Equality Standards) Instrument 2023 following passage of the Bill.</p>	In Progress
<p>3.2 Strengthen accountability of relevant employers to take action to improve gender equality in workplaces by amending the <i>Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)</i> to:</p> <p>a. require relevant employers to report the date employers share with their employees, shareholders, and/or members the gender equality reports that the employers provided to WGEA, and</p>	<p>Implemented through the remade Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2023.</p>	Completed
<p>b. require relevant employers to provide the Executive Summary report and Industry Benchmark report</p>	<p>To be implemented through the Workplace Gender Equality</p>	Completion Anticipated by Bill

from WGEA to employers to their Board/Governing Body.	Amendment (Closing the Gender Pay Gap) Bill 2023.	
Recommendation 4 – Reduce the regulatory burden on employers		
4.1 Amend the <i>Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)</i> to:	Implemented on 31 March 2022 through amendment to 2013 Instrument.	Completed
<ul style="list-style-type: none"> a. Remove the ‘reporting levels to the CEO’ question. 		
<ul style="list-style-type: none"> b. Replace ‘annualised full-time equivalent figures’. Enable employers to report on actual earnings of part-time and casual employees as well as the number of hours employees are engaged. 	Implemented through the remade Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2023.	Completed
<ul style="list-style-type: none"> c. Replace the parental leave questions that currently ask employers to report on the ‘proportion’ of their workforce. Instead, enable relevant employers to report by gender, employment status and manager/non-manager category: <ul style="list-style-type: none"> i. The number of employees with access to employer-funded paid parental leave for primary carers and for secondary carers and the eligibility period for access, ii. The number of employees who took a period of parental leave who ceased employment during, or at the end of that period. 	Implemented through the remade Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2023.	Completed

Recommendation 5 – Support Respect@Work implementation to prevent and address workplace sex-based harassment and discrimination

<p>5.1 To align the Workplace Gender Equality Act and its associated legislative instrument, include ‘sex-based harassment and discrimination’ as a gender equality indicator in the Workplace Gender Equality Act. It is already Gender Equality Indicator 6 in the <i>Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)</i>.</p>	<p>To be implemented through the Workplace Gender Equality Amendment (Closing the Gender Pay Gap) Bill 2023.</p>	<p>Completion Anticipated by Bill</p>
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Recommendation 6 – Research the best way to collect diversity data

<p>6.1 Undertake qualitative research with relevant stakeholders, led by WGEA, on the best way to collect more diversity data in addition to gender data to enable voluntary reporting, including on Aboriginal and Torres Strait Islander background, cultural and linguistic diversity, and disability.</p>	<p>Further development underway (together with 7.2b) to determine most effective and appropriate implementation options, including as part of any future legislative reforms.</p>	<p>In Progress</p>
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Recommendation 7 – refine the gender equality indicators

<p>7.1 Amend the <i>Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)</i> to include mandatory reporting of:</p> <p>a. employee age (year of birth), noting many employers report voluntarily.</p>	<p>Implemented through the remade Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2023.</p>	<p>Completed</p>
<p>b. employee’s primary workplace location, noting many employers report voluntarily</p>	<p>Implemented through the remade Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2023.</p>	<p>Completed</p>
<p>c. whether superannuation is paid by an employer when an employee is on paid, unpaid employer-funded and/or government-funded parental leave, noting many employers report voluntarily, and</p>	<p>Implemented through the remade Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2023.</p>	<p>Completed</p>

<p>d. remuneration data for Chief Executive Officers (CEOs) or the equivalent (individual remuneration would not be public but would be aggregated to calculate gender pay gaps and used for other remuneration analysis and insights).</p>	<p>Implemented through the remade Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2023.</p>	<p>Completed</p>
<p>7.2 Amend the Workplace Gender Equality Act and associated legislative instruments, in line with the ABS 2020 <i>Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables</i>, to enable WGEA to collect data on non-binary people.</p>	<p>Further development underway (together with 6.1) to determine most effective and appropriate implementation options, including as part of any future legislative reforms.</p>	<p>In Progress</p>
<p>7.3 To identify the best approach to improve other aspects of gender equality indicator reporting and reduce the regulatory burden on employers, the Department of Prime Minister and Cabinet is to do further work to assess the need for legislative amendments to:</p> <p>a. require employers to report to WGEA on occupations and jobs at Australian and New Zealand Standard Classification of Occupations (ANZSCO) level 4 for non-managers</p>	<p>Further development underway to determine most effective and appropriate implementation options, including as part of any future legislative reforms.</p>	<p>In Progress</p>
<p>b. include partnerships and partners in the WGEA dataset more comprehensively than they are currently (partners in partnership structures are considered owners not employees, this skews the reporting of gender pay gap data to WGEA), and</p>	<p>Further development underway to determine most effective and appropriate implementation options, including as part of any future legislative reforms.</p>	<p>In Progress</p>
<p>c. make it mandatory for relevant employers to report on data as it relates to individual entities within corporate structures, not as it relates to the group hierarchy.</p>	<p>WGEA has stated that this is currently possible – note advice that “The parent and each subsidiary of 100 employees and above are considered separate and independent relevant employers and each of them is required to report separately.”</p> <p>Note: for the purposes of the Organisational Gender Pay Gap (OGPG) publication, the Bill ensures the OGPG can be published for individual entities within corporate structures.</p>	<p>Completion Anticipated by Bill</p>

Recommendation 8 – strengthen compliance and enforcement		
8.1 Amend the Workplace Gender Equality Act so all relevant employers must comply with WGEA’s reporting obligations for Commonwealth grants eligibility and Commonwealth procurement participation. To support implementation of this recommendation, the Office for Women in the Department of Prime Minister and Cabinet, together with the Department of Finance and other relevant departments, will review the Workplace Gender Equality Procurement Principles.	Further development underway to determine most effective and appropriate implementation options, including as part of any future legislative reforms. A review of the Workplace Gender Equality Procurement Principles will be undertaken this year.	In Progress
Recommendation 9 – set WGEA up for future success to support employers to drive gender equality in Australian workplaces		
9.1 WGEA is a critical enabler of the WGEA Review recommendations. The recommendations have resourcing implications for WGEA that will require consideration by the Australian Government. To maximise effectiveness, WGEA will need additional investment to implement the WGEA Review recommendations to drive action on gender equality in Australian workplaces.	\$18.5 million was provided through the March 2022-23 Budget to support implementation of the WGEA Review (\$17.5m to WGEA and \$1m to OFW)	Completed
9.2 To avoid confusion with company director roles, amend the Workplace Gender Equality Act to change the title of the ‘Director of WGEA’ to Chief Executive Officer (CEO).	To be implemented through the Workplace Gender Equality Amendment (Closing the Gender Pay Gap) Bill 2023	Completion Anticipated by Bill
9.3 WGEA to review its Employer of Choice Gender Equality citation to improve its effectiveness as a citation and incentive for more employers to progress gender equality in their workplaces.	WGEA has completed a review of its EOCGE citation, engaging GIWL ANU and Deloitte to assist. Implementation of recommendations will commence in 2023 and continue in 2024.	In Progress
9.4 WGEA to continue to improve the way it supports employers progress gender equality in their workplaces by: <ul style="list-style-type: none"> a. reviewing the reports it provides to employers b. expanding its educational resources c. developing tailored ‘off the shelf’ policies for small and medium enterprises 	WGEA has significantly improved the functionality of the reporting platform, established a Capacity Building Team to work directly with employers and is improving reports, resources and tools to accelerate improvement in gender equality.	In Progress

<ul style="list-style-type: none"> d. publicising the positive progress of employers e. improving the functionality of WGEA’s digital reporting platform f. strengthening its capacity to assist employers to bridge their action gaps, and g. leading employers through the change management required by any reforms flowing from recommendations in this report. 		
Recommendation 10 – review the Workplace Gender Equality Act in five years from the date any legislative changes commence		
10.1 Formally review the effectiveness of action flowing from this WGEA Review five years from the commencement of any legislative reform.	Agreed	In Progress