



Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)

Workplace Gender Equality Act 2012

I, JULIE COLLINS, Minister for Community Services, Minister for Indigenous Employment and Economic Development, and Minister for the Status of Women, make the following instrument under subsections 3(1A) and 13(3) of the *Workplace Gender Equality Act 2012*.

Dated 28 February 2013

Julie Collins
Minister for Community Services
Minister for Indigenous Employment and Economic Development
Minister for the Status of Women

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Part 1—Preliminary

1 Name of instrument

This instrument is the *Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 5 and Schedule 1	1 April 2013.	
2. Schedule 2	1 April 2014.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsections 13(3) and 3(1A) of the *Workplace Gender Equality Act 2012*.

4 Schedules

The gender equality indicators and matters specified in relation to each indicator are set out in Schedule 1 to this instrument. Schedule 2 sets out amendments to Schedule 1 which apply from 1 April 2014.

5 Definitions

In this instrument:

Act means the *Workplace Gender Equality Act 2012*.

employment status means employment on a part-time, full-time, permanent, casual or contract basis.

gender equality indicators has the meaning given by subsection 3(1) of the Act.

governing body has the meaning given by subsection 3(1) of the Act.

key management personnel means those persons having authority and responsibility for planning, directing and controlling the activities of the entity,

directly or indirectly, including any director (whether executive or otherwise) of that entity, in accordance with Australian Accounting Standards Board AASB124.

manager means the employment categories referenced in section 1.1.2 in Schedule 1 of this instrument.

non-manager means the employment categories referenced in section 1.1.3 in Schedule 1 of this instrument.

relevant employer has the meaning given by subsection 3(1) of the Act.

Unless words are defined to the contrary in the definitions they have the same meaning as the Act

Schedule 1—Matters in relation to each gender equality indicator

1 Gender Equality Indicator 1—gender composition of the workforce

Each relevant employer is to report on the gender composition of its workforce.

Matters that must be included in the report

1.1 Disaggregated data by gender on workforce profile is required on:

- 1.1.1 employment status;
- 1.1.2 managers; and
 - 1.1.2.1 Chief Executive Officer (CEO) or equivalent;
 - 1.1.2.2 key management personnel, including distance from the CEO or equivalent; and
 - 1.1.2.3 other managers, including distance from the CEO or equivalent.
- 1.1.3 non-managers
 - 1.1.3.1 professionals;
 - 1.1.3.2 technicians and trade employees;
 - 1.1.3.3 community and personal service employees;
 - 1.1.3.4 clerical and administrative employees;
 - 1.1.3.5 sales employees;
 - 1.1.3.6 machinery operators and drivers;
 - 1.1.3.7 labourers;
 - 1.1.3.8 graduates;
 - 1.1.3.9 apprentices; and
 - 1.1.3.10 other.

1.2 The existence of strategies or policies to support gender equality.

2 Gender Equality Indicator 2—gender composition of governing bodies of relevant employers

Each relevant employer is to report on the gender composition of its governing bodies.

Matters that must be included in the report

- 2.1 The existence of a governing body.
- 2.2 The profile of the governing body including number of members and chairpersons by gender where the relevant employer has a governing body.
- 2.3 The targets, if any, that have been set for the gender composition of the governing body.
- 2.4 The existence of a selection policy or strategy for governing body members.

3 Gender Equality Indicator 3—equal remuneration between women and men

Each relevant employer is to report on the remuneration of its employees.

Matters that must be included in the report

- 3.1 Disaggregated data regarding the remuneration profile of employees by gender and by workplace profile categories including:
 - 3.1.1 annualised average full-time equivalent base salary; and
 - 3.1.2 annualised average full-time equivalent total remuneration.
- 3.2 The existence of a remuneration policy or strategy.
- 3.3 The gender pay equity objectives, if any, which are included in the remuneration policy or strategy.
- 3.4 Whether any gender remuneration gap analysis has been undertaken and, if so, when.
- 3.5 The actions taken, if any, as a result of a gender remuneration pay analysis.

4 Gender Equality Indicator 4—availability and utility of employment terms, conditions and practices relating to flexible working arrangements for employees and to working arrangements supporting employees with family or caring responsibilities

Each relevant employer is to report on the availability and utility of employment terms, conditions and practices relating to flexible working arrangements for employees and to working arrangements supporting employees with family or caring responsibilities.

Matters that must be included in the report

- 4.1 The existence of employer funded paid parental leave for primary carers, additional to any government funded parental leave scheme for primary carers.
- 4.2 The existence of employer funded paid parental leave for secondary carers, additional to any government funded parental leave scheme for secondary carers.
- 4.3 Disaggregated data by gender and manager/non-manager on the utilisation of parental leave.
- 4.4 The method and quantum of employer funded paid parental leave for primary carers.
- 4.5 The quantum of employer funded paid parental leave for secondary carers.
- 4.6 The proportion of the workforce who has access to employer funded paid parental leave for primary carers.
- 4.7 The proportion of the workforce who has access to employer funded paid parental leave for secondary carers.
- 4.8 Disaggregated data by gender and manager/non-manager on the availability of employment terms, conditions and practices including:
 - 4.8.1 flexible hours of work;

Matters in relation to each gender equality **Schedule 1**

- 4.8.2 compressed working weeks;
- 4.8.3 time-in-lieu;
- 4.8.4 telecommuting;
- 4.8.5 part-time work;
- 4.8.6 job sharing;
- 4.8.7 carer's leave;
- 4.8.8 purchased leave;
- 4.8.9 unpaid leave; and
- 4.8.10 other.

- 4.9 The existence of a flexible working arrangements policy or strategy.
- 4.10 The existence of policies or strategies to support employees with family and caring responsibilities.
- 4.11 The existence of any non-leave based measures to support employees with family and caring responsibilities.
- 4.12 The existence of a policy or strategy to support employees who have or are experiencing family or domestic violence.
- 4.13 Measures, if any, to support employees who have or are experiencing family or domestic violence.

5 Gender Equality Indicator 5—consultation with employees on issues concerning gender equality in the workplace

Each relevant employer is to report on consultation with employees on issues concerning gender equality in the workplace.

Matters that must be included in the report

- 5.1 Consultation, if any, with employees on workplace gender equality matters.
- 5.2 The mode of consultation with employees on workplace gender equality matters.
- 5.3 The categories of employees consulted.

6 Gender Equality Indicator 6—sex-based harassment and discrimination

Note: Gender equality indicator 6 is a further indicator being made under paragraph (f) of the definition of 'gender equality indicators' in subsection 3(1) of the Act.

Each relevant employer is to report on sex-based harassment and discrimination in the workplace.

Matters that must be included in the report

- 6.1 The existence of a sex-based harassment and discrimination prevention strategy or policy.
- 6.2 The inclusion of a grievance process in any sex-based harassment and discrimination prevention policy.
- 6.3 Workplace training, if any, for managers on sex-based harassment and discrimination.

Matters in relation to each gender equality **Schedule 1**

6.4 The frequency of workplace training about sex-based harassment and discrimination.

Schedule 2—Amendments of Schedule 1 commencing on 1 April 2014

1 Clause 1

Repeal the clause, substitute:

1 Gender Equality Indicator 1—gender composition of the workforce

Each relevant employer is to report on the gender composition of its workforce.

Matters that must be included in the report

1.1 Disaggregated data by gender on workforce profile is required on:

- 1.1.1 employment status;
- 1.1.2 managers; and
 - 1.1.2.1 Chief Executive Officer (CEO) or equivalent;
 - 1.1.2.2 key management personnel, including distance from the CEO or equivalent; and
 - 1.1.2.3 other managers, including distance from the CEO or equivalent.
- 1.1.3 non-managers
 - 1.1.3.1 professionals;
 - 1.1.3.2 technicians and trade employees;
 - 1.1.3.3 community and personal service employees;
 - 1.1.3.4 clerical and administrative employees;
 - 1.1.3.5 sales employees;
 - 1.1.3.6 machinery operators and drivers;
 - 1.1.3.7 labourers;
 - 1.1.3.8 graduates;
 - 1.1.3.9 apprentices; and
 - 1.1.3.10 other.

1.2 The existence of strategies or policies to support gender equality.

1.3 The composition of recruitment applications by gender and by manager/non-manager.

1.4 The composition of applicants interviewed by gender and by manager/non-manager.

1.5 The composition of applicants appointed to positions by gender and by manager/non-manager.

1.6 The number and proportion of employees awarded promotions by gender, employment status and manager/non-manager.

1.7 The number and proportion of employees who have resigned by gender, employment status and manager/non-manager.

2 Clause 3

Repeal the clause, substitute:

Gender Equality Indicator 3 – equal remuneration between women and men

Each relevant employer is to report on the remuneration of its employees.

Matters that must be included in the report

- 3.1 Disaggregated data regarding the remuneration profile of employees by gender and by workplace profile categories including:
 - 3.1.1 annualised average full-time equivalent base salary; and
 - 3.1.2 annualised average full-time equivalent total remuneration.
- 3.2 The existence of a remuneration policy or strategy.
- 3.3 The gender pay equity objectives, if any, which are included in the remuneration policy or strategy.
- 3.4 Whether any gender remuneration gap analysis that has been undertaken and, if so, when.
- 3.5 The actions taken, if any, as a result of a gender remuneration pay analysis.
- 3.6 Disaggregated data by gender on annualised average full-time equivalent components of total remuneration.

3 Clause 4

Repeal the clause, substitute:

4 Gender Equality Indicator 4—availability and utility of employment terms, conditions and practices relating to flexible working arrangements for employees and to working arrangements supporting employees with family or caring responsibilities

Each relevant employer is to report on the availability and utility of employment terms, conditions and practices relating to flexible working arrangements for employees and to working arrangements supporting employees with family or caring responsibilities.

Matters that must be included in the report

- 4.1 The existence of employer funded paid parental leave for primary carers, additional to any government funded parental leave scheme for primary carers.
- 4.2 The existence of employer funded paid parental leave for secondary carers, additional to any government funded parental leave scheme for secondary carers.
- 4.3 Disaggregated data by gender and manager/non-manager on the utilisation of parental leave.

- 4.4 The method and quantum of employer funded paid parental leave for primary carers.
- 4.5 The quantum of employer funded paid parental leave for secondary carers.
- 4.6 The proportion of the workforce who has access to employer funded paid parental leave for primary carers.
- 4.7 The proportion of the workforce who has access to employer funded paid parental leave for secondary carers.
- 4.8 Disaggregated data by gender and manager/non-manager on return to work from parental leave.
- 4.9 The number of requests and approvals for extended parental leave by gender and manager/non-manager.
- 4.10 Disaggregated data by gender and manager/non-manager on the availability of employment terms, conditions and practices including:
 - 4.10.1 flexible hours of work;
 - 4.10.2 compressed working weeks;
 - 4.10.3 time-in-lieu;
 - 4.10.4 telecommuting;
 - 4.10.5 part-time work;
 - 4.10.6 job sharing;
 - 4.10.7 carer's leave;
 - 4.10.8 purchased leave;
 - 4.10.9 unpaid leave; and
 - 4.10.10 other.
- 4.11 The existence of a flexible working arrangements policy or strategy.
- 4.12 The existence of policies or strategies to support employees with family and caring responsibilities.
- 4.13 The existence of any non-leave based measures to support employees with family and caring responsibilities.
- 4.14 The existence of a policy or strategy to support employees who have or are experiencing family or domestic violence.
- 4.15 Measures, if any, to support employees who have or are experiencing family or domestic violence.