Terms of Reference

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

## Context

The Government announced in the Women’s Budget Statement 2021-22 a targeted review (the Review) of the *Workplace Gender Equality Act 2012* (the WGE Act). This followed the Workplace Gender Equality Agency’s 2019-20 Progress Report, which recommended a review of the WGE Act to drive further progress on gender equality in Australia.

The WGE Act replaced the *Equal Opportunity for Women in the Workplace Act 1999* and has not been reviewed since its introduction in 2012.

The Review will consider if the Workplace Gender Equality Agency (WGEA) – a statutory agency created by the WGE Act – has appropriate powers, tools and levers to achieve the objectives of the WGE Act, including to promote and improve gender equality in Australian workplaces, support employers to remove barriers to the full and equal participation of women in the workplace and to eliminate discrimination on the basis of gender in relation to employment matters.

In the Women’s Budget Statement 2021-22, the Government also committed to amending the WGE Act to require Australian Public Service organisations to report to WGEA on gender equality initiatives. This amendment will create a more comprehensive, representative and accurate data set of the Australian workforce.

## Scope

The targeted Review will examine the application of the WGE Act and assess the effectiveness of WGEA’s existing practices in the promotion and improvement of gender equality in employment and in workplaces. The Review will also identify areas of future focus for WGEA to further promote gender equality over the next ten years, including reducing gender pay gaps, and if needed, recommend options for reform of the WGE Act and its related instruments.

The Review will consider:

* coverage of the WGE Act, including size and types of organisations required to report;
* reporting requirements and data collected under the six gender equality indicators, set out in the Workplace Gender Equality (Matters in relation to Gender Equality) Instrument;
* benchmarks, public reporting, data quality and analysis, and sharing of data, with consideration given to the sharing of data between WGEA and other agencies such as the Australian Bureau of Statistics and the Australian Taxation Office;
* reviewing compliance, minimum standards and actions relating to non-compliance with the WGE Act; and
* other actions which can contribute to improvements in gender equality in the workplace.

The Review will take into account:

* WGEA input on the effectiveness of the WGE Act in achieving its purposes, including the WGEA Progress Report 2019-20 and its outlined opportunities for improvement, and input from a broad range of stakeholders;
* The Government’s deregulation agenda, including whether there are opportunities to reduce the reporting burden on business through streamlining reporting tools or better sharing of data (such as from Single Touch Payroll) between Commonwealth agencies;
* Any changes needed for WGEA to implement the recommendations of the Respect@Work national inquiry and the Government’s response; and
* Australian and international evidence and approaches.

## Stakeholder Consultation

The review will be informed by consultation with targeted representatives from the business and not-for-profit sectors, employee organisations, higher education providers, relevant government agencies, including the Department of the Prime Minister and Cabinet (PM&C), Treasury, Department of Finance, the Australian Bureau of Statistics, the Australian Taxation Office, the Australian Public Service Commission and the Human Rights Commission, the women’s sector, users of the WGEA data and other interested parties.

## Governance and Deliverables

The Review will commence in September 2021. It will be led by a WGEA Review Team in PM&C, in consultation with WGEA, and with guidance from external Expert Advisers. The project sponsor is the Deputy Secretary Social Policy in PM&C. A report will be provided before the end of 2021 to the Minister for Women as the Minister with portfolio responsibility for WGEA and to the Minister for Women’s Economic Security.