



## *Equal Opportunity for Women in the Workplace Act 1999*

### The Act at a Glance

The *Equal Opportunity for Women in the Workplace Act 1999* (the Act) was effective from 1 January 2000, renaming and updating the *Affirmative Action (Equal Employment Opportunity for Women) Act 1986*. To reflect the intention of the Act, to promote equal opportunity for women based on merit, the Agency is now known as the **Equal Opportunity for Women in the Workplace Agency** (EOWA) and the Director is the **Director of Equal Opportunity in the Workplace**.

The amended Act means:

- simplified, less prescriptive reporting requirements.
- making some changes to the content of an equal opportunity for women in the workplace program (the new term for an affirmative action program) and the content of a report.
- that organisations with effective and established programs will be encouraged to seek to have their reporting requirements waived.

An overview of some of the changes contained in the new Act is provided below.

### Objectives of the Act

The principal objectives of the Act are to:

- promote the principle that employment for women should be dealt with on the basis of merit; and
- promote the elimination of discrimination, both direct and indirect, and the provision of equal employment opportunity for women in relation to employment matters among employers; and
- foster workplace consultation between employers and employees on issues concerning equal opportunity for women in relation to employment.



## Legislation

The Act requires all new reporting organisations with 100 or more people from the following groups to establish a workplace program to remove the barriers to women entering and advancing in their organisation:

- Private sector organisations
- Not-for-profit / Community organisations
- Non-government schools
- Unions
- Group training organisations, and
- Higher education institutions

## The Equal Opportunity for Women in the Workplace Program

From 1 April 2000, all organisations covered by the Act are required to:

- confer responsibility for developing and implementing a workplace program to a person with sufficient authority and status within the management of that organisation;
- take appropriate action to eliminate all forms of discrimination against women in relation to the employment matters, and
- take measures to contribute to the achievement of equal opportunity for women in relation to employment matters.

## Employment Matters

The Act includes an updated list of the seven Employment Matters to reflect contemporary human resource practices. Workplace programs will need to analyse and address these issues:

- the recruitment procedure, and selection criteria, appointment or engagement
- the promotion, transfer and termination of employment
- training and development
- work organisation
- conditions of service
- arrangements for dealing with sex-based harassment, and
- arrangements for dealing with pregnancy, or potentially pregnant employees and employees who are breastfeeding their children.

To comply with the Act, organisations need only take actions on the priority issues they have identified from analysing their workplace.



## Reporting to EOWA on your Workplace Program

Reporting is now streamlined and less prescriptive, allowing organisations to focus on their actions for equal employment opportunity, their achievements and results. Organisations are encouraged to take into account the broader business context, placing equal employment opportunity firmly in the context of good business practice, and integrating it into more general management strategies.

Organisations:

- will be required to lodge their report between 1 April and 31 May annually;
- will be encouraged to report on their equal employment opportunity outcomes in the context of their organisational goals.

## Contents of a Report

Organisations will report to EOWA about the outcomes of their workplace program. The new simplified public reporting format will require organisations to:

- set out a workplace profile (in any way that is appropriate to your organisation, as long as it provides factual information about the composition of your workforce and helps to identify issues relevant to equal opportunity for women);
- describe the analysis undertaken;
- describe the actions taken to address priority issues;
- evaluate the effectiveness of the actions taken;
- describe the actions the organisation plans to take in the next reporting period to address issues for women in the workplace.

EOWA encourages brief reporting in describing the actions organisations have taken in implementing their workplace program. The focus of reporting under the new legislation will increasingly be on achieving the equal employment opportunity results and outcomes that are most relevant in improving the business outcomes of the organisation.

## Waiving

Requirements for waiving have also changed. Organisations can now be waived from reporting for a specified period when EOWA is satisfied that the organisation has:

- demonstrated that they have taken all reasonably practicable measures to address the issues relating to the employment matters that affect equal opportunity for women in their workplace; and
- complied with the requirements of the Act for no less than three consecutive years.



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The new objective standard of 'reasonably practicable' allows EOWA to take into account the unique aspects of the business when assessing waived status. This might include the size of the organisation and the characteristics of the sector, for example, the difficulty of attracting women to the business in a male-dominated industry.

We look forward to working with you to achieve equal employment opportunity for women. We will keep you advised as new publications and support tools are available to assist you to meet the objectives of the legislation.

For more information on the EOWW Act,  
please contact: -

**Equal Opportunity for Women in the  
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**[www.eowa.gov.au](http://www.eowa.gov.au)**