

Application to refer a systemic gender equality issue to the Public Sector Gender Equality Commissioner

About the dispute resolution function

The Commission for Gender Equality in the Public Sector (Commission) has been established to oversee the implementation of the *Gender Equality Act 2020* (Act).

The Act provides the Public Sector Gender Equality Commissioner (Commissioner) with certain powers to help Victorian public sector employers and local councils to resolve systemic gender equality issues. These powers commenced operation on 31 March 2021. The powers apply where the dispute arises under an enterprise agreement or workplace determination and is referred to the Commissioner in accordance with a term of that instrument.

This form should be read in conjunction with the **Dispute Resolution Function – Guidance Note** which can be found at www.genderequalitycommission.vic.gov.au/what-disputes-can-commissioner-resolve.

Who can use this form

Use this form if you:

- work in a public sector body, Court Services Victoria, the Office of Public Prosecutions, or a defined entity prescribed by regulations, and
- are covered by an enterprise agreement or workplace determination, which contains a gender equality term which allows for the Commissioner's involvement, and
- you are part of a class or group of employees, a union or employer who is involved in a dispute about a systemic gender equality issue arising under the enterprise agreement or workplace determination.

Employees and unions

You must have taken the steps to raise your dispute directly with the employer and provided them with a reasonable opportunity to respond and the dispute (or elements) of it remain unresolved.

Employer

You must have made genuine attempts to resolve the matter in accordance with the relevant terms of your employee's enterprise agreement or workplace determination, and the dispute (or elements) of it remain unresolved.

Lodging a completed form

Lodge your completed application form, along with any supporting documents, with the Commission by email to disputes@genderequalitycommission.vic.gov.au.

Where to get help

Commission staff cannot provide legal or employment advice to members of the public. However, Commission staff can give you general information on:

- the key obligations in the *Gender Equality Act 2020*
- the dispute resolution functions of the Commissioner
- other organisations that may be able to assist you to resolve your issue
- guidance on how to complete this form

The Commission's website www.genderequalitycommission.vic.gov.au/ also contains a range of information that may assist.

Application for assistance with a dispute about a systemic gender equality issue

Part 1 – Applicant details

Applicant

Please provide the contact details of the applicant(s)

Title	
First Name(s)	
Surname	
Postal Address	
Phone Number	
Mobile Number	
Email Address	

If the applicant is an employer or union please provide the following details

Legal Name	
Trading Name	
ABN/ACN	
Contact Person	

Do you need an interpreter?

Yes – Please specify language _____

No

Do you need any special assistance to participate in the dispute resolution process (eg a hearing loop)?

Yes – Please specify assistance required _____

No

Is the applicant represented by a union or employer organisation?

Yes – Please provide details below

No

Details of applicant's representative

If the applicant is represented by a union or employer organisation, please provide contact details for a relevant person from that organisation who will be participating in the dispute resolution process.

Title	
First Name(s)	
Surname	
Organisation Name	
Postal Address	
Phone Number	
Mobile Number	
Email Address	

Contact details of the respondent to the dispute

Please provide the contact details of a relevant contact of the respondent to the dispute. If the applicant is a union or employee the respondent contact will be a contact within your employer who has been dealing with the dispute. If the applicant is an employer or employer organisation then respondent details will be those of the affected employees or union representing the employees.

Title	
First Name(s)	
Surname	
Postal Address	

Phone Number	
Mobile Number	
Email Address	

If the respondent is an employer or union please provide the following details:

Legal Name	
Trading Name	
ABN/ACN	
Contact Person	

Part 2 – Details of dispute

Jurisdiction for the Commissioner to assist in resolving a dispute about a systemic gender equality issue

Please provide the following details which will determine whether the Commissioner has the jurisdiction to assist the parties to resolve the dispute about a systemic gender equality issue.

Employer

The Commissioner can only assist with disputes arising in certain types of employers. Please indicate the relevant category for the employer who is subject to the dispute:

- Public sector body – department or agency name _____
- Court Services Victoria
- Office of Public Prosecutions
- Local council – council name _____

Express power for the Commission to assist with disputes about a systemic gender equality issue

The Commissioner can only deal with a dispute if an enterprise agreement or workplace determination provides power for them to do so. Please complete the table below to indicate the source of the Commissioner's power to resolve disputes about a systemic gender equality issue.

Name of enterprise agreement or workplace determination	
Term of the enterprise agreement or workplace determination that allows referral of dispute to Commissioner	



Summarise or provide a copy of the term of the enterprise agreement or workplace determination which gives power to the Commissioner to resolve disputes regarding systemic gender equality issue	
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Details of the dispute of the systemic gender equality issue

To assist the parties to resolve a dispute, the Commissioner must first understand the issue and your proposed resolution. Please complete the table below by providing details of the issue and the proposed resolution.

Class or group of employees adversely affected by the systemic gender equality issue	
Name of employer(s) subject to the dispute	
Description of systemic gender equality issue which is the subject of the dispute <i>(please provide as much detail as possible, add further pages or attachments as necessary)</i>	
Gender Equality Act 2020 workplace gender equality indicator(s) to which the dispute relates <i>(please select all that a relevant)</i>	<input type="checkbox"/> - Gender composition at all levels of the workforce <input type="checkbox"/> - Gender composition of governing bodies <input type="checkbox"/> - Gender pay equity <input type="checkbox"/> - Workplace sexual harassment <input type="checkbox"/> - Recruitment and promotion <input type="checkbox"/> - Leave and flexibility <input type="checkbox"/> - Gendered workforce segregation
Description of the adverse effects on the class or group of employees who are the subject of the dispute <i>(please provide as much detail as possible, add further pages or attachments as necessary)</i>	



<p>Description of the proposed resolution as outlined by the applicant <i>(please provide as much detail as possible, add further pages or attachments as necessary)</i></p>	
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Details of steps taken to resolve dispute internally

Before the Commissioner can assist the parties to resolve a dispute about a systemic gender equality issue the parties must have attempted to resolve the issue internally. For employees, this means the employer must have been advised of the systemic gender equality issue and provided with a reasonable opportunity to investigate and respond. In the table below please detail the steps taken to resolve the dispute at the local level.

<p>Description of the steps to raise the dispute internally and any steps taken to resolve the dispute at the local level <i>(please provide as much detail as possible, add further pages or attachments as necessary)</i></p>	
<p>Describe the other party's response to the dispute and/or their proposed resolution (if any) <i>(please provide as much detail as possible, add further pages or attachments as necessary)</i></p>	

Signature

If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

Signature	
Name	
Date	

Completed applications can be submitted to disputes@genderequalitycommission.vic.gov.au.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS