



4 countries

134 laws evaluated

7 areas of legislation

The Gender Legislative Index is a tool to rank and score legislation against global standards for women's rights.

It highlights the power of the law to deliver concrete change to fulfill women's rights. The GLI facilitates a comparison of laws addressing the same issues, or of legislation across different areas of the law, or comparisons across countries.

The Gender Legislative Index is aimed at helping legislators, activists and advocates to build a body of legislation that works better for women. It seeks to get the law right in the first place, rather than invest in poor or average laws, for the sake of having a law, that later needs amending.



Recently evaluated laws

Coal Mining Industry (Long Service Leave) Legislation Amendment Act

Australia 2011 #137

Not meeting international standards

Tax Laws Amendment (2011 Me Act 2011

Australia 2011 #43

Insufficient information

Fair Work Am

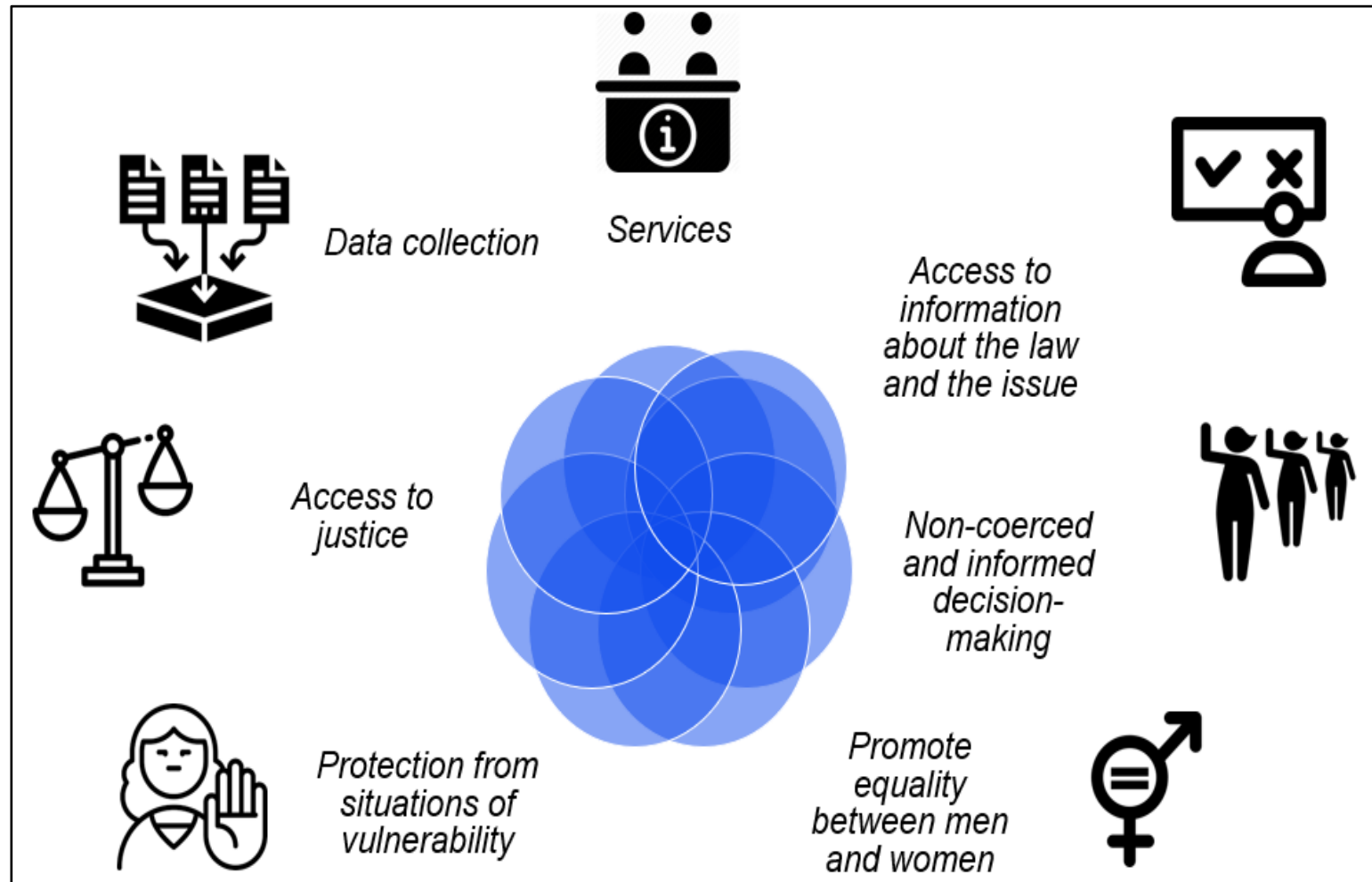
Aust

# How can the law work better for women?

[www.genderlawindex.org](http://www.genderlawindex.org)

# Criteria, standards and scoring behind the GLI...

1. Does the law guarantee access to non-discriminatory and accessible, affordable, acceptable services?
2. Does the law guarantee access to information and education or require the provision of information and education on the issue?
3. Does the law guarantee non-coerced and informed decision-making and where relevant, protect women's confidentiality?
4. Does the law promote equal relations between men and women?
5. Does the law protect women from situations of vulnerability linked to their gender?
6. Does the law guarantee accessible and effective remedies (i.e. access to justice)?
7. Does the law promote the comprehensive monitoring of the situation of women? This includes promoting gender-disaggregated data collection on the nature of the problem.



# 40 YEARS AT THE FOREFRONT UTS LAW



## Gender Legislative Index

### Paid Parental Leave and Other Legislation Amendment (Dad and Partner Pay and Other Measures) Act

Australia 2012

Mostly meeting international standards

#### Summary

There are no known international standards for paid partner leave/father leave (which in the women's rights field, focus on maternity or maternal leave). However, as against some international standards, this law performs well by promoting shared responsibilities and equality within the household. The law is explicit in its intent to promote equality. By providing access to both fathers and partners in same-sex couples, the law may have the effect of reducing market-based discrimination or inequality suffered by lesbian women whose partner may have given birth or who may be involved in the adoption of a child. Two weeks' pay seems very limited and one evaluator is explicit in their view that such limited paid leave will not promote equality and shared care, particularly given primary carers (most often mothers) will receive up to 18 weeks. Concern has also been raised by one evaluator that there is no additional pay for multiple births, which seems to ignore the reality that multiple births will increase the workload on mothers and fathers. The lack of an explicit call for gender-disaggregated data collection on the law's implementation may act as a barrier to understand how men and women benefit from the Act.

#### Evaluation

[Download evaluation \(PDF\)](#)

Intention

Likely Effect

- Does the law guarantee access to non-discriminatory and accessible, affordable, acceptable services?
- Does the law guarantee access to information and education or require the provision of information and education on the issue?
- Does the law guarantee non-coerced and informed decision-making and where relevant, protect women's confidentiality?
- Does the law promote equal relations between men and women?
- Does the law protect women from situations of vulnerability linked to their gender?
- Does the law guarantee accessible and effective remedies (i.e. access to justice)?
- Does the law promote the comprehensive monitoring of the situation of women? This includes promoting gender-disaggregated data collection on the nature of the problem.

	Inconclusive or NA	Gender Regressive	Gender Blind	Gender Neutral	Gender Responsive
1. Does the law guarantee access to non-discriminatory and accessible, affordable, acceptable services?	0/3	0/3	0/3	0/3	3/3
2. Does the law guarantee access to information and education or require the provision of information and education on the issue?	1/3	0/3	1/3	0/3	1/3
3. Does the law guarantee non-coerced and informed decision-making and where relevant, protect women's confidentiality?	2/3	0/3	0/3	1/3	0/3
4. Does the law promote equal relations between men and women?	0/3	0/3	0/3	0/3	3/3
5. Does the law protect women from situations of vulnerability linked to their gender?	0/3	0/3	1/3	0/3	2/3
6. Does the law guarantee accessible and effective remedies (i.e. access to justice)?	2/3	0/3	0/3	1/3	0/3
7. Does the law promote the comprehensive monitoring of the situation of women? This includes promoting gender-disaggregated data collection on the nature of the problem.	1/3	0/3	2/3	0/3	0/3

#### About this Legislation

- Jurisdiction: Australia
- Year Enacted: 2012
- # Number: 109
- [View Legislation \(PDF\)](#)

#### Score based on International Standards (Overall)

Mostly meeting international standards

- This law has been scored by **3 evaluators**. To learn more about how this score is calculated, visit [Scoring](#).
- In every case, the law has been scored on its textual meaning only. No attention has been given to implementation as a fair evaluation would not be possible based on the information at hand. However, the GLI considers the distinction between intention and likely effect pivotal in many cases. Evaluators have considered both the stated or implicit intention of the law, as well as its likely effect, based exclusively on the text of the law. No consideration has been given to the particular cultural, political, social or demographic situations of that particular country.

#### International Score (breakdown)

- Evaluator [1] [view benchmark analysis](#).  
Partially meeting international standards
- Evaluator [2] [view benchmark analysis](#).  
Partially meeting international standards
- Evaluator [3] [view benchmark analysis](#).  
Mostly meeting international standards

# Key stakeholders in the making of gender-responsive legislation



## Women's rights activists and organisations

e.g. Victorian Women's Legal Service



## Legislators

e.g. Commonwealth Women Parliamentarians



**WORLD BANK**

## Development agencies

e.g. OECD in Paris; Council of Europe in Strasbourg