



## EXECUTIVE BOARD

FOR DISCUSSION

<b>Title</b>	Inclusive Bathroom Signage
<b>Recommendation</b>	That the Board: <ol style="list-style-type: none"> <li><b>note</b> the information regarding inclusive bathroom signage.</li> </ol>
<b>Prepared by</b>	Andrew Oliver – Branch Head, People Branch, People Division
<b>Presenter</b>	Luise McCulloch – Deputy Secretary
<b>Sponsored by</b>	Tim Spackman – Chief People Officer

### Key issues

- In July 2023, the Department introduced a pilot of inclusive bathroom signage in the John Gorton Building (JGB) and Allara Street offices. The signage was developed in consultation with the PRIDE Network to promote safe, respectful access to facilities for transgender and gender-diverse employees. The pilot was approved by the Culture and People Committee in May 2023, following a recommendation from the PRIDE Network.
- Under the *Sex Discrimination Act 1984* (SD Act) and the *Work Health and Safety Act 2011* (WHS Act), employees have a legal right to use workplace facilities that align with their gender identity, regardless of how those facilities are labelled. This means that even if the Department provides gender specific bathrooms (such as single use female only bathrooms) without signage, employees are still entitled to use the bathroom that aligns to their gender identity.

### Employee feedback

- Since the introduction of the new bathroom signage, support has been expressed by the PRIDE Network and others across the department, highlighting the importance of visible inclusion and psychological safety for transgender and gender-diverse employees.
- However, a small number of employees (fewer than 15) have raised concerns - both anonymously and directly - about personal safety, cultural or religious beliefs, and misunderstandings about the meaning of signage. A request under Section 82 of the WHS Act to appoint a Comcare inspector was submitted by members of the workforce, citing issues with the consultation process and unresolved health and safety concerns as signage has not been implemented. Additionally, bathroom signage has been repeatedly removed from certain bathrooms in the JGB.

### Work Health and Safety Risk Assessment

- A Work Health and Safety (WHS) risk assessment was prepared by People Division to assist Executive decision-making for implementing gender-inclusive bathroom signage. This assessment was informed by input from WHS, Inclusion, Professional and Ethical Standards Branch, and Property, Infrastructure and Physical Security Branch (**Attachment A**).

Key points include:

- the overall risk rating has been assessed as medium
- the signage does not create a new WHS policy or practice but reinforces employees' existing legal rights under the SD Act to use bathrooms aligning with their gender identity
- while formal consultation under the WHS Act was not required, given there is no change to existing practices or entitlements, a risk assessment was undertaken and shared with Health and Safety



Representatives (HSR) in July 2025. The overall risk rating remains unchanged and is yet to be communicated back to HSRs.

### **Legal and legislative context**

6. Legal advice (**Attachment B**) summarised below provides further clarity on compliance with legislation:
- The Department has a primary duty under the WHS Act to ensure the health and safety of its workers. This will likely include the provision of bathrooms that are safe to use for transgender/gender diverse staff members. The Department will meet its duties under the WHS Act by effectively assessing risks and removing or reducing those risks through reasonably practicable measures.
  - The installation of the signage does not affect the separate provision of male and female sanitary facilities under the *National Construction Code 2022* (NCC), as the NCC requirements relate to the technical design and construction requirements for buildings. The department is not altering or removing the physical layout of the facilities, nor access to those facilities.
  - The SD Act provides protections from discrimination on the grounds of sexual orientation, gender identity and intersex status. The Department also has a positive duty to take reasonable and proportionate measures to eliminate, as far as possible, workplace sex discrimination and harassment under s 47C of the SD Act.

### **Property Considerations**

7. Property, Infrastructure and Physical Security Branch have confirmed:
- For bathrooms located within our tenancy or where we are the sole tenant – such as the Sydney, Brisbane, Canberra, Hobart and Darwin offices, the department may install signage as it sees fit.
  - Bathrooms outside our tenancy, like those in Melbourne and Perth offices, landlord consent is required. If there is a decision to expand the rollout of signage, further engagement with landlords will be necessary.

### **Whole of APS context**

8. A similar approach has been undertaken by the **Department of Industry, Science and Resources** where they first provided the option of gender-neutral bathrooms in 2018. The signs (**Attachment C**) have remained in place as external signage, and this initiative continues to be strongly supported, however it is not active at all departmental sites as they share premises with other organisations in some locations.
9. **Services Australia** has two posters (**Attachment D & E**) for staff and managers to display in their non-customer facing areas. 'Everyone is respected here' is used primarily at individual workstations and offices. 'You can be your authentic self here!' is used more in shared spaces, including near bathrooms. They have also started to roll out the second poster more formally in major sites/hubs, where it is placed in frames at staff entrances.

### **Proposed next steps**

10. Closure of the WHS consultation process will occur through direct communication of the risk assessment outcomes to HSRs, in line with consultation principles under the WHS Act.
11. As part of the Department's commitment to being inclusive, it is recommended that the signage in Canberra offices be updated and place in permanent holdings and the initiative is rolled out in other Department capital city offices where possible, as part of a national plan. Regional Offices including Parks locations will be subject to further consultation and are not included as part of the national roll-out proposed.



12. Subject to guidance by EB:

- a comprehensive communication plan will be developed to accompany the process which should focus on the legislative basis for the decision, education and awareness raising and will re-affirm the Department's commitment to having an inclusive work environment.
- People Division will collaborate with the following stakeholders to develop a detailed rollout plan and a robust communications strategy for national implementation:
  - Property Branch and Head of Sites
  - Inclusion Networks including PRIDE and Gender Equity
  - People Safety, Support and Wellbeing Branch, and HSRs
  - The DCC.

13. **Attachment F** outlines a proposed education campaign aimed at all employees, designed to engage them through drop-in sessions for both employees and managers.

**Placement of signage**

14. It is recommended signage be placed in permanent holdings on the outside of the bathroom to make it more visible to staff before entering and signal a safe and inclusive space. Further, to assist with education and reaffirm the legal requirement for inclusive bathrooms, reference will be made on the signage to the relevant legislation.
15. Externally facing signage should assist in mitigating the ongoing issue of signage being defaced, particularly as there is CCTV in main thoroughfare areas of the JGB and individuals may be reluctant to damage signage in a more public area. CCTV arrangements vary across other sites.

**Background**

16. Inclusive signage differs from gender-neutral signage. It recognises that transgender, non-binary and intersex employees may use gendered facilities (e.g. male or female bathrooms) aligned with their identity, rather than requiring separate or neutral options.
17. Signage has only been installed in Canberra offices (JGB and Allara Street) although in at least one instance signage was mistakenly installed in a state office without appropriate authorisation (144 Macquarie St, Hobart). The lack of a national implementation strategy has led to inconsistent application and messaging across the department.

<b>Attachments</b>	<p>A. <b>WHS Risk Assessment</b></p> <p>B. <b>Legal advice</b></p> <p>C. <b>DISR Inclusive Bathroom (Example)</b></p> <p>D. <b>Services Australia (Example)</b></p> <p>E. <b>Services Australia (Example)</b></p> <p>F. <b>Proposed Inclusive Bathroom Signage Education Plan</b></p>
<b>Consultation</b>	Kyle Sarah
<b>Document distribution</b>	Cleared only for members.



**Australian Government**  
**Department of Climate Change, Energy,  
the Environment and Water**

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