

25 November 2021

RMIT's Submission to the Review of the Workplace Gender Equality Act 2012

RMIT re-affirms the timeliness of the review of the Workplace Gender Equality Act 2012 and acknowledges the Act and the Workplace Gender Equality Agency must continue to accelerate and re-establish expectations of all Australian organisations.

Although WGEA reporting is thorough and detailed; by implementing a few key recommendations Australia has a chance to improve progress on gender equality and further reduce the gender pay gap. The scope of the current Act is not enough to substantially change practices and behaviours in organisations.

Response to Consultation Questions

- 1. Are the functions and powers of WGEA appropriate for promoting and improving gender equality in the workplace? How effective is WGEA in achieving its functions to promote and improve gender equality in the workplace including by enabling relevant employers to report on the gender equality indicators, developing benchmarks and reports, undertaking research, education, and leading practice programs, and contributing to the public discussion on gender equality.**
 - The Act does not require organisations to take corrective action on gender pay inequality. Instead, employers are required only to disclose details of employment practices and outcomes. This is a missed opportunity of the legislation to enable greater improvement in Australia's gender pay gap.
 - Mandatory public disclosure of pay gaps is known to create greater transparency and organisational accountability this is not articulated in the current powers of the Act.
 - Rather than focus only on 'non-compliance' of organisations, there needs to be greater incentives and supports to enact meaningful change for small, medium, and large organisation to acknowledge and communicate progress.
 - WGEA toolkits are incredibly useful to support employers in submission and also understanding of leading practice in gender equity. Additionally, the longitudinal data collection that WGEA leads is critical to maintain in order to benchmark Australia globally and also measure the Acts and agencies impact.
 - There needs to be greater influence on gender competency and how to engage universities in that process to support gender research in Australian workplaces and impact.

2. What is your experience of what works to improve gender equality in your workplace? How do you currently engage with WGEA and use the reporting process and their resources to improve gender equality? What changes, if any, would you like to see in the areas of future focus for WGEA to further promote and improve gender equality over the next ten years?

- RMIT has demonstrated and evidenced key progress in gender equity outcomes, primarily as a result of participating in the Employer of Choice for Gender Equality Citation.

This includes:

- Targets for senior female representation is a key driver complimentary to other related GE strategies deployed by RMIT
- Pay gap review and analysis and addressing actions to close the pay gap
- Levers cannot stand alone in terms of targeted actions and as per WGEA Employer of Choice model. Multiple activities working together need to be enabled well.
- Encouragement of co-design in consultation and involving staff in working through systemic gender equity issues.
- Strengthening leadership accountability and role modelling of Senior Leaders, Boards and Councils in gender equality advocacy and progress.

3. Should the coverage of the Workplace Gender Equality Act be further changed? Specifically, should the definition of 'relevant employer' be expanded? If so, would additional considerations need to be factored in for new reporting employers?

- RMIT support that Federal, State, Territory and Local Government public sector agencies are required to report to Workplace Gender Equality Act.

4. Are the gender equality indicators (GEIs) in the Workplace Gender Equality Act, and the data collected with respect to the GEIs, appropriate to promote and improve gender equality? How could they be improved?

- Addressing prevention of sexual harm, harm minimisation and safety in our workplace - to report and provide support is a responsibility of all workplaces and is instrumental in influencing societal changes.
- RMIT supports that sex-based harassment and discrimination is specified as GEI 6. And that additional data is collected with respect to this GEI as specified by the Respect@Work Council.
- RMIT supports the WGEA Agency recommendation that an additional GEI (GEI 7) be added to account for other matters specified by the Minister which provides an ability to address emerging trends throughout the life of the Act.

5. In addition to gender, should WGEA collect other data on diversity and inclusion criteria on a mandatory basis, to enable a more nuanced analysis of men and women's experiences in the workplace? If yes, please specify criteria (e.g., cultural, and linguistic diversity, disability, age, location of primary workplace). If not, why not?

- RMIT recognises and values the diversity of its workforce and we are committed to ensuring our people are not limited by gender stereotypes, gender roles or prejudices. Gender equality is about acknowledging that everyone is impacted by gender roles in different ways and to different degrees.
- Recently, and through the work of trans* and gender diverse activism, gender is understood as existing beyond the binary of women and men, to include diverse genders. This means that we no longer consider gender or sex to be fixed at birth, and we understand gender as including a wide variety of identities such as trans* or transgender, queer, gender fluid, gender queer, bi-gender or non-binary, meaning that people do not always identify as either men or women. RMIT supports recommendations that:
 - definitions related to gender in the Act should reflect best practice and include trans and gender diverse people.
 - employers are required to provide data on the relative position of women, men, and non-binary people in their workplaces.
- Evidence exists that Australia, US, UK, and Canada that gender equity impacts, and the pay gap is greater for intersecting forms of diversity. Gender inequality is compounded by other forms of disadvantage or discrimination that a person may experience based on Aboriginality, age, disability, ethnicity, gender identity, race, religion, sexual orientation, and other attributes. RMIT supports the revision of the Act to include key protected attributes and intersectionality measures and insight that can progress gender inequality in a pragmatic manner.
- The revision of the Act needs to strengthen and support creation of a national position to capture key 'protected attribute' of intersectional data, indicators, and experience as it relates to gender inequality.

6. How could data be better collected and/or used by WGEA to promote and improve gender equality? Should there be some form of pay transparency – should remuneration data in some form be public?

- In order to continue to close the pay gap, it is recommended that employers report on the action taken as a result of employee consultation.
- Transparency in pay gap data reporting is key. In the UK, there is a legislative requirement to publicly disclose pay gaps; it is recommended that
 - a. WGEA provide greater support so that organisations can undertake full pay equity data analysis, which goes beyond regulatory compliance
 - b. data on individual organisation's gender pay gaps based on full pay equity analysis (base salary and total remuneration) be included in its public dataset once organisations are given the toolkit to undertake pay equity analysis.

- Support WGEA's recommendations and objective under the minimum standards Item 2 'addressing equal remuneration between women and men', be strengthened by articulating its objective as closing the gender pay gap. Focus on the visibility and communication to employees on the steps taken to close the gender pay gap within each organisation.

7. Are there changes that could be made to the Workplace Gender Equality Act that would help reduce the regulatory burden on relevant employers while continuing to enable WGEA to promote and improve gender equality? Should other data sources, such as Single Touch Payroll data, be used by WGEA instead of employers providing the same data to two Government agencies?

- The Australia-wide workforce categorisations being used by WGEA, for which data is reported, do not fit well with categories used by universities. Of particular concern is the need for universities to attempt to align their academic classification levels with the categories used by WGEA. We understand creating Australia based data benchmarking against a diverse range of industries and sectors is a challenging task. There is always scope to improve and RMIT welcomes any input to expanded definitions or sector/industry specific definitions.
- RMIT welcomes any improvements and recommendations on how to reduce duplicated streams of work and regulatory burden around the gender equality reporting, i.e., between the Victorian Gender Equality Commission and Workplace Gender Equality Agency. RMIT is pleased to see progress already being enacted to identify overlapping requirements and identify reporting efficiencies
- Retention of longitudinal data is incredibly important. The ability to maintain tracking and reporting of Australian wide data sets and insights by WGEA means Australia can be proactive in investigating what works to close gender gaps and communicate outcomes.
- Australia has moved away from creating a business case related to gender equity, to a fundamental duty of care that each Australian organisation must commit to. Australian must dismantle persistent barriers to gender equality.

8. Could the minimum standards be expanded to improve the way they drive practical gender equality outcomes in workplaces? What would employers need to do to implement these changes in their workplace? Should Minimum Standards apply to all reporting employers, not just those with 500 or more employees?

- Continue to capture amplify and reward innovative practices through greater tiers of impact where organisations can engage, i.e., not just Employer of Choice, or minimum compliance extremes of reference and engagement - but a tier level system to create a greater pathway to active engagement to support gender equality.
- Organisations should also be awarded or recognised for work in progress, and step measures, where i.e., challenges in STEMM industries for instance require significant longitudinal and generational effort.

- Investing and continuing an Australia wide data methodology is critical to evaluate industry and sector impact.

9. Are the compliance mechanisms in the Workplace Gender Equality Act, and consequences for non-compliance, effective to promote and improve gender equality? If not, how could they be improved?

- Rather than focus on 'non-compliance' of organisations. What are the incentives and supports to enact meaningful change for small, medium, and large organisation to acknowledge and communicate progress?

10. Are there any other matters you want to comment on in relation to the Workplace Gender Equality Act and improving and promoting gender equality in the workplace in Australia?

- Look to the Gender Impact Assessment model in Victoria Gender Equality Act 2020 and support and progress Australian organisations in improving gender and intersectional competence and improve mechanisms of equity lensing throughout the decision making and organisational governance processes.
- Support inclusion of promoting health supports i.e., in reproduction/IVF, bereavement loss of child/miscarriage, menstrual/menopause, staff gender affirmation leave and supports.
- With the Act, future proof Australia's position of shared parenting and removing roles reinforced by our society and workplaces i.e., primary, and secondary parental carers. Include strategies and workplace incentives for the equal rights of both parents in the support of child rearing.
- Lack of flexibility in the workplace is a known barrier to career development and promotion of women. This is already an important focus of the Act, Compliance and Employer of Choice citation. Currently the metric of 6% of managers and above working part time has not changed over the past 6 years. The support to shift this dial and understand it's impact longitudinally on the participation of women is an important lever/priority.

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RMIT's feedback was co-ordinated by the People team. RMIT has reviewed the consultation paper, and the Privacy Collection Notice and appreciates the opportunity to submit to this review.