

**Review of the *Workplace Gender Equality Act 2012* (the WGEA Review):
Submission, 50/50 By 2030 Foundation, University of Canberra**

The University of Canberra's 50/50 By 2030 Foundation welcomes the opportunity to contribute to the Australian Government's Review of the *Workplace Gender Equality Act 2012* (the WGEA Review). The 50/50 Foundation conducts and uses activated research to promote cultural and structural change aimed at the sustained achievement of gender equity in society. Our approach is encapsulated in the hashtags #SharetheLoad #SharetheBenefits and #SharethePower, reflecting the inextricably entwined nature of gendered power relations in the home, workplace and wider community, and consequentially the interrelated sites of action for sustainable change to occur.

Response to WGEA Review Consultation Questions

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 functions and powers of WGEA were appropriate at the time of the agency's creation. While a positive influence, WGEA's own data shows that those functions and powers have been necessary but not sufficient to achieve substantive gender equality in the workplace. Labour force segregation by gender remains marked and the gender pay gap persists.

Enhancement of WGEA's functions and powers under the act are desirable in and of itself, to the extent it amplifies WGEA's influence and impact. Absent of full-blooded support from government, however, its ability to substantively improve workplace gender equality is likely to remain muted. WGEA exists in a government ecosystem. It can and will have more impact when government determinedly backs WGEA's efforts and amplifies its influence, not least when government as an employer itself embarks determinedly on achieving workplace gender equality. Government's visible unwillingness to pursue gender equality in its own ranks, nor in the ranks of the Australian Public Service (APS), undercuts WGEA's efforts to promote gender equality in the ranks of the Australian corporate entities which fall within the Act's remit. If government does not model the behaviours and actions advocated by WGEA, why should corporates? Even without changes to the current Act, WGEA's effectiveness would be significantly enhanced if government, including the APS, energetically modelled the behaviours and actions WGEA advocates among corporate employers.

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?

WGEA's excellent data set is frequently drawn on in the 50/50 Foundation's work. It is a major shortcoming, however, that corporations with 100+ employees are compelled to comply with the

Workplace Gender Equality Act while public sector entities are not. The Act should be amended to compel Commonwealth public sector entities of all kinds – including federal government departments, agencies and the Australian Defence Force – to report the same data in the same way to WGEA direct as currently required of corporations with 100+ employees. The integrity of WGEA’s existing data set should be protected by ensuring consistency between private and public sector reporting methods and modes. Accepting adapted reports of existing, lower quality internal APS data collected on workplace gender matters risks lowering the excellent data set WGEA has collected so far and should be avoided.

Intergovernmental diplomacy on WGEA’s part to encourage state and territory governments to voluntarily report the workplace gender data of their public sectors broadly defined would be another desirable enhancement of WGEA’s data set. The more complete and accurate the WGEA data set, the better it is for research on and evaluation of initiatives and progress towards workplace gender equality.

Tying access to government funding to plans for, and progress on, workplace gender equality should be a central future focus for WGEA action. This is elaborated in (9) below.

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?

The Act’s ‘relevant employer’ definition should be extended compulsorily to Commonwealth public sector entities of all kinds and, voluntarily, to state and territory government entities by invitation: see (2) above. Voluntary reporting by corporations with less than 100 employees is highly desirable and could be encouraged in the interests of a more complete data set.

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?

The current GEIs are broadly appropriate though need to be updated to reflect contemporary diversity, equity and inclusion categories.

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 (eg cultural and linguistic diversity, disability, age, location of primary workplace). If not, why not?

Yes, WGEA should adjust its data collection frames to reflect contemporary diversity, equity and inclusion categories, with an allowance for individual employees to exercise privacy rights.

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?

More rather than less pay transparency is desirable. Amendments to the Act to that end are desirable.

There is vast scope for WGEA to wring more advocacy impact from its data set. WGEA has highly successful ‘set piece’ events through the year which gain considerable, positive media attention. It also has a positive social media personality and presence. WGEA should consider additional initiatives to draw attention to the findings yielded from its data, including on individual reporting entities so as to create reputational costs and benefits for them depending on their achievements or otherwise.

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?

Single Touch Payroll data is an important source of additional data, and a potentially useful source of data which can be used to crosscheck employer reports to WGEA for accuracy, but it should not replace employers' direct reporting obligation. This is because the act of obtaining, organising and reflecting on the data required under the Act heightens awareness of gender workplace issues and highlights ongoing gaps between aspiration and achievement. In this sense, the obligation to report creates an important occasion for action, and in itself can constitute a stimulus for action, which might not otherwise exist.

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?

Minimum standards are problematic in that, while often used to establish acceptable performance floors, often inadvertently become performance ceilings. Where possible, reporting requirements to demonstrate continuing progress towards equality is preferable, to keep the focus on its achievement rather than merely the achievement of a minimum standard.

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?

Compliance mechanisms are a sensitive issue. Their design must balance the ability to have real impact while achieving broad acceptance so they are not vulnerable to being jettisoned when governments unsupportive of workplace gender equality are elected. The simplest and 'least cost' mechanism, in terms of the bureaucratic compliance, is also desirable, not least because it is likely to be more easily understood and implemented, and therefore be more effective than onerous, complicated alternatives.

The single most powerful compliance mechanism which could be added to the *Workplace Gender Equality Act's* scope would be to make receipt of Australian government funding, for any purpose other than social welfare, dependent on satisfying two hurdles: firstly, having a practical gender equality plan in place, and secondly, demonstrating progress on achieving gender equality over time. Making the transmission of public funding – to APS departments and agencies, to for profit and non-profit entities receiving government grants (including the states and territories), and to political parties through election-related public funding entitlements – dependent on this would yield instant attention and action on the pursuit of workplace gender equality. The 50/50 Foundation recommends legislative embodiment of this as a decisive enhancement of the *Workplace Gender Equality Act*.

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?

The single largest gap in the Australian Government's drive for workplace gender equality is vigorous government commitment to its achievement. Even absent of any adjustment to the *Workplace Gender Equality Act*, a wholehearted commitment by government to embrace the Act's goal, become a reporting entity, and itself adopt the advice and tools WGEA advocates to private sector employers, would have significant impact. Utilising its immense 'power of the purse' to stimulate active adoption



and pursuit of workplace gender equality well beyond the current ambit would make the impact profound.

Conclusion

The 50/50 By 2030 Foundation congratulates WGEA on its achievements to date in promoting workplace gender equality in Australia. Its endurance in a challenging environment is commendable. Its data set is formidable. The review of the Act is timely. The 50/50 Foundation stands ready to assist WGEA in the pursuit of workplace gender equality in Australia as appropriate, including through this submission.

Continuing gender segregation of the labour force and a persistent gender pay gap in Australia are not givens. They are the product of cultural and structural forces perpetuating privilege for some in society and problems for the rest. We know these forces are not immutable because the labour market is dynamic and has to an extent been reshaped. It can be further fashioned in a way that delivers more diversity, equity and inclusion, moving us towards a pattern of labour force participation that will benefit the whole of society as well as the individuals in it.

WGEA has an important role in stimulating the transformation of Australia into a place where all its citizens share the load, share the benefits, and share the power. Government's wholehearted embrace of, and commitment to, the goals of the Workplace Gender Equality Act, is a necessary part of that journey. We commend extension of the Act to cover the Australian Government and all its related entities, and the amplification of the Act's impact by tying government funding to having, and achieving visible progress on, gender equality plans as a hurdle requirement. We look forward to working with your further on the achievement of workplace gender equality in Australia.