



S A G E

SCIENCE IN AUSTRALIA
GENDER EQUITY

SCIENCE IN AUSTRALIA GENDER EQUITY LIMITED
SUBMISSION

REVIEW OF THE WORKPLACE GENDER EQUALITY ACT 2012

24 November 2021

About SAGE Limited

Science in Australia Gender Equity (SAGE) Limited is a not-for-profit company limited by guarantee founded by the Australian Academy of Science and the Australian Academy of Technology and Engineering. It was incorporated in November 2019, following the success of the SAGE Pilot of Athena Swan (2015 – 2019).

The purpose of SAGE Ltd is:

- accredit and grant awards to higher education and research institutions for gender equity, diversity and inclusion programs including specifically accrediting and granting awards under the Athena Swan Charter;
- raise awareness of, and build capacity to improve, gender equity, diversity and inclusion in the Australian higher education and research sector and more broadly within the community; and
- collaborate with like-minded organisations to promote and support initiatives aimed at addressing the systemic barriers to the attraction, retention and progression of women, trans and gender diverse people in tertiary education and research.

Relevance of the SAGE Limited Experience to the Review

SAGE Limited offers the collective learnings and experience gained from implementing its pilot of Athena Swan that saw 50% of Australia’s higher education and research organisations (43 organisations¹) achieve bronze (foundation level) accreditation for gender equity, diversity and inclusion. Following SAGE accreditation, Athena Swan Bronze Awardee institutions are now progressing implementation of institutional action plans to remove barriers to gender equity, diversity and inclusion within their respective institutions and across the sector.

Data and evidence gathering, analysis and interrogation are fundamental elements of the SAGE and Athena Swan accreditation pathway; they guide an institutional process of identifying inequities and understanding the underlying causes of gender inequities and the lack of diversity and inclusion within their organisations, as well as to informing the design and implementation of effective and practical actions.

SAGE accreditation approach encourages institutions to apply the concept of “collect once, report multiple times”, recommending that institutions utilise data sets collected for the purposes of Workplace Gender Equality Agency (WGEA) reporting obligations among others, wherever possible, in their application for SAGE accreditation.

In addition, SAGE is collaborating with key stakeholders, including WGEA and the Victorian Gender Equality Commissioner to support greater sharing of data, exploring the possibility to harmonise data requirements and the potential to deliver reduced burden through equivalency and/or recognition between and/or across the respective schemes – working towards “*act, measure and report once – comply with all*”.

¹ Comprising 32 universities, one research institution, five publicly funded research agencies and six medical research institutions (<https://www.sciencegenderequity.org.au/athena-swane-bronze-awardees/>).

Responses 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?

To date, the Act has enabled the Agency to deliver effective outcomes to some extent; however, enhancements to the Act are timely and critically needed to help speed up the pace of change and assure sustainable outcomes. Key aspects to enhance include broadening data collection to be inclusive of diverse genders (that is beyond binary) whilst also expanding data to encompass attributes covering diversity, abilities and Aboriginal and Torres Straits Islander peoples. These data are critical to ensure greater understanding of the inequities that persist for minority groups and therefore facilitate better actions to reverse inequities.

The raft of changes proposed by WGEA in their submission are welcome and will go a long way to addressing the review's terms and objectives and the sector's needs, provided they are appropriately designed in consultation with stakeholders from across the regulated sector. Sector consultation is vital to delivering a fit-for-purpose outcome, and one that is practical; this is especially relevant where data on diversity or abilities is to be collected (noting issues of safety and trust need to be established to enable provision/reporting of such data).

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?

SAGE itself does not report to WGEA; however, its subscribing institutions do so and have overtime shared experiences on the limitations and challenges they have faced in reporting to WGEA, and which are already identified in some aspects of the WGEA submission.

SAGE experience identifies several key actions to be of particular importance in improving gender equality and diversity in workplaces, most important of which is making gender equity and diversity strategic workforce priorities effected through deliberate application of a systematic and structured approach. To this end, SAGE offers the following high-level insights which we suggest be taken into consideration as part of formulating recommended enhancements to the Act, functions and powers of WGEA:

- *Reporting should be complemented by a mechanism (and data capture) that considers reporting on inequities, actions, implementation and monitoring as well as publication of updates.*
- *Emphasis on and/or requirements for greater transparency (internal to the organisation and externally) and accountability for performance, engagement/consultation with employees (including on data and action design) and*
- *Demonstration of codifying learnings and embedding continuous improvements.*
- *Governance for reporting and action on GEDI should be at executive leadership.*
- *Enable and encourage communities of practice (collaborate and create healthy competition)*
- *Context is critical – evidence of what works, why it works and how to amplify and translate across different settings.*
- *Institutional maturity reflected in gender equity, diversity and inclusion being integral to and embedded in strategy and business.*

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?

SAGE supports the expansion of ‘relevant employer’, giving regard to the diverse sizes and complexities of employers and the relevant (gender-based) regulatory requirements that apply to each (national and State/Territory), and the type of support/resources to enable efficient compliance and importantly help achieve the desired gender equity and diversity outcomes.

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?

AND

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

AND

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?

SAGE suggests that consideration be given to create flexibility within the indicators so as to enhance and improve the Agency’s functions and its ability to examine data trends overtime and help inform national (or sector-based) policy reforms. As noted in answers to preceding questions, other data elements to consider include data on type of employment (contract/casual); diverse genders, diversity and abilities attributes; data on progress and outcomes.

Transparency in reporting, including remuneration data, is an important lever in driving change and empowers employees to take be informed and take part in negotiating better outcomes.

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

Reporting process enhancements have been shown to play an important role in reducing burden and supporting compliance.

In addition to process enhancements, SAGE’s experience from the UK’s journey with Athena Swan demonstrates the value in rewarding good performance and citizenship. For example, creating a tiered award structure encourages increased performance. In addition, making community action and support (ie. helping other organisations) a requirement of higher awards incentivises collaboration and encourages communities of practice, thus lifting a whole of sector performance through healthy competition.

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?

SAGE supports expanding the minimum standards, but emphasises the importance of close consultation with employers, employees and stakeholders to assure practicality, flexibility and adaptability of standards to suit the varied sizes, types and complexities of employers.

Points to take into consideration include:

- *Evidence implementation of organisational policies (action and outcome) across standards to drive sustainable change.*
- *Increase level of performance overtime (either against sector-specific benchmarks or nationally);*
- *Incentivise employer collective action (through corporate citizenship) in the form of supporting employers that may not have resources/systems to collect data and drive change (and reward supporters);*
- *Tailor standards and reporting to enable smaller sized employers to take action.*

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?

In its submission, WGEA noted a number of important incentives that are currently in effect, which have a role in supporting compliance and to some extent drive performance.

The suggestions offered under preceding questions, in particular question 7, are particularly powerful in improving and rewarding performance and compliance. Others proposed by WGEA, such as linking to broader grant schemes, will play an important role – judging by the UK’s experience with linking access to research funding to attainment of Athena Swan Silver award, for example. These, however, may introduce their own un-intended consequences and as such will require careful consideration to design and affect.

In addition to these, SAGE suggests considering other mechanisms such as equivalency, recognition between and/or across comparable schemes in support of “deemed to comply” outcomes. These play an important role in incentivising and encouraging performance, whilst concurrently improving compliance and reducing burden both for employers and the regulator. Again, consultation with relevant stakeholders on the design of such mechanisms is essential to achieve the intended outcomes.

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?

SAGE appreciates the opportunity to provide its input to this important review and welcomes the opportunity to contribute further to informing future improvements to the Act and WGEA’s important role. SAGE is sharing (Attachment 1) its Proposed Data Framework to provide insight to its accreditation framework and the potential alignments with WGEA and the Victorian Gender Equality Commission data reporting requirements. The SAGE Proposed Data Framework will be subject to further development including through consultation with SAGE subscribers and through our collaboration with WGEA and the Victorian Gender Equality Commission.

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<https://www.sciencegenderequity.org.au/>

PO Box 7050, Greenway ACT 2900