

24 November 2021

WGEA Review Team – Consultations
Department of the Prime Minister and Cabinet
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Submission to the review of the *Workplace Gender Equality Act (2012)*

The Australian Retailers Association (ARA) welcomes the opportunity to make a submission Federal government's review of the *Workplace Gender Equality Act (2012)* and the Workplace Gender Equality Agency (WGEA).

The ARA is Australia's oldest, largest and most diverse retail body, representing a \$360 billion sector that employs 1.3 million Australians. As Australia's leading peak body for retail, the ARA represents 7,500 independent, national and international retailers, with more than 100,000 retail shop fronts nationally.

This submission has been informed by discussions and survey responses from the ARA's Advisory Committee for Diversity, Equality and Inclusion, which is currently focused on gender equality.

Questions from WGEA Review Team	ARA Response
Functions and powers of WGEA	
1.1 Are the functions and powers of WGEA appropriate for promoting and improving gender equality in the workplace?	<p>The current powers of the WGEA are adequate.</p> <p>The current functions of the WGEA are also adequate but the tools used to collect data for reporting purposes are not fit-for-purpose and impeded the ability for WGEA to deliver on its functions and powers.</p> <p>There is significant opportunity for improvement in the following activities:</p> <ul style="list-style-type: none">• Collecting meaningful data from employers, in an efficient manner• Compiling and analysing information provided by employers under the Workplace Gender Equality Act to assist WGEA in its advice to the Minister• Repositioning WGEA as a change agent rather than a reporting framework <p><i>"WGEA appears to be a reporting and compliance organisation as opposed to a consulting and force for change organisation. I am not aware of any assistance we have received from the WGEA to address gaps identified through the annual report or any other mechanism."</i> - ARA member</p>
1.2 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?	<p>The WGEA has been successful in promoting gender equality through its research and reports. In particular, the data visualisation is highly engaging. Members spoke positively about the gender pay gap report and the section on policies, which provides for a useful checklist against best practice.</p> <p>However, the ARA's members advise that there are challenges in collection of data and preparation of annual reports. They reported that the position reported to WGEA does not accurately reflect the lived experience and rely on their own supplementary analysis to identify and track key focus areas.</p> <p>Members also voiced frustration that the data compiled to inform the WGEA annual report provided little return on investment for their organisation. They spoke about a time-consuming process that is "inflexible and rigid" that does not accurately reflect the structure of modern-day organisations, which are typically flatter and less hierarchical than might have been historically.</p>

Questions from WGEA Review Team	ARA Response
Engagement with WGEA	
<p>2.1 What is your experience of what works to improve gender equality in your workplace?</p>	<p>Firstly, our members confirm the importance of high-quality data to inform the baseline position and “accurate benchmarking against other workplaces” to identify key focus areas.</p> <p>Then, there is a requirement for “ongoing education about what is driving inequality and proven initiatives a workplace can take to drive positive change towards gender equality.” Another member called out the need for “educating the business about making gender appropriate decisions.”</p> <p>Members spoke about the importance of “having clear policies and guidelines to address longer term structural issues that may exist” and making conscious and deliberate decisions to remove barriers to gender equality.</p> <p>Ongoing dialogue that builds awareness and capability, through shared learning, is important. And finally, members said that “celebrating women in leadership both within the business and outside have also been very effective.”</p>
<p>2.2 How do you currently engage with WGEA and use the reporting process and their resources to improve gender equality?</p>	<p>The ARA’s members report that their primary engagement with WGEA is through the annual reporting cycle. Some members indicated that they also use WGEA resources to improve gender equality but most “do not utilise or access any WGEA resources.”</p> <p>Reasons provided to explain why this may be the case include low awareness of these resources, difficulty in navigating the WGEA website, and difficulty in finding the right content to help answer an employer’s specific questions about their opportunities for improvement. The content that WGEA produce is high quality but the volume of information available can make it difficult for employers to find what they might be looking for.</p> <p>The ARA is working with Diversity Council of Australia to develop a retail-specific gender equity playbook and would welcome the opportunity to also work with WGEA on this project.</p>
<p>2.3 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?</p>	<p>The primary opportunities for WGEA over the next ten years are to:</p> <ul style="list-style-type: none"> - streamline and simplify data collection for employers, potentially even tailoring to reflect different organisational structure - ensure that the quantitative data collected accurately reflects circumstances in the business, - ensure that data collected has value for employers not just WGEA. <p>In terms of additional data fields, members thought it was important to recognise gender neutral employees.</p>
Changes to Workplace Gender Equality Act	
<p>3.1 Should the coverage of the Workplace Gender Equality Act be further changed?</p>	<p>The current scope and coverage of the Act is adequate.</p> <p>If this strategic review concludes that the coverage of the Act should be expanded to include employers of fewer than 100 employees, then the ARA would advocate that this threshold not fall below 50 employees.</p>
<p>3.2 Specifically, should the definition of ‘relevant employer’ be expanded? If so, would additional considerations need to be factored in for new reporting employers?</p>	<p>The ARA recommends that the definition of a “relevant employer” be expanded to include corporate entities that are made up of numerous businesses, so that such organisations can make a choice about reporting either at the parent company level or at the level of subsidiary businesses.</p> <p>The current requirement for all employers to report at the parent company level is problematic for some of our members because they have stand-alone systems and data that need to be aggregated at the parent company level, creating additional complexity and cost, without any material gain to WGEA in terms of the make-up of sectorial or industry data.</p> <p>With this increased flexibility, WGEA would still receive annual reports from relevant employers but the burden of capturing data would be much lower. Even considering the impact of submitting multiple annual reports to WGEA, our members confirmed that this type of change would still represent a net improvement.</p>

Questions from WGEA Review Team	ARA Response
Gender equality data and indicators	
4.1 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 view from ARA members is that the GEIs are too prescriptive and action-based rather than outcome-based. One member noted that "an employer has the ability to meet all six GEI's without achieving any actual improvement in outcomes."
5.1 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?	The current criteria should be expanded to account for the increasingly sophisticated classification of gender, beyond female and male. At a minimum, the ARA believes that WGEA should be capturing information about intersex, transgender, agender and non-binary employees. There is also a need to collect data on all areas of diversity and inclusion (including gender identity and sexual identity) to capture richer insights about the interplay between gender and other forms of diversity. This type of data is essential to forming a holistic view of gender equality and ensuring we build truly inclusive workplaces for all employees, including minority and under-represented groups.
6.1 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?	ARA members advise that the collection of data needs to take into account the changing nature and structure of modern organisations, which are typically becoming flatter and less hierarchical. The current definitions for some roles, combined with the reporting hierarchy filter, do not allow an employer to differentiate based on size or scope of a role or the experience required. As organisations change, so too must the way in which the WGEA collects data. Submitting raw de-identified payroll data, without the need to categorise that data, would allow WGEA to conduct more in-depth analysis at a macro level. In this scenario, the ARA would support guidance from WGEA to ensure high-quality, structured data was a minimum requirement for employers.
Regulatory burden and efficiencies	
7.1 What changes 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?	Notwithstanding the opportunities for improvement identified by members in respect of capturing data, the regulatory burden on employers is not excessive given the annual reporting cycle.
7.2 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 ARA would support the integration and application of Single Touch Payroll data for the purposes of WGEA reporting.
Minimum standards	
8.1 Could the minimum standards be expanded to improve the way they drive practical gender equality outcomes in workplaces?	The current minimum standards are adequate. However, employers with fewer than 500 employees should be encouraged to voluntarily adopt WGEA's minimum standards and reporting requirements, if they choose to do so.
8.2 What would employers need to do to implement these changes in their workplace?	Not applicable
8.3 Should Minimum Standards apply to all reporting employers, not just those with 500 or more employees?	If this strategic review concludes that the minimum requirements should be applied to all reporting employers, the ARA's recommends that employers subject to these changes be given a grace period of two years to comply.

Questions from WGEA Review Team	ARA Response
Compliance	
9.1 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?	The ARA's position is that WEGA needs to shift focus from reporting and compliance, to building the knowledge and capability need to address gender inequality.

Thank you again for the opportunity to make a submission to this review. Given that women make up such a high proportion of the retail workforce, addressing gender inequalities is an issue of strategic importance to the ARA and the Australian retail sector.

Please do not hesitate to contact me at [REDACTED] should you wish to discuss our submission further.

Yours sincerely



Paul Zahra
Chief Executive Officer