

CONSULTATION ON REVIEW OF THE WORKPLACE GENDER EQUALITY ACT 2012

November 2021

Key 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?
 - WGEA compliance reporting provides a useful framework for tracking the key indicators, however, without the EOCGE follow on process – it can often be seen a burdensome admin/tick-box exercise versus a truly transformational change tool.
 - The user experience is challenging – especially with some of the changes instigated this year to the content requirements of the profile and questionnaire, plus the new system itself. The report being in several separate sections is also cumbersome to share more broadly – e.g. with employees.
 - WGEA functions and powers are valuable if you follow up with the EOCGE guiding principles – utilising the leading practice can significantly help to inform and drive organisational strategy across individual organisations and, therefore, across industries
 - More clarity is required around why indicators and details matter e.g. changing to the recording of new appointments and promotions
 - Drive change – EOCGE can help drive transformational change due to leading edge best practice; suggestion is to reinstate the benchmarks required to achieve the next level of EOCGE within each GEI – to support aiming higher as you do the report (this has disappeared with this year's changes). Therefore, WGEA could leverage more from the public compliance reporting process itself to motivate companies to strive for EOCGE/leading practice by noting the minimum benchmarks as you progress through the compliance process itself and providing

indicators of leading practice for each GEI. This may also counter some of the negative feelings around the admin process.

- Another suggestion: whilst all organisations complete the same public reporting process – only those who reach a certain benchmark are actively invited to apply for EOCGE – perhaps motivating more organisations to engage with the transformational requirements vs compliance requirements and process.
- Perhaps instigating a point scoring process may be useful – similar to the AWEI point scoring process - that allows organisations to see exactly where they need to improve.
- A key element of powers could extend to auditing submissions, and so beyond the current consequence of naming/shaming those who do not comply; including an expectation that those who pass could be audited, thereby, prompting greater accountability for organisations.

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?

- The core WGEA core process can be viewed more as a compliance/tick-box exercise vs a true audit as so much time/effort is spent on the data entry experience and mechanism versus being a motivating agent for change
- As an extension of the compliance work, the EOCE provides useful guidelines - however, the compliance process alone does not seem to be inspiring employers to strive higher
- Accessibility to, and targeting of, the wealth of WGEA data, including cascading education for organisations is a missed opportunity e.g. the WGEA could develop required learning/online training/decks content around gender equality, backlash, flexibility; and provide accessible functionality to support organisations to learn/present the key issues/impact beyond the written wealth of research.
- Partnering more effectively with Champions of Change Coalition (CCC) Institute to align best practice would be helpful for the many organisations that follow both the EOCE and CCC Institute roadmaps.

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?

- "If public sector reporting was expanded to include state and territory public sectors, subject to their agreement, that would further increase WGEA's data to cover around 60 per cent of Australian employees." WGEA does not include 60% of employers in AU (>100 employees, registered HE – SAGE and WGEA?)
- What does 'subject to agreement' actually mean – will it be an opt in process for public sector organisations? What choice did the private sector have?

- Political gender equality, fair treatment and empowerment is a key issue in AU – and so to include state and public sectors is critical in influencing the AU society from a workplace perspective.

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?
- GEI 1 – gender composition of the workforce
 - GEI 2 – gender composition of governing bodies of relevant employers
 - Governing Board vs Management/Operational Governance: Executive Leadership teams can be more critical to the management/operational governance of many organisations – and is there anything more that could be done to reflect this governance model more effectively within the WGEA framework? E.g. Executive Leadership Team gender representation/ accountability measures versus those of the Board
 - For many this Executive Team representation is not as simple as reflecting the KMP/HOB category – it can include leaders from outside this key group.
 - GEI 3 – equal remuneration between women and men (Note: the CEO is excluded from reporting remuneration)
 - GEI 4 – availability and utility of employment terms, conditions and practices relating to flexible working arrangements for employees and to working arrangements supporting employees with family or caring responsibilities
 - GEI 5 – consultation with employees on issues concerning gender equality in the workplace
 - Are the mandatory 3 questions enough to constitute and drive change across the broader issues around Flexibility, Gender Equality and Sexual Harassment?

- Do we need more detailed questions around action-oriented follow up e.g. how managers role model/mainstream flexibility; do you know who to go to/how to report sexual harassment; what tangible accountability/role modelling/transparency is there around language and behaviour for leaders in the business
 - GEI 6 – sex-based harassment and discrimination
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?
- State Governments are clients for many organisations and ask for regular data around significantly broader/wider inclusion categories as part of their social procurement reporting processes. However, this is not consistent between states – can we standardise this across all states to a federal level by reflecting a consistent approach here?
 - e.g. Victoria: Major Project Skills Guarantee (MPSG) Information, Aboriginal/Torres Strait Islander; Transitioning from Other Industry (Retrenched), Gender, Age, Disability status, Long term unemployed (6 mths+), CALD, migrant, refugee or asylum seeker, Other disadvantaged jobseekers
 - Could the UK pay gap report concept/process around protected characteristics be useful as a benchmarking exercise to review and analyse what other aspects could be included for AU – knowing that our approach will be driven by our AU legal definitions of discrimination
 - Age and location to become mandatory as a first step
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?
- Public pay gap reporting similar to the UK could be implemented – and would support greater transparency/building of trust with employees – especially as pay

equity is one of the most fundamental building blocks of gender equality in the workplace

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?
 - What are the STP implications for global workforces? This can only occur if your organisation has the requisite compatible_software (e.g. compatible systems include Oracle)
 - More simplicity built into the process would be advantageous – leaving more time for courageous conversations in the workplace to influence progress
 - Spending such a large percentage of time on the actual data points can be frustrating/disheartening when knowing that influencing the change conversations is critical beyond the data input/anomalies process

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?

“Relevant employers with 500 or more employees must have policies or strategies in place to support one or more of the following indicators (section 5(3) of the Minimum Standards Legislative Instrument):

- gender composition of the workforce
- equal remuneration between women and men
- flexible working arrangements, and sex-based harassment and discrimination.

Currently 100 per cent of relevant employers with 500 or more employees comply with the minimum standards, with almost every company having a policy or strategy in place on sex-based harassment and discrimination.

Although the minimum standards only apply to employers with 500 or more employees, 99.2 per cent of employers with 100 499 employees currently comply with the minimum standards.”

- What has made the most difference for specific industries in creating change?
 - How can the WGEA drive greater Transparency and Accountability (key tenets of Respect@Work priorities)?
 - Peer inspiration, support and competition within the market and industries (e.g. EOCGE and CCC Institute models) are key to driving change around Leadership Commitment and Communication, Supportive Policy and Practice, Measures and Accountability
 - What percentage of the workforce is currently covered by the WGEA in AU? The process needs to include/assess the majority of workplaces (including public sector and SMEs) to impact societal norms
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 our industry, non-compliance matters significantly due to our client base i.e. compliance is required to be able to work with many of our government clients – not sure if this is as significant for other industries?
 - Name and shame for non-compliance may not be enough – audits are required to clarify risks and commitment, progress and actions can be validated
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?
- The admin process around collating and submitting data points is increasingly challenging/time consuming – streamlining the payroll aspect would certainly help; plus, a review of the online process itself
 - Social norms and stereotypes underpinning society and workplaces are entrenched – and so if the WGEA included a greater percentage of workplaces (e.g. the public

sector) this would impact/create greater transparency and accountability for gender equality - and therefore, the potential for greater transformational change

- Based on all of the research and data to that WGEA have collated to date – the WGEA can play a more active role in education and influencing to drive change in organisations e.g. mainstreaming and simplifying messaging and creating accessible education packages that highlight business critical issues beyond the toolkits; producing delivery ready info to engage/cascade to line managers to create/influence/inform compelling change