



**November 2021**

# Submission to the Review of the Workplace Gender Equality Act 2012

The National Women's Safety Alliance (NWSA) welcomes the opportunity to make a submission to the Review of the *Workplace Gender Equality Act 2012* (the Act). This Review comes at an important time in the national conversation about the role of workplaces in preventing and reducing gender-based violence.

## **About the National Women's Safety Alliance**

The NWSA is one of six National Women's Alliances supported by the Department of the Prime Minister and Cabinet's Office for Women. Established in August 2021, the purpose of the NWSA is to represent a diversity of voices, expertise and experience to inform and guide national policy on preventing and reducing violence against women.

The NWSA is auspiced by YWCA Canberra and we have a growing membership of over 80 organisations, subject matter experts and individuals, all with a shared commitment to ending gender-based violence. Our members range from non-government organisations, to universities, to people with lived experience, to corporate entities. The NWSA is currently staffed by a Chief Executive Officer.

## **The value of the Act and Workplace Gender Equality Agency**

The NWSA recognises the Act and the Workplace Gender Equality Agency (the Agency) contribute significantly to our understanding of the state of gender equality in Australian workplaces. Data collected by the Agency, complemented by the Agency's research, education initiatives and practice programs, are vital resources in the fight to improve gender equality. However, recent public discourse on gender equality and its relationship to violence against women and other kinds of



gender-based violence – including the landmark Respect@Work report – shows that Australia is now ready to do more. This includes in our workplaces.

## **Domestic, family and sexual violence is a workplace issue**

Domestic, family and sexual violence (DFSV) is endemic across our community. It is gendered in nature: most victims are women, and most perpetrators are men.<sup>1</sup> In Australia, one in three women will experience physical violence from an intimate current or former partner during her life. One in five women will experience sexual violence from an intimate current or former partner.<sup>2</sup> One in three women have experienced sexual harassment at work.<sup>3</sup>

Research shows that over 60% of women who have experienced, or are experiencing, DFSV are in the paid Australian workforce.<sup>4</sup> This violence not only negatively affects the psychological, emotional, financial and physical safety of victim-survivors – it also affects their productivity at work. Absenteeism of those experiencing violence costs the Australian economy \$860 million annually, and absenteeism of those perpetrating violence costs \$443 million annually.<sup>5</sup> Violence can also be perpetrated using work hours and using work resources.

## **Gender equality in the workplace**

There is international consensus that gender inequality is the main driver of gender-based violence. Australia's national framework to prevent violence against women and their children – *Change the Story* – outlines four specific gendered drivers of violence against women:

- condoning of violence against women
- men's control of decision-making and limits to women's independence
- rigid gender roles and stereotyped constructions of masculinity and femininity
- disrespect towards women, and men's relations that emphasise aggression.

It is unequivocal that gender inequality is the core of the problem. Therefore, gender equality is the heart of the solution.<sup>6</sup>

Workplaces can play a key role in preventing gender-based violence by promoting gender equality across the whole organisation. This includes a clear, ongoing commitment from organisational leaders to critically analyse how gender equality is fostered across all areas of business. It means striving beyond equal pay, a balanced gender composition of the workforce, and flexible working arrangements. It means supporting women and gender-diverse people to reach their full potential,

including attaining leadership positions. It means sending a clear message that gender-based violence is unacceptable and the workplace will (and does) support those experiencing violence. It also means putting programs in place to help those who use violence to change their behaviour.

The Act can, and should, be used to support Australian employers to promote gender equality and play their part in ending gender-based violence. To this end, we also support all recommendations made by the Australian Human Rights Commission in its Respect@Work report.

The NWSA makes the following recommendations in relation to the Act as it relates to gender-based violence.

### **1. A specific Gender Equality Indicator be developed to capture data on gender-based violence and discrimination.**

As noted in Respect@Work, sexual harassment is prevalent and pervasive and occurs in every workplace across the country. In its submission to the Review, the Workplace Gender Equality Agency recommends that sex-based harassment and discrimination is specified as a distinct Gender Equality Indicator, and as per the Government's agreement to adopt Recommendations 42 and 46 from Respect@Work, that the Agency work with the Respect@Work Council to develop a set of good practice indicators.

We argue that gathering data on employee reports of sex-based harassment and discrimination alone is not sufficient to understand the state of gender equality in an organisation. Sexual harassment may be the most visible form of gender-based violence to some senior leaders, but domestic, family and sexual violence takes many forms and affects many people in Australia's workforce.

Recent research funded by Commbank showed one in four people have experienced financial abuse.<sup>7</sup> During Australia's first 2020 lockdown in response to the COVID-19 pandemic, the Office of the eSafety Commissioner reported a 200% increase in reports of image-based abuse.<sup>8</sup> Frontline domestic, family and sexual violence agencies across the country reported significant increases in demand for services since the pandemic began. These victim-survivors of gender-based violence are in our workplaces – they are our colleagues, our supervisors, our CEOs, our graduates – and it is imperative that workplaces formally recognise the extent of the problem.

We recommend that a specific indicator of gender-based violence and discrimination be developed, and the Agency work in partnership with the Respect@Work Council and the violence prevention and response sector to develop this indicator. Such an indicator will enable employers to increase their understanding of gender-based violence, better support victim-survivors and target prevention initiatives.

Many victim-survivors of gender-based violence do not disclose or report their experiences for a range of reasons. Those from marginalised communities – Aboriginal and Torres Strait Islander people, members of the LGBTIQ+ community, people with disability and people from culturally and linguistically diverse backgrounds, among others – face additional barriers to reporting. Caution must be taken by both employers and government that ‘low’ reporting/disclosure rates are not interpreted as indicative of an absence of gender-based violence among employees.

To prevent gender-based violence we need to include the experiences of people subjected to violence and discrimination because they don’t conform to rigid stereotypes of masculinity and femininity. We strongly recommend the term ‘sex-based harassment and discrimination’ be amended to ‘gender-based violence and discrimination’ to include the experiences of transgender, gender-diverse, non-binary and LGBTIQ+ people.

**2. The current Gender Equality Indicator on ‘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’ be amended to include the provision of ten days paid domestic, family and sexual violence leave.**

Workplaces should be places of safety, respect and support for employees experiencing gender-based violence and to those who are supporting victim-survivors. Paid DFSV leave is critical to enable victim-survivors to attend a frontline service, relocate, access counselling, or seek other kinds of assistance. Without paid leave, their ability to manage their situation is significantly reduced.

### **3. The Agency should be adequately resourced to work with employers to drive change.**

While many workplaces across the country have actively sought to increase their understanding of gender equality and its positive impact on their business and the wider community – such as members of the Champions of Change Coalition – there is more progress to be made.

Reporting requirements under the Act are considered by some employers as unnecessarily burdensome. There are also those who do not see the inherent value in promoting gender equality as part of their core business, as evidenced by a few submissions already made to the Review.

There needs to be a clear articulation in the Act about the importance of gender equality not only to employers, but to the wider community. The NWSA supports a statement being included in the Act that outlines the broad-reaching benefits of gender equality, similar to the Victorian *Gender Equality Act 2020*.

Pragmatically, many employers will lack the resources necessary to achieve change within their workplace. We recommend that Agency is adequately resourced to support employers' understanding of the value of gender equality and its role in preventing gender-based violence. This should include training, education and dedicated personnel. This would contribute to shifting the view of the Act and Agency as compliance mechanisms to a genuine, national commitment to achieving gender equality and stopping violence before it starts.

### **4. The definition of 'relevant employer' be expanded to include all Commonwealth, State and local government agencies and publicly funded institutions.**

Currently, 40% of the nation's employers are required to report against the GEIs. While this is a considerable proportion of employers, promoting gender equality and preventing gender-based violence requires all employers to play their part.

In accepting Recommendation 43 of the Respect@Work report, the Government agreed to expand the definition of 'relevant employer' to include Commonwealth agencies. The NWSA recommends this be extended to include all levels of government, as well as publicly funded institutions (such as

universities). Leadership from public agencies sends a very clear signal to the rest of the community that gender equality – and preventing gender-based violence – is a priority of the government, and it will also enable the sharing of good practice across sectors.

Over time, the NWSA recommends further expansion of the definition of ‘relevant employer’ to include all employers with 25 employees or more.

## **5. The current requirement for managers in organisations to receive training on gender equality be extended to all employees, and this training include information on the drivers of violence against women.**

Leaders set the tone in their organisation. Consistent and clear messaging from leaders on the importance of gender equality is critical, but if this message is not reinforced in every aspect of – and interaction within – a workplace, change will be slow. Evidence shows the most effective way to promote gender equality and prevent violence is through a whole-of-institution approach, and for this reason we recommend training on gender equality be extended to all employees.<sup>9</sup>

We recommend the Agency collaborates with the violence prevention and response sector and the Australian Human Rights Commission to develop this training.

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<sup>1</sup> Australian Bureau of Statistics (ABS) 2016, [Personal Safety Survey, Australia](#), ABS, 2017.

<sup>2</sup> ABS, [Personal Safety Survey](#).

<sup>3</sup> Australian Human Rights Commission (AHRC), [Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces](#), AHRC, 2020.

<sup>4</sup> K Seymour, S Wendt, K Natalier and R Hirsch, [Family and Domestic Violence Leave Entitlement in Australia: A Systemic Review](#), report prepared for the Fair Work Commission, Flinders University, 2021.

<sup>5</sup> KPMG, [The cost of violence against women and their children](#), report prepared for the Department of Social Services, KPMG, 2016.

<sup>6</sup> Our Watch, [Change the story: A shared framework for the primary prevention of violence against women in Australia](#) (2nd ed), Our Watch, 2021.

<sup>7</sup> Commonwealth Bank Australia, [CBA launches Next Chapter with increased support for people impacted by financial abuse](#), *CBA Newsroom*, 19 July 2020.

<sup>8</sup> T Dagg, [COVID-19: Online risks, reporting and response](#), *eSafety Commissioner blog*, 9 April 2020.

<sup>9</sup> Our Watch, [Change the Story](#).