

19 November 2021

WGEA Review – Consultations
Department of the Prime Minister and Cabinet
PO Box 6500
CANBERRA ACT 2600
Australia

Dear WGEA Review team

Consultation on Review of the Workplace Gender Equality Act 2012

Thank you for the opportunity to make a submission to this review of the Workplace Gender Equality Act 2012.

There is a strong case to collect other data on diversity and inclusion criteria, in addition to gender, on a mandatory basis to enable a more nuanced analysis of men and women's experiences in the workplace. Data should be collected on cultural and linguistic diversity, First Nations identification, disability, and age, to address major gaps that currently exist when it comes to non-public sector diversity data.

This submission is primarily focused on diversity and inclusion data related to cultural and linguistic diversity. It is important that intersectional analyses are made possible because of differential experience of culturally diverse women in the workplace. A workplace survey by Women of Colour Australia found a majority felt they had faced challenges in the workplace related to their identity as a woman of colour.¹ These findings have been reinforced by other research, for example, by the Community and Public Sector Union's 2019-20 What Women Want survey.

The 2019-20 What Women Want survey found the kind of discrimination women experienced differed, depending on their backgrounds. Two in five (40.9%) women with non-European cultural backgrounds who experienced discrimination in the previous twelve months experienced it based on race or ethnicity. It was far more frequent than discrimination based on sex (27.3%) or age (30.9%). Over half (53.6%) of First Nations women who said they experienced discrimination in the past twelve months said the discrimination was based on race or ethnicity, with less than one in ten (8.9%) experiencing discrimination based on sex.² This was in stark contrast to the 2019 APS Census which found that gender (32%) and age (27%) were the most common forms of discrimination experienced.³ Understanding the differential experiences of diverse women in the workplace will be made easier with more public data.

Furthermore, based on what we know from reports such as Leading for Change report,⁴ and analyses of ASX leadership,⁵ the underrepresentation of cultural diversity at senior leadership levels is a problem and likely to be compounded for women from culturally diverse backgrounds. Given the limited data that exists, better data collection on pay, promotions, job security and senior leadership for culturally diverse women will help identify the extent of the problem and whether specific industries are doing better or worse. Information collected for the gender equality indicators should be disaggregated publicly and

¹ <https://womenofcolour.org.au/wp-content/uploads/2021/10/WOMEN-OF-COLOUR-AUSTRALIA-WORKPLACE-SURVEY-REPORT-2020-2021.pdf>

² CPSU (PSU Group). 2019-20 What Women Want Survey Report

³ <https://www.apsc.gov.au/initiatives-and-programs/workforce-information/aps-employee-census-2019>

⁴ https://humanrights.gov.au/sites/default/files/document/publication/Leading%20for%20Change%20Blueprint2018_FINAL_Web.pdf

⁵ <https://www.dca.org.au/research/project/capitalising-culture-and-gender-asx-leadership>

the data explorer should enable the filters with multiple diversity and inclusion criteria to enable comparative analyses, for example, between older women from culturally diverse backgrounds and men generally.

The best practice design for the collection of cultural and diversity data will be essential. The Diversity Council of Australia's 2021 Counting Culture report provides a suggested framework that could be adopted by the Workplace Gender Equality Agency to collect data on cultural and linguistic diversity from employers.⁶

Finally, pay transparency through the publication of remuneration data should also occur. Greater transparency is likely to strengthen compliance and encourage employers to address pay gaps and underrepresentation that the data highlights.

Kind regards
Osmond Chiu

⁶ <https://www.dca.org.au/research/project/counting-culture-2021>