



November 2021

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

The *Workplace Gender Equality Act 2012* (the Act) has informed Australia's approach to addressing workplace gender equality. By establishing a standardised reporting framework whereby non-public sector employers with 100 or more employees report annually against six gender equality indicators (GEIs),ⁱ the Act provides for increased understanding and awareness of the state of workplace gender equality in Australia and identifies where action is required. The Workplace Gender Equality Agency (WGEA, the Agency), established under the Act, works to promote and improve gender equality in Australian workplaces and administers the Act.

Under the principal objectsⁱⁱ of the Act and the functions and powersⁱⁱⁱ provided to the Agency, WGEA has been an effective regulator, educator and influencer for gender equality in Australian workplaces. Since the Act first came into effect, Australia now has a comprehensive and longitudinal dataset on workplace gender equality. This has established Australia's gender equality dataset as world-leading¹ and the Agency as an authoritative source of information on workplace gender equality.

Reflecting on the state of workplace gender equality in Australia since the passage of the Act, the legislation is clearly an asset but has scope to improve. From the Agency's dataset, we know that

ⁱ The GEIs are: GEI 1 – gender composition of the workforce; GEI 2 – gender composition of governing bodies of relevant employers; GEI 3 – equal remuneration between women and men; 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; and GEI 6 – any other matters specified by the Minister – sex-based harassment and discrimination.

ⁱⁱ The principal objects of the Act are to promote and improve gender equality (including equal remuneration between women and men) in employment and in the workplace; and to support employers to remove barriers to the full and equal participation of women in the workforce, in recognition of the disadvantaged position of women in relation to employment matters; and to promote, amongst employers, the elimination of discrimination on the basis of gender in relation to employment matters (including in relation to family and caring responsibilities); and to foster workplace consultation between employers and employees on issues concerning gender equality in employment and in the workplace; and to improve the productivity and competitiveness of Australian business through the advancement of gender equality in employment and in the workplace (see *Workplace Gender Equality Act 2012*, section 2A).

ⁱⁱⁱ The functions of the Agency are: to advise and assist employers in promoting and improving gender equality in the workplace; and to develop, in consultation with relevant employers and employee organisations, benchmarks in relation to gender equality indicators; and to issue guidelines to assist relevant employers to achieve the purposes of this Act; and to review compliance with this Act by relevant employers, to review public reports lodged by relevant employers and to deal with those reports in accordance with this Act; and to collect and analyse information provided by relevant employers under this Act to assist the Agency to advise the Minister in relation to legislative instruments made under this Act; and to undertake research, educational programs and other programs for the purpose of promoting and improving gender equality in the workplace; and to work with employers to maximise the effectiveness of the administration of this Act, including by minimising the regulatory burden on employers; and to promote and contribute to understanding and acceptance, and public discussion, of gender equality in the workplace; and to review the effectiveness of this Act in achieving its purposes; and to report to the Minister on such matters in relation to gender equality in the workplace as the Agency thinks fit (see *Workplace Gender Equality Act 2012*, section 10).

employers have made progress against the GEIs. However, eight years of reporting data from employers also tells us that progress has stagnated on some indicators and gender inequality in Australian workplaces persists.²

While the passage of the Act once placed Australia “amongst the pioneers” for reporting on gender equality,³ the evidence is clear that we must now challenge ourselves to do more. The review of the Act is an opportunity for effecting continued change for gender equality and for working Australians.

The Agency is of the view that, while annual measurement against the GEIs remains critical, the Act must be more than an instrument for data collection through which we have seen incremental improvements towards gender equality in the workplace. Instead, the Act should be a driver of change towards gender equality, and the Agency’s functions must reflect and support an action-oriented approach.

The Agency sees the following as crucial amendments to the Act:

- Mandating employer action and progress on gender equality through minimum standards which require employers to implement and report on measurable improvements in gender equality;
- Increasing transparency by publishing individual organisations gender pay gap data in order to make clear the current state of gender equality within organisations; and
- Enhancing and expanding the GEIs to recognise issues that consistently block progress towards workplace gender equality and expanding the data collection to enable understanding of how gender intersects with other aspects of diversity.

Although the evidence base is still emerging for some of the above areas, preliminary research highlights their importance for driving improvements in gender equality in Australian workplaces.⁴ An enhanced Agency will support and collaborate with employers in making this shift to an action-oriented, transparent and accountable approach for gender equality. Annual reporting remains integral to this approach and ensuring employer engagement on gender equality.⁵

Through this submission, the Agency seeks to articulate additional measures and amendments that will support this approach, reduce the reporting burden on employers, and maximise the value of the WGEA dataset.

Successful enactment of many of these recommendations would first require detailed consultation with employers.

Key points

- The Agency’s functions and powers as set out in the Act support its role as a regulator and an influencer, but to improve the rate of change in gender equality in workplaces, the Act must also empower the Agency to work with employers to drive change in their workplaces.
- The Agency sees scope to extend coverage of the Act to include all public sector entities with 20 or more employees and outlines considerations for extending coverage to non-public sector employers with 50 or more employees.
- As gender can intersect with other aspects of an individual’s identity to compound inequity and discrimination in the workplace, the Agency should work with employers and other key stakeholders on setting standards for collecting data on gender and other aspects of diversity.
- Increased transparency of a company’s gender pay gap promotes accountability and progress towards reducing the gender pay gap.

- The GEIs capture data on the most common areas where challenges to gender equality occur in the workplace. The data collected with respect to the GEIs is critical for understanding the state of workplace gender equality, monitoring progress, and identifying areas for improvement and research.
- The Agency sees value in future-proofing the Act and the *Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)* (Legislative Instrument) through a more flexible approach to what data is collected, and also identifies a number of areas where extra information relating to the GEIs should be collected.
- GEI 6 should specifically relate to sex-based harassment and discrimination, while GEI 7 should be added to account for other matters specified by the Minister.
- The Agency's use of Single Touch Payroll (STP) data has benefits for data quality and reducing the reporting burden for relevant employers. However, usage of STP data has some limitations, which requires a collaborative effort and careful assessment before implementation.
- The *Workplace Gender Equality (Minimum Standards) Instrument 2014* (Minimum Standards), in its current form, is of little value in promoting and improving workplace gender equality. Amendments to the Minimum Standards must require employer action and progress on gender equality.
- While the consequences for non-compliance in the Act work well, the Agency sees scope for a review of their implementation.

Recommendations

Below is a summary of the recommendations that the Agency makes throughout this submission. The recommendations draw on the Agency's experience from eight years of reporting by relevant employers under the Act and its evaluation of the state of gender equality in Australia. Importantly, these recommendations build on, and are additional to, the infrastructure of the Act and the Legislative Instruments covering the GEIs and the minimum standards.

Specific consultation with employers and relevant stakeholders for the purposes of this submission was not conducted. However, the Agency is in regular dialogue with all stakeholders, including relevant employers, Chief Executive Officers (CEOs), reporting contacts, educators, advocacy networks and media. The Agency is of the view that successful enactment of many of these recommendations and amendments to the Act would first require detailed consultation.

The Agency recommends:

1. that its functions include to "drive change by working with employers to achieve their targets for gender equality and to meet the minimum standards of the Act";
2. that Federal, State, Territory and Local Government public sector agencies with 20 or more employees are required to report to it;
3. that, with the introduction of Single Touch Payroll (STP) data, there be consideration for expanding the definition of 'relevant employer' to include non-public sector employers with 50 or more employees;
4. that the *Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)* (Legislative Instrument) specifies the type of data collected by the Agency as opposed to specifying data points or data calculation;
5. that employers are required to provide data on the relative position of women, men, and non-binary people in their workplaces. In addition, the Agency recommends that definitions related to gender in the Act should reflect best practice;

6. making the collection of data on employee age (year of birth) mandatory;
7. making the collection of an employee's primary workplace location mandatory;
8. that collecting data on occupations and jobs at Australian and New Zealand Standard Classification of Occupations (ANZSCO) level 4 for non-managers is made mandatory;
9. that employers report on the number of employees who have involuntarily exited the organisation, by gender, employment status and manager/non-manager category;
10. that employers report on the number of employees, disaggregated by gender, employment status and manager/non-manager category, who were made redundant;
11. collecting data on promotions and resignations of partners;
12. making mandatory the collection of disaggregated data on the composition and equity status of partners in firms with partnership structures;
13. making the collection of remuneration data for Chief Executive Officers (CEOs) or the equivalent mandatory;
14. that the Act require employers to report remuneration data on partners in partnership structures;
15. that employers no longer provide full-time equivalent annual earnings for part-time and casual employees, but report on the actual earnings of part-time and casual employees as well as the number of hours employees are engaged;
16. that information be collected on employees, disaggregated by gender, employment status, and manager/non-manager category, who have access to employer-funded paid parental leave for primary carers and secondary carers and the eligibility period for access;
17. that employers report whether they pay superannuation when an employee is on paid, unpaid, employer-funded and/or government-funded parental leave;
18. collecting data on partners who cease employment during, or at the end of, a period of parental leave;
19. that employers report on the action taken as a result of employee consultation;
20. that employers report on the provision and frequency of workplace training on sex-based harassment and discrimination prevention for the whole workforce;
21. that sex-based harassment and discrimination is specified as GEI 6. Following from this, the Agency recommends that additional data is collected with respect to this GEI as specified by the Respect@Work Council. The Agency also recommends that an additional GEI (GEI 7) be added to account for other matters specified by the Minister;
22. mandatory data collection on gender and intersecting forms of diversity, including employee age (year of birth), primary work location, Aboriginal and/or Torres Strait Islander background, cultural background, and disability;
23. that data on individual organisations gender pay gaps (base salary and total remuneration), in percentages and dollar figures and by gender pay gap and workforce composition quartiles, be included in its public dataset;
24. that relevant employers report against one 'snapshot' date in order to improve comparability of the data;
25. that it be able to specify the mechanism which employers must use for reporting to the Agency;



26. where possible, using Single Touch Payroll (STP) data to enhance gender equality statistics and reduce employer reporting burden;
27. that the *Workplace Gender Equality (Minimum Standards) Instrument 2014* (Minimum Standards) require employer action and progress on gender equality. This includes reporting to the Board/Governing Body on the Executive Summary report and Industry Benchmark report provided to employers by the Agency;
28. that it is funded to work closely with employers to understand and achieve the new action and progress based minimum standards as well as other changes to the Act;
29. that Item 2 in the minimum standards, addressing equal remuneration between women and men, be strengthened by articulating its objective as closing the gender pay gap;
30. reviewing the Workplace Gender Equality Procurement Principles, including considering extending the coverage to all Commonwealth entities and companies, with the procurement threshold of \$80,000 (other than for procurements of construction services), and to apply the Principles within the Commonwealth Grants Rules and Guidelines;
31. that the title of the Director of the Agency be changed to CEO.

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?

Recommendation 1: The Agency recommends that its functions include to “drive change by working with employers to achieve their targets for gender equality and to meet the minimum standards of the Act.”

The Agency assesses that, while the functions and powers as set out in the Act have been effective in supporting its role as a regulator and influencer, they do not provide the Agency with the function and power to drive change by ensuring that employers are implementing actions that achieve gender equality. For this reason, the Agency recommends that the minimum standards require employer action and progress on gender equality (addressed in response to question 8) and recommends that the Agency’s functions include the ability to work with employers to drive change for gender equality.

The Agency set its vision eight years ago to position itself as an authority on best practice for workplace gender equality. It sought to influence and inspire change using analytical insights from its world-leading dataset, leveraging networks to expand its reach, and developing and delivering tools and resources to support action and public commentary. The Agency’s strategic objectives were to establish:

- WGEA as the primary source of workplace gender equality data in Australia;
- gender equality as a mainstream business issue; and
- WGEA’s dataset as contributing to the international dialogue on issues related to workplace gender equality.

The Agency has realised these objectives by establishing itself as an authoritative source of information on gender equality, reporting findings and insights from its world-leading dataset, making clear the business case for gender equality, assisting and educating employers to comply with the Act and undertake gender equality initiatives, and being regularly referenced in media coverage and research projects.

However, after eight years of reporting data from employers, progress is slow. On current trends, the gender pay gap will not close for another twenty-six years.⁶ Women remain under-represented on Boards, as both Board members and Chairs,⁷ and there has been little change in the gender composition of managers overall.⁸ The proportion of organisations offering paid primary carer’s leave has remained static.⁹ Further, analysis from the WGEA 2019-20 dataset identified an ‘action gap,’ meaning that organisations have policies and strategies in place but are not necessarily taking action to implement them. The Agency identified a decrease in employer action on pay equity and found that over 45% of employers who conducted a pay gap analysis took no action as a result of the analysis (although not all employers would have identified a pay gap). This comes at a cost to Australian workers and improving gender equality outcomes in the workplace.

The Agency is of the view that the Act can drive action on workplace gender equality. This is through employer reporting requirements which reflect an action and progress-oriented approach and by ensuring that the Agency’s functions assist companies to achieve this. If these changes are not made, progress towards gender equality will continue to be slow.

Below further outlines the Agency’s evaluation of its effectiveness to promote and improve gender equality in the workplace by (1) enabling relevant employers to report on the GEIs, (2) developing

benchmarks and reports, (3) undertaking research, education and leading practice programs and (4) contributing to the public discussion on gender equality.

Enabling relevant employers to report on the gender equality indicators

Under the Act, relevant non-public sector employers with 100 or more employees are required to report to the Agency against the six GEIs annually. This reporting framework was established in 2012 with the passage of the Act. Over the past year, the Agency has also piloted reporting with a select number of public sector agencies on the basis that reporting by the federal public sector will become mandatory in 2022-23.

The Agency takes the view that all relevant employers can, and should, become compliant with the Act. To this end, the Agency works with all relevant employers to ensure they have the knowledge and capacity to become compliant. When compared internationally, Australian employers have a high rate of compliance with gender equality reporting.¹⁰ This has resulted in a world-leading dataset that covers 40% of Australian employees.

The Agency dedicates significant resources towards reporting. The Agency facilitates reporting through a dedicated team of gender and leading practice advisors, employer resources and educational materials, and most recently an online Knowledge Hub which outlines processes and frequently asked questions for reporting.¹¹ The Agency seconded a number of additional staff to the reporting team during the reporting period. This year, the team handled over 25,000 support requests via phone, email, and online chat. The Agency also creates and maintains a series of videos on the reporting process. The latest videos covering the 2020-21 reporting period were cumulatively viewed 27,569 times.

Reporting to the Agency is further supported by robust frameworks and policies for data management and governance,¹² data sharing,¹³ data quality,¹⁴ and privacy.¹⁵ These frameworks communicate to employers and the public how the Agency's dataset is used, analysed, and stored, and demonstrates appropriate management of personal and sensitive information.

The Agency is also adapting its reporting platform in order to simplify the reporting process for users. This new data collection and data management system was launched in April 2021 for the 2020-21 reporting period. The Agency acknowledges that system issues initially prevented the benefits of the system from being fully realised. WGEA is working to correct these issues for an improved reporting experience and to ensure the platform is fit-for-purpose for reporting in 2022.

Developing benchmarks and reports

The Agency's dataset is a social and economic asset. To this end, the Agency undertakes detailed analysis on varying topics to ensure the data is useful for employers, policymakers, researchers, and the public. The Agency collates data into reports and dashboards that are publicly available and those that are confidential and accessible only to employers. Any amendments to the Agency's data collection and methods and reports are developed in consultation with employers and other relevant stakeholders.

The Agency reinforces findings from its dataset by publishing key findings in the annual WGEA Gender Equality data release, via a scorecard and public data dashboard. Through these methods of reporting to employers and the public, the Agency provides Australia with crucial statistics on the current state of gender equality in the workplace and sets benchmarks for where action is required. Data visualisations enable the public and employees to compare policies, practices and outcomes across different workplaces.

In addition, advocacy groups like the Champions of Change Coalition are using benchmark data to monitor and advocate for change towards gender equality amongst their member organisations. They measure impact against the gender equality objectives which they have prioritised and compare this against Agency data.¹⁶ The STEM Equity Monitor, published by the Department of Industry, Science, Energy and Resources, also uses WGEA data to identify trends and report on the state of gender equity in science, technology, engineering and mathematics (STEM) in Australia.¹⁷



For employers, the Agency traditionally provides a confidential Executive Summary Report, which summarises an organisation's key data and statistics that were reported to the Agency. The Agency also provides employers with a Benchmarking Report. This report allows organisations to compare their performance against their industry comparison group and tracks organisational progress over time. The purpose of the Benchmarking Report is for organisations to identify their strengths and opportunities for improved performance. The most recent stakeholder feedback shows that the majority of stakeholders can understand and interpret the Benchmarking Reports; however, the reports are less likely to be utilised to develop organisational actions. The Agency is conducting further consultation on the Benchmarking Reports following the launch of its new platform for the 2020-21 reporting period.

All public data^{iv} collected by the Agency is available through its online Data Explorer. The Data Explorer includes all public data collected since the 2013-14 reporting period and is a benchmarking tool. When the Data Explorer was first launched in 2014-15, there were 5,922 unique visitors to the site. This has since grown to 43,456 unique visitors in 2020-21. People can view the public data of individual organisations and their performance against the GEIs over time. They can also view industry performance against the GEIs over time or compare data between industries. The Agency is currently updating the public interface with the data, which will result in improved functionality and additional options for assessing performance and progress against the GEIs.

The Agency's dataset is highly valued. In 2020-21 alone, the Agency had 440 requests for data for research or other projects. Findings from the WGEA dataset are further complemented by employer case studies, highlighting examples of best practice initiatives and how employers have worked to improve gender equality outcomes.¹⁸

Undertaking research, education and leading practice programs

As an influencer, the Agency undertakes a range of research and educational initiatives, including collaborating with other organisations committed to gender equality. This has led to a suite of research and educational resources that are available to employers and other stakeholders seeking to progress gender equality outcomes and strategies¹⁹ in addition to tools to assist organisations in advancing pay equity by identifying and analysing gender pay gaps.²⁰

All resources are housed on the Agency's website, and the Agency also promotes links to other expert resources. Consultation with reporting contacts shows that the Agency's research and education are assessed as effective. The Agency's educational tools and resources have been promoted by a wide range of stakeholders within both the private and public sectors. For example, the WGEA Gender Equality Strategy Toolkit was recently adapted by Investing in Women for use in Southeast Asia. It is currently being utilised by business councils and their associated members in Vietnam, Indonesia, the Philippines and Myanmar.

The Agency is responsible for calculating Australia's gender pay gap statistics. The Agency calculates the WGEA gender pay gap from its dataset and also uses the Australian Bureau of Statistics (ABS) Average Weekly Earnings survey to calculate the national gender pay gap. The gender pay gap is an internationally established measure of women's position in the economy when compared to men. It is influenced and driven by a range of factors, including gender bias, discrimination and norms related to hiring, promotion and pay; gender segregation in industries and jobs; women's higher rates of part-time work; women taking on the majority of unpaid care and domestic work which impacts their engagement in the workforce and opportunities for career progression; and lack of workplace flexibility, especially in senior roles.²¹

The Agency conducts research and education on a range of topics related to gender equality and the gender pay gap. These include employer resources for developing a Gender Equality Strategy²² and setting targets for gender equality;²³ tools to undertake a pay gap analysis;²⁴ resources and information on flexible working arrangements,²⁵ parental leave,²⁶ employee

^{iv} Public data does not include personal or identifiable information about individual employees and does not include salary and remuneration data of individual organisations, without prior consent.

consultation,²⁷ sex-based discrimination and harassment, gender equitable recruitment and promotion,²⁸ as well as resources for small business,²⁹ and research detailing the challenges to women's representation in leadership,³⁰ Indigenous experiences in the workplace,³¹ gender equitable procurement and supply chains,³² women's economic security in retirement,³³ and the future of work.³⁴

The Agency also maintains a series of factsheets that are annually updated. The most popular factsheets are *Australia's Gender Pay Gap Statistics*³⁵ and the *Gender Workplace Statistics at a Glance* factsheets.³⁶ These factsheets update Australia on the latest national gender pay gap statistics. The data in these factsheets comes from a range of ABS and WGEA sources and is routinely updated in February and November each year when the ABS releases the Average Weekly Earnings, Australia survey.³⁷ In 2020-21, the *Gender Pay Gap Statistics* factsheet had nearly 80,000 views and the *Gender Workplace Statistics at a Glance* factsheet was viewed over 40,000 times.^v WGEA also maintains factsheets related to higher education enrolment statistics³⁸ and workforce segregation.³⁹

The Agency undertakes research to assess progress made against the GEIs and the continued challenges to advancing gender equality outcomes in Australian workplaces. For instance, through a six-year partnership with the Bankwest Curtin Economics Centre (BCEC), the Agency collaborated on the production of annual research reports which analysed trends in the Agency's dataset and identified where organisations can take action to address gender inequality.⁴⁰ Critically, the Agency's research with BCEC has provided causal evidence that more women in key decision-making positions delivers better company performance, greater productivity and greater profitability.⁴¹ This is a world-first research finding. With KPMG Australia and Diversity Council Australia, the Agency has released a series of She's Price(d)less reports documenting the key drivers contributing to the gender pay gap.⁴²

Over the past several years, the Agency has produced research reports or educational resources in collaboration with The Business Council of Australia and McKinsey & Company,⁴³ the University of Sydney's Women and Work Research Group,⁴⁴ the Diversity Council of Australia and Jumbunna Institute for Indigenous Education and Research,⁴⁵ Dentons law firm,⁴⁶ Economic Security 4 Women,⁴⁷ and Bain & Company and Chief Executive Women.⁴⁸

The Agency defines and regularly 'raises the bar' for leading practice in workplace gender equality. The Agency's Employer of Choice for Gender Equality (EOCGE) citation commenced in 2014, with its predecessor program in place since 2001. The EOCGE citation identifies leading practice in the private sector. Relevant employers who are compliant with the Act are eligible to apply for the citation. Currently, there are 136 EOCGE employers. The criteria for the citation are regularly reviewed and strengthened to ensure that it reflects findings from the latest academic research and consultations with gender equality experts, practitioners, industry groups and employers into what drives improved gender equality outcomes. Research undertaken in 2019 with the University of Queensland's AIBE Centre for Gender Equality in the Workplace⁴⁹, comparing EOCGE citation holders to other employers in the Agency's dataset finds that EOCGE citation holders, in general, perform more strongly and are improving on key gender equality metrics at a faster rate.⁵⁰ This differentiates EOCGE citation holders among other employers in the marketplace.

Contributing to the public discussion on gender equality

The Agency contributes to public discussion on gender equality in order to increase understanding and awareness within the broader community about workplace gender equality. The Agency presents findings and insights from its data and research through speaking engagements and media outreach. The Agency is responsible for calculating the national gender pay gap in Australia, using data from the ABS Average Weekly Earnings survey. The Agency also sets the date for Equal Pay Day each year. Equal Pay Day marks the additional days from the end of the previous financial year that women must work, on average, to earn the same amount that men earned that year. The Agency conducts targeted media engagements at the time of the launch of its dataset,

^v The number of times viewed refers to downloads and/or page views. This is because, in 2019-20, WGEA converted factsheets from PDF documents to a live website page, making downloads and page views both relevant.

the publication of gender pay gap statistics, and Equal Pay Day. Each of these events serve to generate public debate about the relative position of women when compared to men in the workplace and advocate why action is needed to advance gender equality in the workplace.

Indicative of the Agency's growing reputation as the custodian of a world-leading dataset on workplace gender equality, the number of times the Agency was mentioned in the media has increased significantly. The Agency was mentioned 395 times in the media in 2013-14, and this has increased to 4,844 times in 2020-21. The Agency also has a consistent presence on social media platforms across Facebook, Twitter, LinkedIn, YouTube and Instagram.

The Agency's public engagement includes speaking at numerous external events, and the public utilises the Agency's resources and educational materials on its website. The Agency has made a concerted effort to increase the number of resources on gender equality and compliance reporting available on its website. When the Agency launched its website in 2012, there were 42,000 unique visitors to the site. In 2020-21, our website traffic has grown nearly ten-fold to approximately 410,000 unique visitors.

In addition to employers, the Agency has also formed collaborations and strong working relationships with other government departments, researchers and educators in gender equality. For instance, the Agency has worked with the Department of Foreign Affairs and Trade (DFAT) on its initiatives to promote gender equality in the region. As part of this work, the Agency has participated in APEC summit meetings as well as the 64th Session of the UN Women's Commission on the Status of Women. The Agency has established working relationships with government counterparts in Chile, Argentina, Japan, the Philippines, Indonesia, and Vietnam. In recent years, the Agency has also worked with the Champions of Change Coalition, SAGE (Science Australia Gender Equality), White Ribbon, STEM Women, and the Victorian Equal Opportunity Commission. The Agency regularly convenes researchers and educators working on gender equality to share resources and learning.

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 data collected on the GEIs were developed through extensive research and consultation to ensure the Agency's dataset builds the evidence base on what works to improve workplace gender equality, while also minimising the reporting burden for employers.⁵¹

The GEIs capture data on the most common areas where challenges to gender equality occur in the workplace. The data collected against each GEI is critical for understanding the state of workplace gender equality, monitoring progress, and identifying areas for improvement. It also informs the Agency's research and education agendas.

Therefore, processes and mechanisms which ensure that gender equality stays on the agenda are crucial. The requirement that relevant employers report annually to the Agency keeps gender equality at the forefront for workplaces.⁵² It encourages employer engagement with and commitment to gender equality, establishes employer accountability, allows stakeholders to monitor progress, and builds momentum for change across employers, employees, and the public.

In Appendix 1, the Agency provides a summary of research related to the Agency's dataset as it relates to each GEI and what works to improve gender equality in the workplace. Appendix 1 also outlines the data collected against each GEI and includes findings from data reported to the Agency under the Act.

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?

Under the Act, the Agency collects data annually from relevant non-public sector employers with 100 or more employees against six GEIs. This accounts for approximately 40% of employees in Australia.

Recommendation 2: The Agency recommends that Federal, State, Territory and Local Government public sector agencies with 20 or more employees are required to report to it.

The Government has agreed with Recommendation 43 in the report *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces (Respect@Work Report)* to amend the Act to expand mandatory reporting to the Agency to the public sector.⁵³ This commitment was further outlined in the Women’s Budget Statement 2021-22.⁵⁴

The Agency is of the view that reporting should be mandatory across the whole public sector. This includes the Australian Public Service as well as Commonwealth entities and Commonwealth companies as defined in the *Public Governance, Performance and Accountability Act 2013*, as well as state, territory and local governments. As public sector agencies already report workforce metrics to their respective public service commissions, this data would be relevant for WGEA reporting. The Agency is of the view that public sector agencies with 20 or more employees could report to the Agency without taking on a substantial additional reporting burden.

In preparation for mandatory reporting by the federal public sector, the Agency has collaborated with the Australian Public Service Commission (APSC) and several Commonwealth agencies in a pilot program for public sector reporting to the Agency. Commonwealth agencies currently report data on their workforce to the APSC,⁵⁵ which is also relevant for reporting to the Agency. The Agency and APSC have conducted a data mapping and data sharing exercise^{vi} to assess how WGEA will utilise the APSC data for gender equality reporting. The APSC currently collects data that fulfils about two-thirds of the Act’s reporting requirements. Therefore, the burden of reporting will be minimal for some Commonwealth agencies.

The public sector pilot also includes three state government agencies. Over the past several months, the Agency has worked with these agencies to ensure reporting requirements are applicable to the public sector. The latest ABS data, as of June 2020, estimates that there are 1,609,100 state government and 186,000 local government employees.⁵⁶ Inclusion of state, territory and local government employees would result in a significant expansion of the dataset and enable meaningful comparisons both within the public sector and with the private sector.

Recommendation 3: The Agency recommends that, with the introduction of Single Touch Payroll (STP) data, there be consideration for expanding the definition of ‘relevant employer’ to include non-public sector employers with 50 or more employees.

The Agency is of the view that, while expanding the definition of ‘relevant employer’ to include smaller businesses would increase understanding of the state of gender equality in Australian workplaces, it would place a burden on employers with 50-99 employees and require significant additional resourcing for the Agency.

^{vi} Data sharing between the Agency and APSC followed all appropriate privacy and security procedures and was agreed with relevant Government agencies.

However, the Agency sees value in considering methods for reporting by employers with 50-99 employees. This is because small and medium enterprises (SME) account for a sizeable proportion of the economy, and therefore, can have a large impact on gender equality outcomes in Australia.⁵⁷ Under current employee thresholds for reporting to the Agency, a large proportion of the female workforce in Australia is not covered under the Act.⁵⁸ Analysis of Australian organisations by size finds that a higher proportion of women are working in lower-earning categories in organisations with less than 100 employees.⁵⁹ This indicates that employers who may have high gender pay gaps are currently not captured in the Agency's dataset.⁶⁰

At the same time, smaller businesses face a unique set of issues for addressing gender inequality and limited resourcing could make reporting a challenge.⁶¹ For instance, issues related to privacy and system constraints have been noted as challenges to the participation of SMEs in other gender reporting schemes.⁶² To overcome these challenges, other countries, such as Belgium, take a "graduated approach" to reporting where different requirements may be placed on employers of different sizes.⁶³

Estimates provided to the Agency show that reporting by employers with 50-99 employees would increase the Agency's dataset by approximately 11,000 businesses,⁶⁴ covering around 700,000 employees. The Agency would require significant resourcing to assist these employers in first-time and ongoing reporting and in addressing relevant gender equality issues.

Mandatory reporting by employers with 50-99 employees is currently not recommended.^{vii} However, the Agency sees options available for reporting by these employers in future. This includes reassessing whether non-public sector employers with 50 or more employees should be 'relevant employers' with the introduction of STP data in Agency reporting. The use of STP data for reporting to the Agency will allow for a more streamlined and less burdensome approach to reporting for both employers and the Agency, as further discussed in response to question 7. In addition, from 2022, smaller businesses have the option to report on a voluntary basis to the Agency, given that the Agency's data collection and management platform can support voluntary reporting.

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?

Recommendation 4: The Agency recommends that the *Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1) (Legislative Instrument)* specifies the type of data collected by the Agency as opposed to specifying data points or data calculation.

Given the way data collection is prescribed in the Act and Legislative Instrument, there are known areas where this has resulted either in poor data quality or output, or unnecessary effort for employers. To address this efficiently without requiring ongoing legislative review and amendment, the Agency recommends that the Legislative Instrument prescribe the type of data that the Agency collects as opposed to specific data points.

For instance, under GEI 1 in the Legislative Instrument, employers must provide data on "the existence of strategies or policies to support gender equality."⁶⁵ This requirement has provided a measure of flexibility over the data collected, ensuring that reporting requirements remain relevant.

^{vii} Recent research involving stakeholders on Australia's gender equality reporting found that there was "no consensus" about lowering the employer size threshold for mandatory reporting to WGEA. Stakeholders weighed the benefits of capturing data and insights on this segment of the workforce against the reporting burden and increased resourcing to WGEA (see Glennie, M, von Reibnitz, A, William, J, Curtis, S & Bordia, S (2021), Gender pay gap reporting in Australia – time for an upgrade, The Australian National University, Canberra).



On the other hand, under GEI 4, employers are required to report on the proportion of the workforce who have access to employer-funded paid parental leave for primary carers and secondary carers.⁶⁶ This requires employers to manually calculate the proportion of the workforce with access to employer-funded paid parental leave and employers provide a response in a range of ten percentage points. The data, therefore, is less precise, and the legislative requirement to report on the proportion of the workforce with access to employer-funded paid parental leave places an additional burden on employers.

Under the Agency's proposal, the Legislative Instrument would instead specify the type of data, as in the example with respect to GEI 1. This more flexible approach allows for clarification and rephrasing of questions which have otherwise proven to result in less reliable data or unnecessary effort by employers. Flexible approaches are also one way to "future-proof" legislation and reduce the burden to update prescriptive legislation.⁶⁷ Along with flexibility, future-proofed legislation generally includes a technology neutral design, a focus on outcomes over prescriptive requirements,⁶⁸ and a regular review mechanism.⁶⁹ Future proofing legislation can reduce government costs, ensure legislation keeps step with societal developments, and move away from reactive law-making.⁷⁰

In response to question 4, the Agency also makes a number of recommendations for additional data to collect with respect to the GEIs, as summarised below. The Agency's recommendations with respect to data collection on diversity and inclusion criteria are set out in the response to question 5. The below recommendations would improve an employer's understanding of gender equality in their organisation, enrich the Agency's resources and educational materials, and contribute understanding of the state of gender equality in Australia more broadly.

GEI 1: Gender composition of the workforce

Recommendation 5: The Agency recommends that employers are required to provide data on the relative position of women, men, and non-binary people in their workplaces. In addition, the Agency recommends that definitions related to gender in the Act should reflect best practice.

Limiting the Agency's data collection to the categories of woman and man does not reflect how all individuals interact with and experience issues of gender equality in the workplace. The inclusion of non-binary people in the Agency's dataset allows for better representation of individuals in the Australian workforce and is reflective of best practice.^{viii}

The Act and the Legislative Instrument require employers to provide reports based on the relative positions of women and men in their workplaces. This should change to include non-binary people. Non-binary is "an umbrella term for any number of gender identities that sit within, outside of, across or between the spectrum of the male and female binary. A non-binary person might identify as gender fluid, trans masculine, trans feminine, agender, bigender etc."⁷¹

The Agency is often asked, including by employers, about the absence of data on employees who do not identify with binary definitions of gender. For the 2020-21 reporting period, employers could indicate whether an employee was male or female, which are mandatory response options under the Act, or non-binary, which was provided as a voluntary response option for the first time.

^{viii} The ABS Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables states that the following are mandatory response options when collecting data on gender: 'Man or male', 'Woman or female', 'Non-binary', '[I/they] use a different term (please specify)' with the availability of a write-in facility, and 'Prefer not to answer.' (see ABS (2021), Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables, viewed 26 October 2021, available: <https://www.abs.gov.au/statistics/standards/standard-sex-gender-variations-sex-characteristics-and-sexual-orientation-variables/latest-release>). Reporting on employee gender is a mandatory data point for reporting to the Agency. However, in line with the Agency's privacy policy where information will only be collected and disclosed where the individual has consented to the disclosure of their information, an employee who does not wish to disclose their gender status is not included in the Agency's public dataset.

Findings from the 2020-21 reporting period show that 8.3% of employers reported data on non-binary employees.^{ix} The small proportion likely reflects gender norms and discrimination that have inhibited reporting by non-binary employees to their employers.

Through its interface with employers, the Agency has an important role to play in providing educational resources and promoting understanding and inclusion of employees who do not identify as female or male. By reporting on the relative position of female, male and non-binary employees, the Agency's data and findings will also better represent an employer's workforce.

Important to this recommendation, definitions related to gender in the Act should be amended and disentangled from sex. The Australian Government Guidelines on the Recognition of Sex and Gender differentiates between gender and sex,⁷² as does the ABS Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables.⁷³ However, definitions for 'man' and 'woman' in the Act conflate gender and sex. This does not reflect current understanding or best practice for definitions that relate to gender.^x

Responses to questions about gender may reflect a person's identity,^{xi} expression,^{xii} and/or experience^{xiii} rather than their sex.⁷⁴ Given that reporting to the Agency is conducted through employers, responses may account for a person's felt or lived gender, and how others perceive them.⁷⁵

As an Agency focused on gender equality, it is important that the Act's definitions of gender reflect best practice. Amendments to this end would include definitions for man, woman and non-binary people. References to sex-based harassment and discrimination within the Act and related Legislative Instruments and minimum standards must also be inclusive of gender-based harassment and discrimination.

Recommendation 6: The Agency recommends making the collection of data on employee age (year of birth) mandatory.

The intersection of gender and age in the workplace is "understudied,"⁷⁶ yet it is an important area for gender equality. The gender pay gap between women and men working full-time generally increases with age.⁷⁷ Older women workers have a lower workforce participation rate, and have lower average weekly earnings than men due, in part, to discrimination and bias related to their age.⁷⁸ Research also finds that age, either being too young or too old, may act as a barrier to women being promoted.⁷⁹

Collecting data on employee age (year of birth) would provide valuable data insights for employers and policy. With data on age and gender, the Agency can formulate insights on how gender and age interact in the workforce, including women's engagement in and time out of the workforce and progression through the leadership pipeline. This could inform employers' approach to target education, training, and upskilling opportunities for certain segments of their workforce. The Agency would also be able to assess factors that contribute to the superannuation gap, such as

^{ix} Data points in this submission relating to the WGEA 2020-21 dataset are as at 25 October 2021.

^x The ABS Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables provides the following definitions: man or male – persons who described their gender as man or male; woman or female – persons who described their gender as woman or female; non-binary – persons who described their gender as non-binary. (see ABS (2021), Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables, viewed 26 October 2021, available: <https://www.abs.gov.au/statistics/standards/standard-sex-gender-variations-sex-characteristics-and-sexual-orientation-variables/latest-release>).

^{xi} Gender identity "is about who a person feels themselves to be" (see the ABS Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables).

^{xii} Gender expression "is the way a person expresses their gender. A person's gender expression may also vary depending on the context, for instance expressing different genders at work and home" (see the ABS Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables).

^{xiii} Gender experience "describes a person's alignment with the sex recorded for them at birth i.e. a cis experience or a trans experience" (see the ABS Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables).

type of employment or employment within certain occupations or sectors. This could have implications for policy formulation in areas such as parental leave, superannuation, and unpaid work.

For the 2020-21 reporting period, the Agency collected data on employee age (year of birth) on a voluntary basis. 73.8% of employers provided data on employee age to the Agency. This signals that this data is already being collected by most employers and therefore has not increased their reporting burden.

Recommendation 7: The Agency recommends making the collection of an employee's primary workplace location mandatory.

Location can impact how women and men interact with the workforce. Critically, more than one in four Australians live outside a major city.⁸⁰ People in regional, rural and remote locations have, on average, lower employment-to-population ratio and lower average incomes when compared to metropolitan areas, which may be in part due to less access to employment opportunities.⁸¹ Women in regional, rural, and remote areas may be at increased risk of experiencing workplace sexual harassment and discrimination⁸² and have less economic security.⁸³ Collecting data on an employee's primary workplace location would contribute to understanding how location interacts with gender, particularly issues related to gender pay gaps, workforce composition and leadership. This, in turn, could better inform government policy and investment in parts of Australia.

For the 2020-21 reporting period, the Agency collected data on the main workplace location of employees on a voluntary basis. 72.8% of employers provided data on employee location to the Agency. The fact that most employers chose to provide this data suggests they are already collecting it.

Recommendation 8: The Agency recommends that collecting data on occupations and jobs at ANZSCO level 4 for non-managers is made mandatory.

Collection of granular data on occupational categories at level 4 of the Australian and New Zealand Standard Classification of Occupations (ANZSCO) will enhance articulation and understanding of challenges to gender equality and occupational segregation within the Australian workforce. Gender segregation in the Australian labour market has persisted over the past two decades, occurring at industry, occupation and role levels.⁸⁴ More detailed, accurate and specific data on non-manager occupational categories can inform employers' plans and strategies for addressing gender segregation in their workplaces.

The Agency's data collection of occupational categories has been at ANZSCO level 1. As an example, this means that those employed as nurses are reported under the major group 2 Professionals (ANZSCO skill level 1).⁸⁵ ANZSCO level 4 increases specificity of non-manager occupational categories. In the example, the Agency would specifically collect data on 'Registered Nurses' (and other job roles in this group).

- 2 PROFESSIONALS (ANZSCO level 1)
- 25 Health Professionals (ANZSCO level 2)
 - 253 Medical Practitioners (ANZSCO level 3)
 - 2531 Generalist Medical Practitioners (ANZSCO level 4)
 - 2532 Anaesthetists
 - 2533 Specialist Physicians
 - 2534 Psychiatrists
 - 2535 Surgeons
 - 2539 Other Medical Practitioners
 - 254 Midwifery and Nursing Professionals (ANZSCO level 3)
 - 2541 Midwives (ANZSCO level 4)
 - 2542 Nurse Educators and Researchers
 - 2543 Nurse Managers
 - 2544 Registered Nurses

It has long been argued that the Agency should collect more detailed data on occupational categories. The recommendation was first made in 2015 by the Non-Manager Working Group, which was established by the then Minister for Employment and Minister for Women (Senator the Hon. Michaelia Cash). The Working Group explored options for the collection of more detailed data for non-manager employees.

Utilising these more specific and descriptive job classifications brings benefits for employers, the Agency, and understanding the state of gender equality in Australia. Firstly, it is easier to match job roles to the correct occupational category at ANZSCO level 4. Stakeholder consultation in 2019 confirmed that some organisations would like to provide this data. This is because it will provide more accurate and valuable benchmarking data for organisations in order to progress gender equality outcomes across non-manager categories. For the 2020-21 reporting period, the Agency asked employers to submit data on non-manager occupational category to ANZSCO level 4, on a voluntary basis. 52.8% of employers provided this data.

Secondly, this measure aligns the Agency's data with data collected by the ABS. The ABS typically classify occupations according to ANZSCO to a four- or six-digit level in their statistical releases. Thirdly, the Agency can draw on the data to analyse the impact of labour market segregation as it contributes to the gender pay gap.



Recommendation 9: The Agency recommends that employers report on the number of employees who have involuntarily exited the organisation, by gender, employment status and manager/non-manager category.

Involuntary exits or involuntary redundancies can be a form of discrimination against women. While research shows that gender biases are present in employment decisions, including recruitment and promotions,⁸⁶ the Agency is not aware of research investigating the presence of gender bias in redundancy programs. Anecdotal evidence and media reports, however, suggest that part-time employees and women on parental leave are disproportionately impacted by redundancies.⁸⁷

Under the Act, employers report on the number and proportion of employees who have resigned (voluntary exits), by gender, employment status and manager/non-manager category. However, the Agency does not capture information on involuntary exits (other than for those not returning from parental leave).

Collecting data on involuntary exits would establish primary evidence on gender biases in redundancy programs and practices. This data would also improve employer and Agency understanding of whether some employee groups, e.g. part-timers, are disproportionately impacted by involuntary redundancies.

Recommendation 10: The Agency recommends that employers report on the number of employees, disaggregated by gender, employment status and manager/non-manager category, who were made redundant.

Gender disaggregated statistics on voluntary redundancies are needed to understand the gendered impact of organisational restructures. Research shows that gender biases are present in all stages of the employment cycle, including recruitment and promotions. During organisational restructures, women will often opt to exit voluntarily, yet research in this area is lacking.⁸⁸

While employers report on the number and proportion of employees who have resigned (voluntary exits) by gender, employment status and manager/non-manager category, the Agency does not currently ask for information on employee redundancies.

Collecting data on redundancies, disaggregated by gender and manager/non-manager category, would establish evidence on this topic and how it may be gendered. This will contribute to employer understanding of the impact of redundancy programs and to Agency resources that help eliminate gender biases in redundancy programs.

Recommendation 11: The Agency recommends collecting data on promotions and resignations of partners.

Data on the number of partners who were promoted or resigned will enable further assessment of career trajectories in senior leadership and partnership structures. This is important given the low representation of women in partnership positions.

To the extent that partners in partnership structures are not employees, they are not currently captured by the provisions of the Legislative Instrument related to promotions and resignations under GEI 1. The Legislative Instrument requires employers to report on:

- the number and proportion of employees awarded promotions by gender, employment status and manager/non-manager category;⁸⁹ and
- the number and proportion of employees who have resigned by gender, employment status and manager/non-manager category;⁹⁰

This data will enable analysis of career trajectories and rates of promotion and resignation for women and men in partnership roles with key responsibilities. This data will show the proportion of women who receive promotions into part-equity partnerships and from part-equity to full-equity partnerships. Together, these data points will enable in-depth gendered analysis of key strategic decision-making roles in partnership structures for both the organisation and the Agency.

For noting: The Agency will assess, in consultation with employers, how to best capture management levels within organisations.

In reporting to the Agency, employers provide data on the gender composition of managers and non-managers. Employers provide data on managers through two separate reporting requirements: (1) providing data on managers' distance from the CEO or equivalent and (2) indicating the WGEA manager category for each manager. The Agency has received distinct sets of employer feedback about the usefulness of both reporting requirements for driving change in gender equality outcomes.

The requirement to provide data on managers' distance from the CEO or equivalent has been challenging for employers. Many employers spend considerable time interpreting this requirement, given that the method of describing employee positions does not align with standard reporting structures and processes. Consequently, the data has not added to the evidence base for improving gender equality outcomes because the Agency has taken a cautious approach to the data's accuracy and usefulness. Given this, the Agency has previously recommended in its biennial Progress Report that this reporting requirement be removed.

Employers also report which employees are managers by indicating their manager categories. These standardised manager categories were created by the Agency after legal advice and extensive consultation with stakeholders in 2012 to allow for standardised comparison and analysis across organisations and sectors. The WGEA manager categories are based on responsibilities rather than rank to the CEO. However, these categories do also not necessarily align with management categories used internally by organisations.

Data on the composition of leadership by gender is important to understand progress through the leadership pipeline and identify the continued challenges to increasing the proportion of women in leadership. It is especially important to capture gender differences in top management roles with strategic responsibilities because research shows that women tend to work in support roles rather than in strategic decision-making roles.⁹¹ However, most CEOs are appointed from the latter.

The Agency sees it as prudent to assess, in consultation with employers, the best approach to collecting agreed data on management levels and categories. Optimising the standardisation of manager categories will improve the value of benchmarking for employers. This would result in more meaningful comparative data for employers and Agency analysis and reduce the reporting burden by combining or potentially eliminating one of these reporting requirements.

GEI 2: Gender composition of governing bodies of relevant employers

Recommendation 12: The Agency recommends making mandatory the collection of disaggregated data on the composition and equity status of partners in firms with partnership structures.

While data on partners is collected under this GEI, it is not broken down sufficiently by full-equity and part-equity. The low representation of women as full- and part-equity partners in partnership structures is an ongoing gender equality issue. The lack of granularity in the Agency's dataset on partners in partnership structures means that data related to the representation of women in leadership are incomplete.



For the 2020-21 reporting period, the Agency asked relevant employers to provide, on a voluntary basis, disaggregated gender composition data on full-equity, part-equity and non-equity partners by gender and management category as well as by employment status. Employers could provide this data in gender disaggregated format or non-disaggregated format. A small number of partnership organisations provided this voluntary data point.

By indicating whether a partner is a full-equity, part-equity or non-equity partner, in a gender-disaggregated format, organisations and the Agency can understand in more relevant detail challenges to women's representation in leadership, particularly career progression across different partnership levels. This data will identify representation and progress through the leadership pipeline within partnership structures for women and men. The data would also inform educational material on occupational gender segregation and improving gender balance in partnership structures.

GEI 3: Equal remuneration between women and men

Recommendation 13: The Agency recommends making the collection of remuneration data for Chief Executive Officers (CEOs) or the equivalent mandatory.

The absence of the highest earners in Australian workplaces from the Agency's dataset means that statistics related to remuneration between women and men, including the gender pay gap, are incomplete.

Currently, relevant employers are not required to provide remuneration data for their CEOs, or equivalent, under the Act. However, prior to changes made to the Legislative Instrument in 2015, employers were required to report CEO or equivalent salary to the Agency. In addition, some employers have continued to provide this data on a voluntary basis. For instance, for the 2020-21 reporting period, 51.3% of employers provided remuneration data for the CEO on a voluntary basis. Organisations smaller in size were more likely to provide this data voluntarily than larger organisations. The Agency does not expect this data point to increase the reporting burden on employers.

The collection of this data would provide more accurate statistics on the gender pay gap in Australia. The Agency notes that the data may be less valuable for individual organisations and assessment of organisational gender pay gaps, but the data is important for sector-wide analysis. It would enhance the Agency's research and analysis, including providing insights on the superannuation savings gap. The collection of this data would contribute to the research on women in leadership and executive pay, including the interactions among gender, executive pay, and industry and organisational pay gaps. Research shows that a gender pay gap exists for executive positions in Australia.⁹² The Agency's dataset could analyse executive gender pay gaps at industry level and assess how these function as indicators for progress against other GEIs.

The Agency does not recommend making CEO remuneration public, rather including it in gender pay gap and other remuneration calculations.

Recommendation 14: The Agency recommends that the Act require employers to report remuneration data on partners in partnership structures.

Partners in partnership structures are highly paid⁹³ and are more often men.⁹⁴ The absence of these high earners from aspects of Australia's gender equality reporting means that statistics related to the gender pay gap are incomplete. Further, partnership structures regularly occur in industries which already have some of the highest gender pay gaps, such as legal and accounting firms. The Agency's 2019-20 dataset shows that the Legal and Accounting Services group has a full-time gender pay gap of 18.9%, and this does not include partner remuneration.

In general, remuneration data on partners has not been reported to the Agency as a partner is not considered an employee of a business but a part owner. Partners in partnerships are only included in reporting salary to the Agency if they are non-equity partners and also employees. This means that complete information on remuneration of partners is missing from the Agency's dataset.

The Agency wants to capture the remuneration of all partners in its dataset. Data on the remuneration and gender composition of partners would contribute to the understanding and analysis of the gender pay gap in sectors and organisations with partnership structures.

Recommendation 15: The Agency recommends that employers no longer provide full-time equivalent annual earnings for part-time and casual employees, but report on the actual earnings of part-time and casual employees as well as the number of hours employees are engaged.

Collecting salary data on the number of hours worked and the actual amount paid by part-time and casual employees will ease the reporting burden for employers and provide the Agency with a better understanding of this workforce.

Currently, relevant employers are required to report on annualised, full-time equivalent base salary and total remuneration for part-time and casual employees. This was created to enable direct comparison between full-time, part-time, and casual earnings. However, the calculation of full-time equivalent annual earnings for part-time and casual employees is time-consuming for employers and creates a significant number of data errors.

The Agency recommends that employers report on the actual earnings of part-time and casual employees (including base salaries and total remuneration). For part-time employees this data should be provided in combination with the usual working hours per employee and where necessary the starting date. For casual employees, the actual earnings data should be provided in combination with the actual hours worked. Although the Agency would prefer to have data on actual hours worked for part-time employees, the Agency has received feedback that reporting this data may be similarly time-consuming for employers. This should be clarified in consultation.

Data on actual earnings and the number of working hours means that WGEA data collection for part-time and casual employee earnings:

- aligns with ABS collection method of part-time earnings (collects: ordinary hours paid for and overtime pay)
- aligns closely with STP data collection standards of ordinary hours paid for and other payments
- improves the accuracy and consistency of salary data as manual calculation by employers is removed
- reduces the burden for businesses by simplifying the process because the manual calculation of annualised, equivalent full-time earnings of part-time and casual employees is removed.

Data on the usual hours part-time workers are engaged will improve understanding of gender equality in part-time employment, a section of the workforce that is highly feminised. The hours worked will provide a more nuanced definition of the extent of part-time and casual employment.

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

Recommendation 16: The Agency recommends that information be collected on employees, disaggregated by gender, employment status, and manager/non-manager category, who have access to employer-funded paid parental leave for primary carers and secondary carers and the eligibility period for access.

Collecting data on access to employer-funded paid parental leave, disaggregated by gender, employment status, and manager/non-manager category, will identify the proportion of employees within an individual organisation covered under an employer-funded paid parental leave policy. This means providing information in the questionnaire on whether full-time, part-time, permanent, contract, and/or casual workers have access to employer-funded parental leave by gender and manager/non-manager category. This would build the data evidence on whether women's over-representation in part-time and casual employment affects their access to employer-funded parental leave.

Currently, individual employers are required to calculate and report on the proportion of the workforce who have access to employer-funded paid parental leave for primary carers and secondary carers.⁹⁵ This data appears inaccurate to the Agency, and the Agency does not have insights into which employee categories have access to employer-funded parental leave.

Amending this requirement to the one recommended removes the burden on employers to manually calculate the proportion of the workforce with access to employer-funded paid parental leave and would also highlight potentially varying approaches for different categories of employees. In addition, the new way of asking for information will improve data accuracy and use.

Recommendation 17: The Agency recommends that employers report whether they pay superannuation when an employee is on paid, unpaid, employer-funded and/or government-funded parental leave.

Women in Australia retire with less superannuation savings than men. This is a result of gender discrimination, bias and norms that impact women's engagement in the workforce and contribute to women's lower lifetime earnings. Women are more likely to work part-time and in precarious forms of employment and are more likely than men to take time out of the workforce for unpaid caring responsibilities.⁹⁶

Compulsory superannuation has provided women with greater access to retirement income. However, the current framework does not fully account for women's experiences in the workplace.⁹⁷ The majority of primary carers and those providing care for children are women.⁹⁸ The government-funded paid parental leave scheme does not attract the Superannuation Guarantee. However, an employer may elect to make superannuation contributions voluntarily during an employee's parental leave time.⁹⁹

For the 2020-21 reporting period, the Agency asked employers, on a voluntary basis, to state whether they pay superannuation for employees on parental leave, both paid and unpaid. 60.1% of employers provided this data. The Agency seeks to make this question mandatory for reporting to the Agency, in order to highlight best practice for paid parental leave.

This data will provide evidence of best practice and of employers' contribution to closing the superannuation savings gap. Paying superannuation for employees that are on parental leave also drives competition among employers as a key area for attracting and retaining talent, ultimately leading to better gender equality outcomes.

Recommendation 18: The Agency recommends collecting data on partners who cease employment during, or at the end of, a period of parental leave.

Like the recommendation made with respect to GEI 1, data on the number of partners who cease employment during, or at the end of, a period of parental leave will increase the granularity of data about career trajectories in senior leadership and partnership structures.

Currently, the Legislative Instrument requires employers to report on the proportion of employees who took a period of parental leave who ceased employment during, or at the end of that period (including where the parental leave is taken continuously with any other leave type), by gender and manager/non-manager category.¹⁰⁰ To the extent that partners in partnership structures are not considered employees, they are not currently captured by this requirement in the Legislative Instrument under GEI 4.

This data will highlight the experiences and choices in relation to parental leave and the return to work amongst partners. It will also enable benchmarking with other industries.

GEI 5: Consultation with employees on issues concerning gender equality in the workplace

Recommendation 19: The Agency recommends that employers report on the action taken as a result of employee consultation.

One of the principal objects of the Act is to foster workplace consultation between employers and employees on issues concerning gender equality in employment and in the workplace. Regular, meaningful and consistent consultation practices can ensure that employers remain aligned with employee expectations as well as changes in the broader community.¹⁰¹ Several gender equality reporting schemes in other countries require consultation with employees or employee representatives,¹⁰² indicating the importance of employee consultation to achieving gender equality outcomes in the workplace.

The Act requires employers to report on whether they have consulted with employees, how the consultation was conducted, and who was involved. Since reporting to the Agency under the Act began, there has been little change in the proportion of employers who are consulting with employees on issues concerning gender equality. In 2019-20, 53.9% of employers reported consulting with employees. It increased only 0.8 percentage points from the previous year.¹⁰³

These statistics, however, do not capture what action, if any, an employer takes as a result of employee consultation. This means that organisations may be missing out on many of the benefits of providing employees ownership in their workplace's gender equality initiatives. These benefits include increased productivity, attraction and retention of staff and decreased disputes.¹⁰⁴

The Agency is of the view that asking employers about different actions taken as a result of consultation will drive organisational behavioural change towards more employee engagement. This is because currently employers are asked what actions were taken as a result of a pay gap analysis and this data has shown to lead to organisations taking action. Between 2014-15 and 2019-20 the proportion of employers taking action as a result of a pay gap analysis has increased by 14.5 percentage points.

This data will provide evidence of best practice among employers on employee consultation. It can drive competition among employers by attracting and retaining talent and increase the Agency's understanding about the types of gender equality issues which employers and employees are working to address. This will allow the Agency to refine its educational role in providing resources and advice to employers. Taken together, it will move the Agency's data on consultation from a



passive reporting requirement to one that shows whether employers are actively engaging on gender equality with their employees.

For noting: The Agency will ask employers to report on the date their gender equality reports were shared with employees and shareholders.

Under the Act, employers are required to make public reports accessible to employees and shareholders or members. To date, the Agency has not tracked whether employers are meeting this requirement, which is significant for compliance with the Act and for intra-organisational transparency and accountability on gender equality. Therefore, the Agency plans to ask employers when they shared their report with employees, shareholders and/or members. This means, that when reporting in 2022, employers will be asked on what date they shared their 2020-21 report as part of the reporting questionnaire. They will also have the opportunity to share further evidence in an open text box.

GEI 6: Other matters specified in an instrument under subsection (1A)

Recommendation 20: The Agency recommends that employers report on the provision and frequency of workplace training on sex-based harassment and discrimination prevention for the whole workforce.

Sex-based harassment and discrimination are important workplace gender equality issues. Any individual may experience sex-based harassment and discrimination in the workplace, and it can occur at any stage of the employment cycle. This negatively impacts employees and employers as well as the Australian economy.¹⁰⁵

Workplace culture impacts the existence of harassment at work,¹⁰⁶ and training can inform workplace culture. Research finds that employee training across all levels of an organisation contributes to a workplace culture with improved recognition of sexual harassment issues.¹⁰⁷ In addition to policies, training sets expectations for behaviour and processes in the workplace and demonstrates organisational commitment to addressing workplace harassment.¹⁰⁸

Relevant employers are only required to report on the provision and frequency of sex-based harassment and discrimination prevention training for managers. For the 2020-21 reporting period, the Agency asked employers to submit data on the provision and frequency of workplace training on sex-based harassment and discrimination prevention for all employees, on a voluntary basis. 86.6% of employers voluntarily responded to this question in 2020-21 reporting. This suggests that employers can provide this information and it does not increase the reporting burden.

Given the high rates of sex-based harassment and discrimination in the workplace, all employees must be aware of the responsibilities and protections provided when witnessing or experiencing harassment and discrimination. The Agency anticipates that data collection on training for all employees will encourage a whole-of-organisation approach to addressing and reducing the incidence of gender-based harassment, sex-based harassment and discrimination. A whole-of-organisation approach to training is effective for increasing understanding and awareness, changing organisational culture and improving outcomes.¹⁰⁹

As noted with respect to Recommendation 5 and the importance that the language of the Act reflect best practice, references to sex-based harassment and discrimination in the Act should also account for issues of gender-based harassment and discrimination.

Recommendation 21: The Agency recommends that sex-based harassment and discrimination is specified as GEI 6.

Following from this, the Agency recommends that additional data is collected with respect to this GEI as specified by the Respect@Work Council.

The Agency also recommends that an additional GEI (GEI 7) be added to account for other matters specified by the Minister.

Sex-based harassment and discrimination are important workplace and gender equality issues. The Australian Human Rights Commission's 2018 National Survey on sexual harassment in Australian workplaces finds that one-third of Australians have experienced sexual harassment in the workplace in the past five years, and women are more likely to experience workplace sexual harassment than men.¹¹⁰ The persistence of sex-based harassment and discrimination in the workplace impacts women's full participation in the workforce,¹¹¹ and reflects and reinforces the norms, structures and biases that contribute to gender inequality.¹¹²

The Agency, however, only collects limited data with respect to sex-based harassment and discrimination. Employers report on the existence of a formal policy and/or strategy on sex-based harassment and discrimination prevention, whether a grievance process is included in the policy and/or strategy, and whether training is provided to all managers on sex-based harassment and discrimination. As noted above, for the 2020-21 reporting period the Agency asked employers to voluntarily provide data on the provision and frequency of training on sex-based harassment and discrimination prevention for all employees.

The Agency acknowledges the need to focus on workplace sex-based harassment and discrimination and recommends establishing a specific GEI 6. This strengthens and supports the collection and analysis of additional data on workplace sex-based harassment. The Government has agreed to Recommendations in the *Respect@Work Report*. This will likely impact the Agency's data collection.

The Government has agreed to Recommendations 42 and 46 from the *Respect@Work Report*. Specifically, that the Respect@Work Council develop a set of good practice indicators and methods for measuring and monitoring sexual harassment prevalence, prevention and response and that WGEA work with the Respect@Work Council to consider how good practice indicators for measuring and monitoring sexual harassment prevalence, prevention and response may apply to reporting in relation to sexual harassment under the Act. The Agency is working with the Respect@Work Council regarding these agreed recommendations.

In addition, the Agency should be considered to support other Recommendations from the *Respect@Work Report* that relate to data collection, specifically Recommendation 3 – Agencies that handle workplace sexual harassment matters work with the Respect@Work Council (as recommended in Recommendation 14) to: (a) collect an agreed de-identified dataset relating to workplace sexual harassment enquiries, complaints, claims and settlement outcomes to contribute to a coordinated system of annual reporting on workplace sexual harassment metrics and (b) establish formal arrangements for information sharing and data exchange on enquiries, complaints and claims relating to workplace sexual harassment matters.

To account for matters specified by the Minister, the Agency recommends the addition of GEI 7. This indicator could accommodate any future data or questions required to be collected.



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

Recommendation 22: The Agency recommends mandatory data collection on gender and intersecting forms of diversity, including employee age (year of birth), primary work location, Aboriginal and/or Torres Strait Islander background, cultural background, and disability.

Gender can intersect with other aspects of an individual's identity to compound the disadvantage and inequality the individual faces,¹¹³ including in the workplace.¹¹⁴ Systemic discrimination and bias, whether conscious or unconscious, can create inequalities at every stage of the employment cycle.¹¹⁵

Gender and its intersection with other forms of identity is a growing yet still understudied area of research, leaving organisations with fragmented approaches and understanding.¹¹⁶ Research indicates that workplaces do not necessarily address diversity and inclusion from a holistic and intersectional lens,¹¹⁷ and clarity is lacking on what organisations mean by diversity and inclusion.¹¹⁸ Yet diversity and inclusion contributes to improved organisational performance, innovation, and profitability, increased employee satisfaction, and fewer incidents of harassment and discrimination at work.¹¹⁹ Measurement is required for organisations to begin "effectively capitalising" on diversity.¹²⁰

Under the Act, the data the Agency collects relates to the relative position of women and men in the workplace and does not extend to other demographics. For the 2020-21 reporting period, the Agency collected voluntary data on employee age (year of birth) and primary workplace location of each employee.

The Agency recognises that how employees experience multiple and intersecting forms of bias, discrimination, and disadvantage at work is important for gender equality. In addition, the Agency is often asked about the absence of intersectional understanding from its dataset. Employers have expressed an interest in this data to the Agency. The APSC currently collects data on Aboriginal and/or Torres Strait Islander background and disability as well as data relevant to cultural background from public sector agencies reporting to them.¹²¹ Similarly, public sector reporting under the *Gender Equality Act 2020* (Vic) encourages consideration for intersectionality, including data collection on Aboriginality, age, disability, ethnicity, gender identity, race, religion, and sexual orientation.¹²²

The Agency could work with employers and other key stakeholders on setting standards for data collection in this area. Collecting data which encourages employers to take an intersectional approach is critical for understanding the state of workplace gender equality and developing more targeted measures to address gender inequality in the workplace.¹²³

The Agency has stated its recommendation that data points on employee age (year of birth) and primary workplace location should be made mandatory with respect to question 4 above. Therefore, the below sections highlight the importance of gender disaggregated data with respect to Aboriginal and/or Torres Strait Islander background, cultural background, and disability.

Aboriginal and/or Torres Strait Islander Background

As a result of intersecting historical, social, cultural, geographic and economic factors, Indigenous Australians' employment rates and outcomes remain lower than that of non-Indigenous Australians.¹²⁴ Rates of workplace discrimination and harassment are also high among Indigenous Australian workers.¹²⁵ Research documenting the experiences of Aboriginal and/or Torres Strait



Islander workers shows the impact of identity strain,^{xiv} racism and exclusion at work and the ineffectiveness of current workplace supports.¹²⁶

Aboriginal and/or Torres Strait Islander women are particularly underrepresented in the workforce.¹²⁷ They also have less support in culturally unsafe workplaces and face the highest cultural load.^{xv, 128}

One method for data collection, based on research from Diversity Council Australia, outlines an Australian-specific approach for collecting data on cultural diversity.¹²⁹ This approach accounts for Australia's unique history and recommends first asking employees about their Aboriginal and/or Torres Strait Islander background.^{xvi} WGEA consultation with employers and key stakeholders would further define the Agency's approach for collecting data on Aboriginal and/or Torres Strait Islander background from employers.

Cultural Background

Australia is a culturally and linguistically diverse nation,¹³⁰ yet women and men from diverse groups often face particular challenges in the workplace. For instance, women and men from culturally and linguistically diverse backgrounds are over-represented in low paid and insecure work, facing intersecting obstacles to employment such as language barriers, social exclusion, and financial insecurity.¹³¹

Culturally and linguistically diverse women have a significantly lower rate of workforce participation when compared to culturally and linguistically diverse men.¹³² Culturally and linguistically diverse women have reported that their organisations undervalue their leadership abilities and that cultural barriers inhibit their ambitions at work.¹³³

While the benefits of cultural diversity in the workplace are well established,¹³⁴ the Agency is not aware of a dataset that provides information on how gender and cultural background intersect in Australian workplaces. Data collection on cultural background in the Australian workplace is complex given the multiple ethnic identities or ancestries of many Australians, and it has lacked clear definition and a standardised approach that is inclusive, accurate and meaningful.¹³⁵

Recent research from Diversity Council Australia¹³⁶ and the ABS Australian Standard Classification of Cultural and Ethnic Groups (ASCCEG)¹³⁷ provide guidance in this area. Consultation with employers and key stakeholders would further define the Agency's approach for collecting data on cultural background from employers.

Disability

In Australia, people with disability have lower rates of labour force participation and employment and higher rates of unemployment than people without disability.¹³⁸ People with disability are also more likely to experience workplace sexual harassment when compared to other workers,¹³⁹ and have less trust in their organisations to treat them fairly.¹⁴⁰

^{xiv} Identity strain "refers to the strain employees feel when they themselves, or others, view their identity as not meeting the norms or expectations of the dominant culture in the workplace. The concept draws on literature, demonstrating members of minority groups expend effort and energy managing their identity in the workplace to avoid the negative consequences of discrimination, harassment, bias and marginalisation." (Evans, O (2021), Gari Yala (Speak the Truth): gendered insights, WGEA Commissioned Research Report in partnership with the Jumbunna Institute of Education and Research and Diversity Council Australia, Sydney, Australia.)

^{xv} Cultural load "is the (often invisible) load borne by Aboriginal and Torres Strait Islander people in the workplace, where they are either the only Indigenous person or one of a small number of Indigenous people. This creates an additional workload associated with, for instance, being consistently expected to respond to all things relating to Aboriginal and/or Torres Strait Islander people in the workplace and speak on behalf of all Aboriginal and Torres Strait Islander people." (Evans, O (2021), Gari Yala (Speak the Truth): gendered insights, WGEA Commissioned Research Report in partnership with the Jumbunna Institute of Education and Research and Diversity Council Australia, Sydney, Australia.)

^{xvi} DCA guidelines recommend that organisations ask whether employees identify as 'Australian Aboriginal', 'Torres Strait Islander', 'Both Australian Aboriginal and Torres Strait Islander', and 'Not Indigenous Australian' or are 'unsure' or 'prefer not to say.' (see Diversity Council Australia/University of Sydney Business School (D'Almada-Remedios, R, Groutsis, D, Kaabel, A & O'Leary, J) (2021), Counting Culture: Towards a Standardised Approach to Measuring and Reporting on Workforce Cultural Diversity in Australia, Sydney, Diversity Council Australia)



Women with disability are less likely to be employed than men with disability, and women with disability in the workforce are more likely to be in lower-paid jobs, work part-time, be underemployed, and work in more precarious and vulnerable forms of employment.¹⁴¹ Research suggests that women may choose to conceal disability in the workplace in order to avoid compounding their disadvantage (as both a woman and a person with disability) when seeking to advance.¹⁴²

The Agency is not aware of a dataset that provides information on how gender and disability intersect in Australian workplaces. Data is often brought together from various sources,¹⁴³ and recently the Commonwealth and state and territory governments have been working together to develop and pilot a National Disability Data Asset (NDDA), with the aim to improve outcomes for people with disability through better linked data.¹⁴⁴

In the workplace, there are barriers to successful data collection in this area. These include that a worker may not disclose a disability because they do not need a workplace adjustment, believe it does not impact their performance,¹⁴⁵ or out of fear and nervousness about a negative reaction.¹⁴⁶ Research involving 51 global organisations finds that 67% of organisations are collecting disability data, and of those who are not collecting this data, 44% of organisations were committed to doing so in the next 18 months.¹⁴⁷

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?

Recommendation 23: The Agency recommends that data on individual organisations gender pay gaps (base salary and total remuneration), in percentages and dollar figures and by gender pay gap and workforce composition quartiles, be included in its public dataset.

Increased transparency in Australia's gender equality reporting can promote accountability for workplace gender equality and drive reductions in the gender pay gap. Transparency is "a vital first step" towards addressing the discrimination that contributes to pay gaps and other workplace inequalities.¹⁴⁸ Increased transparency can cause organisations to assess systems and processes for pay, job evaluation and performance.¹⁴⁹ Publishing individual organisations gender pay gaps can also generate stakeholder engagement and pressure and inform investment decisions.¹⁵⁰ Without organisational gender pay gaps – "arguably the most important variable" – in the Agency's public dataset, the dataset is less useful for improving gender equality outcomes.¹⁵¹

Transparency in Australia's gender equality reporting has been described as "medium".¹⁵² The Agency reports the gender pay gap at an aggregated level, by industry and across the whole dataset. All other organisational data, except remuneration data, is made public and can be viewed at the individual organisation or aggregate industry level. The Act specifies that remuneration data at an organisation level is confidential.

There are varying levels of transparency in other countries' gender pay gap reporting schemes. For instance, individual organisation gender pay gaps are made public in the United Kingdom while gender pay gap reports remain confidential in Belgium.¹⁵³ In France, employers report against indicators to calculate and publish a score out of 100 points, which has been seen as a motivator for some employers to be among the top performers.¹⁵⁴ In the United Kingdom, increased transparency has acted as an "information shock" that attracts public attention and highlights potential reputational risk for employers.¹⁵⁵

The variation in reporting schemes and contexts and lack of longitudinal and comparative data means that the evidence base for assessing trends and the specific impact of organisational gender pay gap transparency is still emerging. Overall, the research indicates that the impact is context specific. Preliminary studies have identified varying effects, including pay compression of



high earners,¹⁵⁶ increases to female wages,¹⁵⁷ and change in workplace gender composition due to women progressing to higher wage brackets.¹⁵⁸

The Agency recommends removing the confidentiality of individual organisation gender pay gaps on base salary and total remuneration and enabling the publishing of this data alongside the other public indicators. This means including an individual organisation gender pay gap expressed as a percentage as well as the average dollar difference between the earnings of employees by gender. The Agency should also provide the gender pay gap and workforce composition by quartiles. This means providing data on the gender pay gap for the organisation's highest paid quarter, upper middle quarter, lower middle quarter, and lowest paid quarter, along with the gender composition of each pay quarter (by percentage). The Agency would account for issues of privacy, particularly for smaller-sized companies, prior to the publication of data by quartiles. This recommendation for gender pay gap transparency generally aligns with data outputs in the United Kingdom's gender pay gap reporting,¹⁵⁹ with the addition of the gender pay gap by quartiles. The Agency does not recommend making the salary and remuneration of individual employees public.

Initial consultation with employers indicates that the majority are prepared to make their organisation gender pay gap publicly available.

The Agency appreciates the potential challenges and concerns over publishing individual organisation gender pay gaps and gender pay gap data by quartiles, given that the measure relates to pay and remuneration. The research on pay transparency reports the potential for both positive and detrimental effects on employee morale, productivity, and engagement.¹⁶⁰

At the same time, global research on inclusion at work finds that best practice companies are transparent in processes and criteria for promotions and pay. These companies' financial performance links positively to gender diversity and ethnic diversity.¹⁶¹

Taken together, the Agency is of the view that publishing organisation-wide gender pay gaps and gender pay gap data by quartiles is important to promoting and improving gender equality outcomes in Australian workplaces and accelerating the pace of change. At minimum, transparency in organisational gender pay gap data can initiate a conversation among employers, employees, and the public about the gender pay gap. To realise beneficial outcomes for employers and employees, the Agency will set the publication of gender pay gap data within a robust educational framework.

Recommendation 24: The Agency recommends that relevant employers report against one 'snapshot' date in order to improve comparability of the data.

Currently, relevant employers can report data on the gender composition of their workforce at any point in time in the 12-month reporting period between 1 April and 31 March. Allowing employers to self-select the date can minimise the comparability of the dataset within a reporting period and across years.

For instance, a reporting organisation could essentially submit the same report for two consecutive years by virtue of the self-selected date. In the past, the Agency has had a small number of companies do this by using 31 March as the 'snapshot' date one year and 1 April as the 'snapshot' date in the following year. This has consequences for year-on-year comparisons and analysis. The self-selected date also minimises the comparability of the data across organisations and sectors within a reporting period. For instance, WGEA data and analysis may have particular importance in instances where the labour force experiences a shock.



Recommendation 25: The Agency recommends that it be able to specify the mechanism which employers must use for reporting to the Agency.

The Agency prefers that employers report through its online platform to streamline the process for reporting and data analysis. However, every year, some organisations opt for offline reporting, requiring manual input by Agency staff.

The Act should make it clear that the Agency has the discretion to specify the mechanism for reporting, while also being technology neutral, meaning not prescribing the specific technology used for reporting, in order to future-proof the legislation.¹⁶²

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?

Recommendation 26: The Agency recommends, where possible, using Single Touch Payroll (STP) data to enhance gender equality statistics and reduce employer reporting burden.

STP is a system managed by the Australian Taxation Office (ATO) which is intended to simplify reporting of tax and superannuation information by employers to the ATO. The purpose of STP is “to reduce employers’ reporting burdens to government agencies.”¹⁶³ With STP, employers report employee salaries and wages, pay-as-you-go withholding tax, and superannuation each time an employee is paid using STP-enabled software. STP was first introduced in 2018 for employers with 20 or more employees on 1 July 2018 and then employers with 19 employees or less on 1 July 2019. The use of STP by employers is mandatory. The data collected from STP and further refinements will be made from 1 January 2022.¹⁶⁴

The value of using STP data by other Government agencies has been demonstrated. Since the beginning of the COVID-19 pandemic, the ABS has published the Weekly Payroll Jobs and Wages in Australia series using STP data. This has been released on a fortnightly basis to report changes in the number of payroll jobs and total wages paid. It has provided additional insight into the impact of the pandemic on the labour force.¹⁶⁵ STP data can inform “more timely releases of information...[to] highlight recovery, deterioration or stability in the labour market,”¹⁶⁶ which complement other statistical surveys.

The Agency’s use of STP data has benefits for data quality and reducing the reporting burden for relevant employers. However, usage of STP data has some limitations, and therefore, it requires investment in establishing infrastructure, management systems and detailed data knowledge to process the STP dataset for statistical users. It requires inter-government collaboration and careful assessment of the impact on data outputs.

As STP data is not designed for WGEA reporting purposes, it does not contain all the variables that WGEA currently collects. In order to ensure that the Agency does not lose important granularity in the WGEA dataset, using STP data would require other data to be integrated with the STP dataset.

The Agency sees the potential benefits of using STP data for gender equality reporting as three-fold. These are:

1. reduction in reporting burden for employers,



2. increased consistency in the data collected, and
3. improved identification of which employers are 'relevant' for the purposes of the Act.

The use of STP data eliminates manual reporting of remuneration data by employers to the Agency. It will also ensure the comparability of data across WGEA reporting cycles and result in meaningful analysis to employers. The ATO can also advise the Agency when an employer has 100 or more employees. Identifying whether an employer reaches the 100-employee threshold, and therefore becomes a 'relevant employer', is currently a manual process for the Agency.

Given the potential for using STP data, the Agency aligned remuneration categories with the STP categories when building the Agency's new reporting platform. With STP, the Agency could also report insights about the gender pay gap more regularly in light of changes to the labour force, should amendments to the Act permit this.

The usefulness of STP data for measuring and analysing the state of gender equality in Australian workplaces also comes with important caveats.

- Firstly, not all data points are available through STP.^{xvii} The absence of some data points from the Agency's dataset and analysis would make using only STP data less meaningful to employers and less flexible in meeting stakeholder expectations. Although the Agency would continue to collect these data points separately through its own platform, the data would not be linked to an individual employee. While it is unlikely that the ATO and WGEA will have a shared employee identifier, a way to link the data needs to be found to fully realise the potential of the STP data and maintain the Agency's world-leading dataset.
- Secondly, organisations will have less control of the data reported to the Agency. While employers are reporting data to the ATO through the STP, they would not review the STP data before it was reported to, and analysed by, the Agency. The Agency can see the potential for this process to affect employer trust in the data and its findings.

Other changes to reduce the regulatory burden on employers include Recommendation 15 (that employers no longer provide full-time equivalent annual earnings for part-time and casual employees, but report on the actual earnings of part-time and casual employees as well as the number of hours employees are engaged) and Recommendation 16 (that information be collected on employees, disaggregated by gender, employment status, and manager/non-manager category, who have access to employer-funded paid parental leave for primary carers and secondary carers and the eligibility period for access).

^{xvii} For instance, data on Aboriginal and/or Torres Strait Islander background, cultural background, and disability are not available through STP. STP does not have annualised amounts for part-time and casual remuneration.



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?

Recommendation 27: The Agency recommends that the *Workplace Gender Equality (Minimum Standards) Instrument 2014 (Minimum Standards)* require employer action and progress on gender equality. This includes reporting to the Board/Governing Body on the Executive Summary report and Industry Benchmark report provided to employers by the Agency.

The minimum standards provide an opportunity to require all employers who report to the Agency to take action to improve gender equality in their respective workplaces. The minimum standards in their current form are not effective at making progress towards gender equality in the workplace. Almost all relevant employers, regardless of employee size, meet them easily.

The minimum standards require relevant employers with 500 or more employees to meet a minimum standard for gender equality. These employers must have one policy and/or strategy in place to support one or more of the GEIs outlined in the minimum standards with the aim to achieve the objective against the GEI, as listed in Table 1.

Table 1: GEIs and objectives specified in the Minimum Standards

GEI	Objective
Gender composition of the workforce	Supporting gender equality in the Employer's workplace
Equal remuneration between women and men	In relation to employees of the Employer, equal remuneration between women and men
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	Flexible working arrangements for employees of the Employer with caring responsibilities
Sex-based harassment and discrimination	Sex-based harassment and discrimination prevention in the Employer's workplace

The 2019-20 WGEA dataset shows that all employers with 500 or more employees met the minimum standards. This is likely because most organisations (99.6%) have a policy or strategy in place for the prevention of sex-based harassment and discrimination. The Agency dataset also shows that most organisations (99.2%) with less than 500 employees are already meeting the minimum standards. Similarly, almost all relevant employers with less than 500 employees (98.1%) have a policy or strategy in place for the prevention of sex-based harassment and discrimination.

Despite high compliance with the minimum standards among employers, the gender pay gap persists, rates of sex-based harassment and discrimination remain high, and women remain underrepresented in senior leadership. In short, the current minimum standards are of little value to improving the state of gender equality in Australian workplaces and need to be amended. It is clear that the requirement to have a policy or strategy in place to address gender equality objectives, while necessary, is not sufficient to achieve change.

Therefore, the Agency recommends amendments to the minimum standards that will encourage employer engagement and outcomes for gender equality.¹⁶⁷ In the Agency's view, this includes, at a minimum, reporting to the board/governing body the Executive Summary and Industry Benchmark reports provided to employers by the Agency that reflect their workplace data submitted to WGEA. Leadership commitment and ownership is integral to the success of a gender equality strategy within the workplace,¹⁶⁸ and is a consistent feature of best practice in workplace gender equality.¹⁶⁹ The Agency's engagement with industry bodies and employers reinforces the importance of leadership.

The move towards action-based minimum standards that deliver outcomes for gender equality is not straightforward and the evidence base is emerging. Recent research recommends an outcomes-based minimum standard that relates to reducing the gender pay gap for Australia.¹⁷⁰ In France, employers have to demonstrate results against an Index for measuring and correcting pay inequity.¹⁷¹

In preparation for this submission, the Agency has not held the necessary consultation and detailed conversations required in order to recommend minimum standards that can guarantee effectiveness and genuine employer action for gender equality. The Agency does, however, detail the below as elements for consideration in order to both utilise the current infrastructure of the minimum standards and encourage increased employer action.

Employers must have a policy or strategy in place to support all four of the GEIs

The areas specified in the minimum standards are all important to progressing gender equality outcomes, and the Agency thinks that employers must have a policy and/or strategy in place to support each of the GEIs covered in the minimum standards (for a total of four policies and/or strategies).

Based on the 2019-20 dataset, 49.8% of all employers in the Agency's dataset would meet a minimum standard requiring employers to have a policy or strategy in place to support all four of the GEIs (44.1% of employers with less than 500 employees and 62.1% of employers with 500 or more employees). Table 2 shows the proportion of employers who have a policy and/or strategy in place against each of the GEIs specified in the minimum standards.

Table 2: The proportion of employers who have a policy and/or strategy to support the GEIs and objectives specified in the minimum standards, WGEA's 2019-20 Dataset

Gender Equality Indicator	Employers with 500 or more employees	Employers with less than 500 employees
Policy and/or strategy to support gender equality	95.5%	89.4%
Policy and/or strategy related to equal remuneration between women and men	74.2%	59.0%
Policy and/or strategy to support flexible working arrangements	76.7%	64.9%
Policy and/or strategy to prevent sex-based harassment and discrimination	99.6%	98.1%
Met the minimum standard	100%	99.2%
Did not meet the minimum standard	0	0.8%

Employers must set one target against each GEI in the Minimum Standards and report progress against each target

In their current form, the minimum standards do not require action of employers but only ask about the existence of a policy and/or strategy. The Agency agrees with the view that “indicating that a policy is in place does not mean that it is being well executed.”¹⁷²

Specific, measurable and visible targets are important to drive business efforts and performance.¹⁷³ Actions through targets and measurable goals are important to bring about results,¹⁷⁴ and public goal setting establishes accountability and trust among employers, employees, and the community.¹⁷⁵

Therefore, the minimum standards could require employers to set a target against each of the GEIs specified in the minimum standards. Employers could set targets against data already reported to the Agency. For instance, targets could be set to increase the number of female managers, or decrease the gender pay gap for non-managers. Reporting targets against data already reported to the Agency would allow the Agency to measure progress against the target and does not increase the reporting burden on employers. Meeting targets within a reasonable timeframe would be the minimum standard.

The Agency also recommends a phased introduction of new minimum standards to ensure employers have adequate time to prepare and collaborate with the Agency.

The Agency acknowledges the potential of unintended consequences of this approach, such as employers setting low targets that are easily achievable, or masking progress through restructuring the way management categories are reported. As already mentioned, detailed consultation would be required to design a new action and progress based minimum standards.

All relevant employers must meet the Minimum Standards

The Agency's strong preference is for all employers to meet the minimum standards and, to date, almost all of them have. If the above is adopted, and employers set their own targets for gender equality, the Agency is of the view that all employers should be expected to meet the minimum standards. The final design of new minimum standards should consider whether a different approach is undertaken based on employer size.

Recommendation 28: The Agency recommends that it is funded to work closely with employers to understand and achieve the new action and progress based minimum standards as well as other changes to the Act.

Employers regularly provide feedback to the Agency that its guidance is valued as they make progress towards improved gender equality outcomes. Should enhanced minimum standards be introduced, the Agency will need to work with employers to develop and implement plans to achieve them. This will require additional dedicated staff to meet the anticipated demand from employers for assistance.

Recommendation 29: The Agency recommends that Item 2 in the minimum standards, addressing equal remuneration between women and men, be strengthened by articulating its objective as closing the gender pay gap.

The purpose of Item 2 in the minimum standards is equal remuneration between women and men. In its current articulation, the GEI and objective suggest that the focus is equal pay. Equal pay is when two people are being paid equally for work of the same or comparable value. In Australia, organisations are legally required to provide equal pay to employees who are performing work of equal or comparable value.¹⁷⁶ Rather, the intent of Item 2 in the minimum standards should be to address the difference between the average earnings of women and men in an organisation. This is the gender pay gap. Data shows that gender pay gaps in Australia have consistently favoured men.¹⁷⁷ Therefore, employer action to close the gender pay gap goes beyond ensuring equal pay. It requires a cultural shift within organisations and across the Australian workforce to remove barriers to women's full and equal participation in the workforce.¹⁷⁸

The Agency's 2019-20 dataset shows that a large proportion of employers meet the minimum standards by having a policy and/or strategy related to equal remuneration between women and men (see Table 2). However, employers are less likely to have a policy and/or strategy related to equal remuneration that also includes pay equity goals. Currently, 38.6% of employers with 500 or more employees and 22.4% of employers with less than 500 employees have a policy and/or strategy related to equal remuneration that also includes pay equity goals.

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?

Recommendation 30: The Agency recommends reviewing the Workplace Gender Equality Procurement Principles, including considering extending the coverage to all Commonwealth entities and companies, with the procurement threshold of \$80,000 (other than for procurements of construction services), and to apply the Principles within the Commonwealth Grants Rules and Guidelines.

The Agency is of the view that all employers can and should be compliant with the Act and makes every effort to assist employers in being compliant. However, compliance mechanisms and consequences for non-compliance are useful and signal commitment to gender equality. The Agency sees scope for clearer articulation and strengthening of the consequences for non-compliance with the Act.

There are two main consequences for non-compliance with the Act. Firstly, “the Agency may name the employer in a report given to the Minister or by electronic or other means”. The Agency has generally named non-compliant employers on its website and in its Annual Report. Companies do not wish to be named as non-compliant, and this motivates them to be compliant with the Act.

Secondly, non-compliant employers “may not be eligible for contracts under the Commonwealth procurement framework and may not be eligible for Commonwealth grants or other financial assistance”.¹⁷⁹ This means that relevant employers must demonstrate compliance with the Act when submitting a tender for certain Government contracts. This is outlined in the Workplace Gender Equality Procurement Principles (Principles) and supported by the Commonwealth Contracting Suite. The Principles provide thresholds whereby compliance with the Act is a requirement for a Government contract. If the value of a supplier’s contract falls below a related procurement threshold, the Principles do not apply. The current thresholds are:

- For non-corporate Commonwealth entities, other than for procurements of construction services, the procurement threshold is \$80,000.
- For prescribed corporate Commonwealth entities, other than for procurements of construction services, the procurement threshold is \$400,000.
- For procurements of construction services by relevant entities, the procurement threshold is \$7.5 million.

Overall, Australian employers are highly compliant with the Act. In the 2020-21 reporting period, 97.5% of relevant employers were compliant with the Act, indicating that the mechanisms and consequences for non-compliance with the Act generally work well. Australia’s compliance rate for gender equality reporting is high when compared to other countries.¹⁸⁰

At the same time, there are known instances where non-compliant organisations have received Government contracts¹⁸¹ because the contracted amount was below the related procurement threshold or the entity is not subject to the Commonwealth Procurement Rules. Over the past three years, the Agency has written to Commonwealth Departmental Secretaries advising them of the list of non-compliant organisations and requesting that departments contact any non-compliant organisations with whom they had a contract and advise them of their legal obligations under the Act. This prompted the compliance of a number of organisations.

The Principles provide a strong framework by which to encourage compliance with the Act. However, the Principles could be strengthened. The Agency recommends that there be a review of the Procurement Principles which gives consideration to treating non-corporate and corporate Commonwealth entities equally and that a mechanism is created that would extend the coverage of the Principles to all Commonwealth entities and companies. This means that the procurement threshold for all Commonwealth entities and companies, other than for procurements of



construction services, should be \$80,000 and the Principles would apply to a broader range of Government contracts.

More transparency is also required on whether recipients of Government grants or other financial assistance are compliant with the Act. A review of the Procurement Principles should consider how they apply within the Commonwealth Grants Rules and Guidelines and require grantees to be compliant with the Act.

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?

Recommendation 31: The Agency recommends that the title of the Director of the Agency be changed to CEO.

The Agency is a business-facing agency. The title of 'Director' in business has a different meaning than the way that the Agency uses it, and this has caused confusion. Changing the title to CEO of the Agency brings the role into alignment with the language of business. The title is also used by other Government agencies, including Safe Work Australia, Australian Office of Financial Management, and Australian Digital Health Agency.

Conclusion

The *Workplace Gender Equality Act 2012* has been valuable to understanding, promoting and improving workplace gender equality in Australia. The Act has provided for the Agency's world-leading dataset, which has become an important social and economic asset. Through this submission, the Agency identified a number of ways to build on the progress achieved, to enhance the dataset, to reduce the regulatory burden, and to drive change through amendments to the Act. While the Agency did not conduct specific consultation with employers and relevant stakeholders for the purposes of this submission, consultation is critical for the successful enactment of amendments to the Act. The Agency looks forward to the outcomes of the review of the Act and sees this review as an important opportunity for enhanced effort to promote and improve workplace gender equality and to accelerate the rate of change for achieving workplace gender equality in Australia.

Appendix 1: Summary of Agency research as it relates to the GEIs

The Workplace Gender Equality Agency (WGEA / the Agency) collects data on an annual basis from non-public sector employers with 100 or more employees against six gender equality indicators (GEIs).

The GEIs represent the most common areas where challenges to gender equality occur in the workplace. The data collected against each GEI is critical for understanding the state of workplace gender equality, monitoring progress, and identifying areas for improvement. It also informs the Agency's research and education agendas.

The findings from the Agency's dataset and research related to the Agency's dataset with respect to each GEI are outlined below.

GEI 1: Gender composition of the workforce

GEI 1 measures the gender composition of the workforce. Employers are required to report on the following:

- **The gender composition of their workforce.**
 - Over the past seven years, the gender composition of the Australian workforce has been balanced. In 2019-20, women made up 50.5% of employees in the dataset.
 - Women continue to be underrepresented at management levels in Australian workplaces. In 2019-20, women comprised 32.5% of all Key Management Personnel and 18.3% of CEOs.
 - Less than half (40.6%) of women employees are employed full-time, compared to over two-thirds (67.5%) of male employees.
- **Promotions, appointments, and resignations by gender.**
 - Data on promotions and appointments provides insights into the conscious and unconscious bias that pervades decision-making in the employment cycle. Resignation data further indicates the extent to which workplaces are creating environments that support and retain women.
 - In 2019-20, women received around half (48.9%) of all promotions. This figure is similar at management levels, with women receiving 47.3% of manager promotions. The majority (79.9%) of promotions were given to full-time employees.
 - In 2019-20, just over half (51.5%) of all appointments were women. This figure was slightly lower at management levels, with 44.7% of manager appointments being women.
 - In 2019-20, just over half (53.5%) of all resignations were by women. This figure was slightly lower at management levels, with 43.6% of manager resignations being women.
- **The existence of policies and/or strategies that support gender equality in the workplace.**
 - In 2019-20, 76.5% of employers had an overall gender equality strategy or policy. This is an increase of 10.3 percentage points over the past seven years.

What does the research tell us?

Bankwest Curtin Economics Centre (BCEC) and WGEA (2016), Gender Equity Insights 2016: Inside Australia's Gender Pay Gap, BCEC|WGEA Gender Equity Series, Issue #1; BCEC and WGEA (2017), Gender Equity Insights 2017: Inside Australia's Gender Pay Gap, BCEC|WGEA Gender Equity Series, Issue #2, available: <https://www.wgea.gov.au/publications/gender-equity-insights-series>.

- In 2016 and 2017, the research shows that increasing the representation of women in executive leadership roles, including governing bodies, is associated with declining organisational gender pay gaps.

BCEC and WGEA (2019), Gender Equity Insights 2019: Breaking through the Glass Ceiling, BCEC|WGEA Gender Equity Series, Issue #4 available:
<https://www.wgea.gov.au/publications/gender-equity-insights-series>.

- The 2019 report found that women are now progressing into management roles at a faster rate than men. If this growth continues, it will take two decades for women to have equal representation in full-time management positions. At a CEO level, we will not see gender parity for another 80 years.

Cassells R and Duncan A (2020), Gender Equity Insights 2020: Delivering the Business Outcomes, BCEC|WGEA Gender Equity Series, Issue #5, available:
<https://www.wgea.gov.au/publications/gender-equity-insights-series>

- In 2020, the series found that more women in key decision-making positions delivers better company performance, greater productivity and greater profitability. The research demonstrates that increasing the representation of women across each of the key leadership roles in an organisation added market value of between \$52m and \$70m per year for an average sized organisation. These findings are statistically significant, meaning the association between women in leadership and business performance is causal.

Fitzsimmons, TW, Yates, MS & Callan, VJ (2020), Employer of Choice for Gender Equality: Leading practices in strategy, policy and implementation, Brisbane, Australian Institute for Business and Economics (AIBE) Centre for Gender Equality in the Workplace, available:
<https://www.wgea.gov.au/newsroom/report-reveals-eocge-citation-driving-change>

- The targeted and strategic actions employers are taking under the Employer of Choice for Gender Equality (EOCGE) citation has generated significant positive change.
- EOCGE organisations had:
 - a greater proportion of women in all levels of management when compared to non-EOCGE reporting organisations
 - a stronger pipeline of women moving into senior management roles over the same five-year period
 - a higher representation of women on their boards
 - and a higher proportion of female employees working full-time.
- The data revealed a common formula that, when combined, underpins leading practice. Common practices included:
 - prioritising inclusive and genuinely committed leadership as the catalyst for organisational change
 - investing in learning and development for all staff in all areas related to strategic gender equality initiatives, including ensuring women are supported in their progression through targeted learning and development
 - developing targets, quotas and ambitious KPIs to improve the gender balance at all levels and areas of the organisation.

Cermak, J, Howard, R, Jeeves, J & Ubaldi, N (2018), Women in leadership: Lessons from Australian companies leading the way, McKinsey & Company, Business Council of Australia, WGEA, available: <https://www.wgea.gov.au/sites/default/files/documents/Women-in-Leadership%20report-BCA.pdf>.

- Based on the observations of leading practice, the report offers a 10-step recipe for getting more women into leadership—from building a case for change and role-modelling commitment, to mainstreaming flexible work and supporting and sponsoring rising women.

WGEA (2019), Gender equitable recruitment and promotion guide, available:
<https://www.wgea.gov.au/topics/recruitment-and-promotion>.

- Gender biases are nearly always present at every stage of the employment cycle.
- Gender-based stereotypes affect which jobs are advertised, the ways in which candidates are recruited and selected, salaries are negotiated, and managers conduct performance reviews and provide career development opportunities. This challenges faith in the 'fairness' of meritocracy.

WGEA (2018) Gender and negotiation in the workplace, available:

https://www.wgea.gov.au/sites/default/files/documents/Negotiation-Paper-Final_0.pdf

- Gender inequalities during negotiation may contribute to the gender pay gap and the under-representation of women in senior leadership.
- Gendered barriers during negotiation impact women's remuneration and men's access to equitable working conditions such as flexible working arrangements.
- Historically, research on gender and negotiation indicated that women are not comfortable asking for a pay rise and therefore are not receiving the same salaries as men. However, more recent research found no differences in the likelihood of women and men 'asking' for a pay rise, but when they did ask, women were less successful in obtaining one.
- Industries that have higher instances of negotiation for wage setting tend to be more highly remunerated in general. However, these industries also tend to have wider gender pay gaps, which indicates that men are benefitting more from pay negotiation.
- Negotiation is a skill that can be practiced and developed. But organisations have an important role in facilitating a fair environment for negotiation.

GEI 2: Gender composition of governing bodies

GEI 2 measures the gender composition of organisations governing bodies. Employers are required to report on the following:

- **The existence of a governing body, including its members and chairpersons by gender.**
 - Women continue to be under-represented on governing bodies. In 2019-20, women made up 28.1% of governing body Directors (Members and Chairs combined), and just 14.6% of all Chairs. These figures have remained relatively static over the past seven years.
- **Targets that have been set for the gender composition of the governing body.**
 - In 2019-20, only 8.2% of employers have set a target. This decreased from 16.1% in 2014-15.

What does the research tell us?

Biswas, PK, Robert, H, & Stainback, K (2021), Does women's board representation affect non-managerial gender inequality? *Human Resource Management*, vol. 60, no. 4, pp. 659-680, available: <https://doi.org/10.1002/hrm.22066>.

- The appointment of more women to corporate boards has broader effects on workplace gender equity beyond representation in executive leadership, which is well-established.
- Critical mass analysis found having one woman on a board may not be enough to promote change, but rather two or more women directors or holding 20% or more board seats appears to be more effective in reducing gender segregation.

BCEC and WGEA (2019), Gender Equity Insights 2019: Breaking through the Glass Ceiling, BCEC|WGEA Gender Equity Series, Issue #4 available: <https://www.wgea.gov.au/publications/gender-equity-insights-series>.

- The 2019 report found that moving from all-male to gender-equal representation on company boards increases the share of full-time female managers by 7.3 percentage points and the share of part-time female managers by 13.7 percentage points.

See also research under GEI 1.

GEI 3: Equal remuneration between women and men

GEI 3 measures employees' remuneration by gender, as well as organisations' policies, strategies and actions taken in relation to gender pay gaps. Employers are required to report on the following:

- **The remuneration of managers and non-managers by gender, including annualised, full-time equivalent base salaries, pro-rata and fixed remuneration, and total remuneration.**
 - Overall, average full-time base salary and total remuneration pay gaps have steadily declined over the past seven years. In 2019-20, the total remuneration pay gap was 20.1% (\$25,534 pa), down from 24.7% in 2013-14, and the base salary pay gap was 15% (\$15,144 pa), down from 19.9% in 2013-14.
 - Every manager category and non-manager occupation shows a gender pay gap for full-time employees favouring men. Pay gaps are generally wider in senior leadership: in 2019-20, the total remuneration gap was 23.2% for manager employees and 19.2% for non-manager employees.
 - All industries have a gender pay gap in favour of men. Financial and Insurance Services remains the industry with the highest full-time total remuneration gender pay gap at 27.5%.
- **The existence of a remuneration policy or strategy, including any gender pay equity objectives.**
 - In 2019-20, 63.8% of employers have a formal policy or strategy on remuneration generally. This number has steadily increased each year from 48.9% in 2013-14.
 - The proportion of employers who have specific gender pay equity objectives in this policy/strategy has more than doubled over seven years, from 18.1% in 2013-14 to 43.1% in 2019-20.
- **Whether the organisation has conducted a gender pay gap analysis and taken actions as a result.**
 - The proportion of employers who have conducted a GPG analysis has almost doubled over the past seven years, from 24% in 2013-14 to 46.4% in 2019-20.
 - The two most common reasons for not conducting a GPG analysis relate to employee salaries being set by award or industrial agreements and non-award employees being paid market rates.
 - The proportion of employers who took action as a result of their analysis has generally hovered between 45% and 60% over the past seven years. Most recently, this has declined from 60.5% in 2018-19 to 54.5% in 2019-20. This means over 45% of employers took no action as a result of their analysis. The most common reason for not taking action was having 'no unexplained or unjustifiable pay gaps.'

What does the research tell us?

KPMG with DCA and WGEA (2019), She's Price(d)less: The economics of the gender pay gap, available: https://www.wgea.gov.au/sites/default/files/documents/She%27s-Price%28d%29less-2019-Detailed-report_0.pdf.

- A number of complex and interrelated factors contribute to the GPG. This report found that the key drivers of the GPG were:
 - Gender discrimination (39%) – this occurs at any stage of the employment cycle, including as part of workplace culture, hiring, promotions, and access to training.
 - Care, family responsibilities and workforce participation (together accounts for 39%) – women are more likely than men to take time out of the workforce, work part-time, and take unpaid leave to fulfil family and caring responsibilities.
 - Gendered segregation in industries and occupations (together accounts for 17%) – women are overrepresented in lower paid roles and underrepresented in senior and managerial

roles. They are also concentrated in particular industries due to historical stereotypes, social norms, workplace culture and bias, and experiences of bullying and harassment.

BCEC and WGEA (2016), Gender Equity Insights 2016: Inside Australia's Gender Pay Gap, BCEC|WGEA Gender Equity Series, Issue #1, BCEC and WGEA (2017), Gender Equity Insights 2017: Inside Australia's Gender Pay Gap, BCEC|WGEA Gender Equity Series, Issue #2, available: <https://www.wgea.gov.au/publications/gender-equity-insights-series>.

- In 2016 and 2017, the research showed that increasing the representation of women in executive leadership roles is associated with declining gender pay gaps.

BCEC and WGEA (2018), Gender Equity Insights 2018: Inside Australia's Gender Pay Gap, BCEC|WGEA Gender Equity Series, Issue #3 available: <https://www.wgea.gov.au/publications/gender-equity-insights-series>.

- The 2018 report found that pay equity actions are more effective in combination than in isolation. For example, an organisational commitment to correct unequal pay (like-for-like pay gaps) is three times as effective in reducing overall gender pay gaps when combined with a commitment to report pay outcomes to the executive or company board.

BCEC and WGEA (2019), Gender Equity Insights 2019: Breaking through the Glass Ceiling, BCEC|WGEA Gender Equity Series, Issue #4 available: <https://www.wgea.gov.au/publications/gender-equity-insights-series>.

- The 2019 report highlighted the importance of flexible workplace policies and employer-funded paid parental leave schemes for ensuring women's progress into senior positions and narrowing the gender pay gap. It also highlighted the critical role of leadership in decision-making and driving organisational change towards gender equity.

Fitzsimmons, TW, Yates, MS & Callan, VJ (2020), Employer of Choice for Gender Equality: Leading practices in strategy, policy and implementation, Brisbane, AIBE Centre for Gender Equality in the Workplace, available: <https://www.wgea.gov.au/newsroom/report-reveals-eocge-citation-driving-change>.

- The targeted and strategic actions employers are taking under the EOCGE citation has generated significant positive change.
- EOCGE organisations had a faster reduction in their gender pay gap than other organisations reporting under the Act.
- The data revealed a common formula that, when combined, underpins leading practice. Common practices included emphasising the importance of measuring and monitoring gender pay gaps within their organisation, between and within position banding. This included immediately rectifying instances of unequal (like-for-like) pay.

WGEA (2016), Guide to gender pay equity, available: <https://www.wgea.gov.au/tools/guide-to-pay-equity>.

- Gender pay equity is about ensuring women and men performing the same role are paid the same amount, and women and men performing different work of equal or comparable value are paid equitably. This is related, but different, to the gender pay gap, which is the difference between women and men's average earnings.
- Unintended gender biases in hiring, promotion, performance and pay decisions can lead to incidences of pay inequity in almost every organisation
- Addressing pay equity improves recruitment, retention, productivity, morale, and reputation.
- It is critical to have leadership commitment, conduct a pay gap analysis, and set goals for taking action.

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 4 monitors the policies, strategies and measures that organisations have in place to support employees with family and caring responsibilities, including parental leave and flexible work arrangements, as well as for employees experiencing family or domestic violence. Employers are required to report on the following:

- **Whether employers provide employer-funded paid parental leave in addition to government schemes to primary and secondary carers, including the amount of leave and proportion of the workforce who can and did access the leave.**
 - Just over half (52.4%) of employers offer paid primary carers leave to women and men. This has remained relatively static over the past seven years. The average amount offered is 10.9 weeks.
 - Just under half (46.4%) of employers offer paid secondary carers leave to women and men. This has improved slightly from 38.8% in 2013-14. The average amount offered is 2 weeks.
- **The existence of a flexible working policy or strategy and specific arrangements available.**
 - The proportion of employers with a formal flexible working policy or strategy has increased steadily over the past seven years, from 57.5% in 2013-14 to 75.9% in 2019-20.
 - Employers offer a range of flexible working options, both formally and informally. The most common formal arrangements were carer's leave (93.1%), part-time work (85.3%), unpaid leave (85.2%), flexible working hours (66.9%) and time-in-lieu (55.4%). Less than 50% of employers offered job sharing, purchased leave, telecommuting and compressed working weeks.
- **The existence of a policy or strategy to support employees with family or caring responsibilities, as well as any other support measures in place.**
 - In 2019-20, 68.6% of employers reported having a formal policy or strategy aimed at supporting employees with family or caring responsibilities. This number has increased steadily since 2013-14.
 - Over half (56.8%) of employers provide non-leave-based support measures. The most common measures in 2019-20 were breastfeeding facilities (72%) and referral services (53%).
- **The existence of a policy or strategy to support employees experiencing family or domestic violence, as well as any other support measures in place.**
 - During the 2019-20 reporting period, two-thirds (66.4%) of organisations had a formal policy or strategy in place. This was up from just 32.2% in 2013-14.
 - Most organisations (90.9%) have one or more support measures in place. The most common measures are offering access to employee assistance programs, unpaid leave and flexible working arrangements, as well as confidentiality of disclosure.
 - An increasing number of organisations are providing access to paid domestic violence leave. In 2019-20, around one-third (35.5%) of organisations provided this, up from just 12.1% in 2015-16.

What does the research tell us?

BCEC and WGEA (2019), Gender Equity Insights 2019: Breaking through the Glass Ceiling, BCEC|WGEA Gender Equity Series, Issue #4 available:
<https://www.wgea.gov.au/publications/gender-equity-insights-series>.

- The 2019 report found that employer-funded paid parental leave (PPL) schemes covering 13-plus weeks halves the share of female managers who stop working during PPL relative to those who access only the Australian Government PPL scheme.
- It also found that flexible work arrangements coupled with reporting to Boards increases the share of part-time female managers by 13.6 percentage points.

Fitzsimmons, TW, Yates, MS & Callan, VJ (2020), Employer of Choice for Gender Equality: Leading practices in strategy, policy and implementation, Brisbane, AIBE Centre for Gender Equality in the Workplace, available: <https://www.wgea.gov.au/newsroom/report-reveals-eocge-citation-driving-change>.

- The targeted and strategic actions employers are taking under the EOCGE citation has generated significant positive change.
- The data revealed a common formula that, when combined, underpins leading practice. Common practices included adopting the 'all-roles-flex' philosophy throughout their businesses. Policies on flexible working arrangements in leading-practice organisations are characterised by a full suite of flexibility options.

WGEA (2017), Towards gender balanced parental leave: Australian and international trends, available: <https://www.wgea.gov.au/publications/towards-gender-balanced-parental-leave>.

- Parental leave policies are a major feature of family policies in OECD countries. However, the share of men using parental leave remains low.
- Parental leave may help to break down gender stereotypes and expectations around who should do unpaid and paid work if it is taken by both women and men.
- Flexible and generous parental leave policies are encouraging men to utilise the entitlement.
- A supportive workplace culture is key to increase fathers/carers uptake of parental leave.

WGEA (2018), Developing a Leading Practice Parental Leave Policy, available:
<https://www.wgea.gov.au/sites/default/files/documents/WGEA-Leading-Practice-Parental-Leave-Policy-Guide.pdf>.

- Changing attitudes about the distribution of work at home and in the workplace is a key driver for achieving gender equality.
- Despite the changing structure of family life, women are still far more likely to identify as the 'primary carer' of a child. When employers encourage men to engage in the care of children, they help to counter the disproportionate amount of responsibility that women currently shoulder.
- The legislation has adopted a gender-neutral approach to the designation of the primary and secondary carer roles. However, underutilisation by men indicates that attitudes and workplace culture have not substantially shifted to reflect the legislative changes. Male parents in heterosexual relationships are far more likely to identify as a secondary carer and take a much shorter period away from work.

WGEA (2019), Designing and supporting gender equitable parental leave, available:
<https://www.wgea.gov.au/publications/gender-equitable-parental-leave>.

- In Australia, organisations are moving towards gender-neutral parental leave policies.
- Organisations that provide strong parental leave schemes are more likely to enjoy better recruitment and retention.
- The availability of paid parental leave for each parent fosters an equal division of unpaid care and improves family work-life balance.

- Research has found that working long hours (45 hours or more) is the strongest predictor of not using all paid leave entitlements and men dominate this group.

WGEA (2019), The business case for flexible work, available:

https://www.wgea.gov.au/sites/default/files/documents/business_case_for_flexibility_0.pdf.

- Access to flexible working is linked to improved organisational productivity, ability to attract and retain employees, employee well-being, proportions of women in leadership and future-proofing the workplace.

WGEA, Flexible work website page, available: <https://www.wgea.gov.au/flexible-work>.

- The Agency's website hosts a suit of resources to support organisations to mainstream flexible working. This includes readiness assessment tools, guides to develop a flexibility strategy and policy, and resources for both employees and managers to utilise flexible work.

WGEA (2021), Family and domestic violence website page, available:

<https://www.wgea.gov.au/take-action/family-domestic-violence>.

- Australians from all demographics experience family and domestic violence. This can impact their productivity, mental health and wellbeing, and safety at work.
- Employers have a legal responsibility to protect their employees from family and domestic violence in the workplace. They should meet their legal obligations under the Fair Work Act, develop a policy or strategy, provide paid leave, and offer supports such as staff training, leadership commitment, workplace security, counselling services, and referral pathways.

GEI 5: Consultation with employees on gender equality issues

GEI 5 measures the extent to which employers consult their employees on issues concerning workplace gender equality.

Employers are required to report whether they have consulted their employees, including the mode of consultation and the category of employees consulted. The results have remained relatively static over the past seven years. In 2019-20:

- 53.9% of employers had consulted their employees on gender equality issues
- The most common modes of consultation were surveys and exit interviews (both at about 52%)
- Most employers (71.5%) consulted all staff, with a small number of consulting managers only.

What does the research tell us?

WGEA (2020), Guide to consulting employees on gender equality, available:

<https://www.wgea.gov.au/resources/guide-to-consulting-employees>.

- Research shows that employee consultation is an essential component of successful change in organisations. It helps to ensure that organisations' policies, strategies and initiatives are informed by, and meeting the needs of, those that they impact. Engaging employees in decision making processes is key to implementing a best practice workplace and has been shown to increase productivity, improve attraction and retention of staff, and minimise disputes. It also demonstrates a genuine commitment to gender equality from leadership.

Fitzsimmons, TW, Yates, MS & Callan, VJ (2020), Employer of Choice for Gender Equality: Leading practices in strategy, policy and implementation, Brisbane, AIBE Centre for Gender Equality in the Workplace, available: <https://www.wgea.gov.au/newsroom/report-reveals-eocge-citation-driving-change>.

- The targeted and strategic actions employers are taking under the EOCGE citation has generated significant positive change.
- The data revealed a common formula that, when combined, underpins leading practice. Common practices included adopting an iterative approach to employee consultation wherein the testing of ideas for effectiveness and efficiency is prioritised.

GEI 6: Sex-based harassment and discrimination

GEI 6 monitors the policies, strategies and measures that organisations have in place to prevent sex-based harassment and discrimination in the workplace. Employers are required to report on the following:

- **The existence of a sex-based harassment and discrimination prevention strategy or policy, including grievance processes.**
 - The proportion of employers with a formal policy or strategy has remained high over the past seven years, reaching 98.6% in 2019-20. The Agency attributes this to employers' high level of awareness about the risks and liability involved in sex-based harassment and discrimination, as set out in the *Sex Discrimination Act 1984* (Cth) and applicable state-based and territory-based legislation.
 - Similarly, in 2019-20, 97.8% of employers reported that this policy includes a grievance process.
- **Whether and how often organisations provide training to managers on sex-based harassment and discrimination.**
 - In 2019-20, 88.5% of employers provided training to all managers. This has increased steadily from 78% in 2013-14.
 - From 2020-21, the Agency will collect voluntary data on the provision and frequency of training for all employees.

What does the research tell us?

WGEA (2021), Submission to the Senate Inquiry into the Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021, available:

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/RespectatWork/Submissions.

- Sex-based harassment reflects and perpetuates gender inequality in the Australian workplace. It comes at a cost to individuals, organisations and the Australian economy.
- More women experience sex-based harassment in the workplace than men, and this impacts their participation in the labour force.
- Leading practice in the private sector demonstrates that clear and sensitive policies and leadership commitment play an important role in addressing sex-based harassment.

WGEA (2021), Sex-based discrimination and harassment website page, available:

<https://www.wgea.gov.au/take-action/sex-based-discrimination-and-harassment>.

- Research finds that one third of Australians report experiencing sexual harassment in the workplace.
- Rates of sexual harassment are higher among certain demographic groups, including women.
- Sexual harassment in the workplace impacts employees' health, wellbeing, career progression and remuneration as well as employers' turnover, culture and reputation, productivity and litigation costs.
- To address this issue, workplaces should meet their legal obligations under the Sex Discrimination and Fair Work Acts, develop a formal policy or strategy, and provide employee training and education.

KPMG with DCA and WGEA (2019), She's Price(d)less: The economics of the gender pay gap, available: https://www.wgea.gov.au/sites/default/files/documents/She%27s-Price%28d%29less-2019-Detailed-report_0.pdf.

- The most significant driver of the gender pay gap in Australia is gender discrimination, accounting for 39% of the gap in 2017 (up from 29% in 2014).
- Discrimination can occur at any stage of the employment cycle, including as part of workplace culture, hiring, promotions, and access to training. It can be systemic or overt.



Fitzsimmons, TW, Yates, MS & Callan, VJ (2020), Employer of Choice for Gender Equality: Leading practices in strategy, policy and implementation, Brisbane, AIBE Centre for Gender Equality in the Workplace, available: <https://www.wgea.gov.au/newsroom/report-reveals-eocge-citation-driving-change>.

- The targeted and strategic actions employers are taking under the EOCGE citation has generated significant positive change.
- The data revealed a common formula that, when combined, underpins leading practice. Common practices included: having clear and firm policies regarding the ways that claims of sex-based harassment are handled; a clear zero-tolerance policy to sex-based harassment and discrimination; and accountability measures incorporated into KPIs of people managers.

See also GEI 1 for research papers on Gender equitable recruitment and promotion and Gender and negotiation.

End Notes

- ¹ Glennie, M, von Reibnitz, A, William, J, Curtis, S & Bordia, S (2021), Gender pay gap reporting in Australia – time for an upgrade, The Australian National University, Canberra.
- ² See WGEA (2020), Data Explorer, viewed 27 October 2021, available: <https://data.wgea.gov.au/home>; WGEA (n.d.), The Gender Pay Gap, viewed 1 November 2021, available: <https://www.wgea.gov.au/the-gender-pay-gap>.
- ³ Glennie, M, von Reibnitz, A, William, J, Curtis, S & Bordia, S (2021), Gender pay gap reporting in Australia – time for an upgrade, The Australian National University, Canberra.
- ⁴ See Glennie, M, von Reibnitz, A, William, J, Curtis, S & Bordia, S (2021), Gender pay gap reporting in Australia – time for an upgrade, The Australian National University, Canberra.
- ⁵ See also Glennie, M, von Reibnitz, A, William, J, Curtis, S & Bordia, S (2021), Gender pay gap reporting in Australia – time for an upgrade, The Australian National University, Canberra.
- ⁶ Cassells R & Duncan A (2021), Gender Equity Insights 2021: Making it a priority, BCEC|WGEA Gender Equity Series, Issue #6, March 2021.
- ⁷ Cassells R & Duncan A (2021), Gender Equity Insights 2021: Making it a priority, BCEC|WGEA Gender Equity Series, Issue #6, March 2021.
- ⁸ WGEA (2020), Data Explorer, viewed 27 October 2021, available: <https://data.wgea.gov.au/home>.
- ⁹ WGEA (2020), Data Explorer, viewed 27 October 2021, available: <https://data.wgea.gov.au/home>.
- ¹⁰ Glennie, M, von Reibnitz, A, William, J, Curtis, S & Bordia, S (2021), Gender pay gap reporting in Australia – time for an upgrade, The Australian National University, Canberra.
- ¹¹ See WGEA (2021), Employer Portal, viewed 25 October 2021, available: <https://client-portal.wgea.gov.au/s/topiccatalog>.
- ¹² WGEA (n.d.), Data management and data governance, viewed 25 October 2021, available: <https://www.wgea.gov.au/about/governance/data-management-and-data-governance>.
- ¹³ WGEA (n.d.), Protocol on sharing reporting data, viewed 25 October 2021, available: <https://www.wgea.gov.au/about/governance/protocol-on-sharing-reporting-data>.
- ¹⁴ WGEA (n.d.), Data Quality Declaration, viewed 25 October 2021, available: <https://www.wgea.gov.au/about/governance/data-quality>.
- ¹⁵ WGEA (2021), Privacy Policy, viewed 25 October 2021, available: <https://www.wgea.gov.au/about/governance/privacy-policy>.
- ¹⁶ Champions of Change Coalition (2020), Impact Report 2020: Summary, viewed 1 November 2021, available: https://championsofchangecoalition.org/wp-content/uploads/2020/12/Champions-of-Change-Coalition-Impact-Report-2020_Summary_Dec_FINAL.pdf.
- ¹⁷ See Department of Industry, Science, Energy and Resources (2021), STEM Equity Monitor, viewed 8 November 2021, available: <https://www.industry.gov.au/data-and-publications/stem-equity-monitor>.
- ¹⁸ See WGEA (n.d.), Case studies, viewed 1 November 2021, available: <https://www.wgea.gov.au/case-studies>.
- ¹⁹ See, for example, WGEA (2019), Gender strategy toolkit, viewed 29 October 2021, available: <https://www.wgea.gov.au/tools/gender-strategy-toolkit>.
- ²⁰ WGEA (2019), The gender pay gap calculator, viewed 29 October 2021, available: <https://www.wgea.gov.au/tools/the-gender-pay-gap-calculator>.
- ²¹ WGEA (n.d.), The gender pay gap, viewed 25 October 2021, available: <https://www.wgea.gov.au/the-gender-pay-gap>.
- ²² WGEA (2019), Gender strategy toolkit, viewed 25 October 2021, available: <https://www.wgea.gov.au/tools/gender-strategy-toolkit>.
- ²³ WGEA (2013), Target setting toolkit, viewed 25 October 2021, available: <https://www.wgea.gov.au/tools/gender-targets-toolkit>.
- ²⁴ WGEA (2019), The gender pay gap calculator, viewed 29 October 2021, available: <https://www.wgea.gov.au/tools/the-gender-pay-gap-calculator>.
- ²⁵ WGEA (n.d.), Flexible work, viewed 25 October 2021, available: <https://www.wgea.gov.au/flexible-work>.
- ²⁶ WGEA (n.d.), Parental leave, viewed 25 October 2021, available: <https://www.wgea.gov.au/parental-leave>.
- ²⁷ WGEA (n.d.), Employee Consultation, viewed 25 October 2021, available: <https://www.wgea.gov.au/employee-consultation>.
- ²⁸ WGEA (n.d.), Recruitment and promotion, viewed 25 October 2021, available: <https://www.wgea.gov.au/recruitment-and-promotion>.
- ²⁹ WGEA (n.d.), Gender equality for small business, viewed 25 October 2021, available: <https://www.wgea.gov.au/gender-equality-small-business>.
- ³⁰ WGEA (n.d.), Women in leadership, viewed 25 October 2021, available: <https://www.wgea.gov.au/women-in-leadership>.

- ³¹ Evans, O (2021), Gari Yala (Speak the Truth): gendered insights, WGEA Commissioned Research Report in partnership with the Jumbunna Institute of Education and Research and Diversity Council Australia, Sydney, Australia, viewed 28 October 2021, available: <https://www.wgea.gov.au/publications/gari-yala-speak-the-truth-gendered-insights>.
- ³² Oxenbridge, S & Galea, N (2020), Gender equitable procurement: Insight paper and guide, WGEA Commissioned Research Paper, Sydney, Australia.
- ³³ WGEA (2020), Women's economic security in retirement, viewed 25 October 2021, available: <https://www.wgea.gov.au/publications/womens-economic-security-in-retirement>.
- ³⁴ Mosseri, S, Cooper, R and Foley, M (2020), The future of work and gender: Insight paper, WGEA Commissioned Research Paper, University of Sydney, Sydney, Australia, viewed 28 October 2021, available: <https://www.wgea.gov.au/publications/future-of-work-and-gender>.
- ³⁵ WGEA (2021), Australia's gender pay gap statistics, viewed 28 October 2021, available: <https://www.wgea.gov.au/publications/australias-gender-pay-gap-statistics>.
- ³⁶ WGEA (2021), Gender workplace statistics at a glance 2021, viewed 28 October 2021, available: https://www.wgea.gov.au/sites/default/files/documents/Stats_at_a_glance_AUG2021.pdf.
- ³⁷ See ABS (2021), Average Weekly Earnings, Australia, viewed 28 October 2021, available: <https://www.abs.gov.au/statistics/labour/earnings-and-work-hours/average-weekly-earnings-australia/latest-release>.
- ³⁸ WGEA (2021), Higher education enrolments and graduate labour market statistics, viewed 28 October 2021, available: <https://www.wgea.gov.au/resources/publications/higher-education-enrolments-and-graduate-labour-market-statistics>.
- ³⁹ WGEA (2019), Gender segregation in Australia's workforce, viewed 28 October 2021, available: <https://www.wgea.gov.au/publications/gender-segregation-in-australias-workforce>.
- ⁴⁰ See WGEA (2021), Gender Equity Insights series, viewed 25 October 2021, available: <https://www.wgea.gov.au/publications/gender-equity-insights-series>.
- ⁴¹ Cassells R & Duncan A (2020), Gender Equity Insights 2020: Delivering the Business Outcomes, BCEC|WGEA Gender Equity Series, Issue #5.
- ⁴² See WGEA (2019), She's Price(d)less: The economics of the gender pay gap, viewed 25 October 2021, available: <https://www.wgea.gov.au/publications/shes-pricedless-the-economics-of-the-gender-pay-gap>.
- ⁴³ Cermak, J, Howard, R, Jeeves, J & Ubaldi, N (2018), Women in leadership: Lessons from Australian companies leading the way, McKinsey & Company, Business Council of Australia, WGEA, viewed 28 October 2021, available: <https://www.wgea.gov.au/publications/women-in-leadership-lessons-from-australian-companies-leading-the-way>.
- ⁴⁴ Foley, M, Cooper, R, & Mosseri S (2019), Gender equitable recruitment and promotion: Leading practice guide, WGEA Commissioned Research Paper, The Australian Women's Working Futures (AWWF) Project, University of Sydney, Sydney, Australia, viewed 28 October 2021, available: https://www.wgea.gov.au/sites/default/files/documents/Recruitment_and_Promotion_0.pdf; Mosseri, S, Cooper, R and Foley, M. (2020) The future of work and gender: Insight paper, WGEA Commissioned Research Paper, University of Sydney, Sydney, Australia, viewed 28 October 2021, available: <https://www.wgea.gov.au/publications/future-of-work-and-gender>.
- ⁴⁵ Evans, O (2021), Gari Yala (Speak the Truth): gendered insights, WGEA Commissioned Research Report in partnership with the Jumbunna Institute of Education and Research and Diversity Council Australia, Sydney, Australia, viewed 28 October 2021, available: <https://www.wgea.gov.au/publications/gari-yala-speak-the-truth-gendered-insights>.
- ⁴⁶ See WGEA (2017), Pay equity and legal risk management, viewed 28 October 2021, available: <https://www.wgea.gov.au/tools/pay-equity-and-legal-risk-management>.
- ⁴⁷ WGEA and Security 4 Women (n.d.), Pay equity for small business, viewed 28 October 2021, available: https://www.wgea.gov.au/sites/default/files/documents/small-business-guidance_website_0.pdf.
- ⁴⁸ Gross, A, Morphet, S & Lyons, L (2020), Flex for Success: Five Practices That Build a Flexible Workforce, viewed 28 October 2021, available: <https://www.bain.com/insights/flex-for-success-five-practices-that-build-a-flexible-workforce/>.
- ⁴⁹ Fitzsimmons, TW, Yates, MS & Callan, VJ (2020), Employer of Choice for Gender Equality: Leading practices in strategy, policy and implementation, Brisbane, AIBE Centre for Gender Equality in the Workplace.
- ⁵⁰ Fitzsimmons, TW, Yates, MS & Callan, VJ (2020), Employer of Choice for Gender Equality: Leading practices in strategy, policy and implementation, Brisbane, AIBE Centre for Gender Equality in the Workplace.
- ⁵¹ For example, Russell, G & Herbert, C on behalf of the Workplace Gender Equality Agency (2012), Workplace Gender Equality Act: Review of evidence based on Gender Equality Indicators and Practices.
- ⁵² See also Glennie, M, von Reibnitz, A, William, J, Curtis, S & Bordia, S (2021), Gender pay gap reporting in Australia – time for an upgrade, The Australian National University, Canberra.
- ⁵³ See Australian Government (2021), A Roadmap for Respect: Preventing and Addressing Sexual Harassment in Australian Workplaces, viewed 26 October 2021, available: <https://www.ag.gov.au/sites/default/files/2021-04/roadmap-respect-preventing-addressing-sexual-harassment-australian-workplaces.pdf>.

- ⁵⁴ See Payne, M, Ruston, A & Hume, J (2021), Women's Budget Statement 2021-22, viewed 26 October 2021, available: https://budget.gov.au/2021-22/content/womens-statement/download/womens_budget_statement_2021-22.pdf#:~:text=The%202021-22%20Women%E2%80%99s%20Budget%20Statement%20provides%20a%20%243.4,secure%2C%20realise%20their%20potential%20and%20enjoy%20good%20health.
- ⁵⁵ See, for instance, APSC (2021), APS Employment Data, 30 June 2021, viewed 22 October 2021, available: <https://www.apsc.gov.au/employment-data/aps-employment-data-30-june-2021>.
- ⁵⁶ ABS (2020), Employment and Earnings, Public Sector, Australia, viewed 22 October 2021, available: <https://www.abs.gov.au/statistics/labour/employment-and-unemployment/employment-and-earnings-public-sector-australia/latest-release>.
- ⁵⁷ State of Victoria (Victorian Equal Opportunity and Human Rights Commission and Industrial Relations Victoria), (2021), Equal pay matters Achieving gender pay equality in small-to-medium enterprises, viewed 21 October 2021, available: https://www.humanrights.vic.gov.au/static/4d3ee647378fcb6cad9ebdcd3e6282e1/Resource-Equal_pay_matters-Aug_2021.pdf; WGEA (n.d.), Gender equality for small business, viewed 27 October 2021, available: <https://www.wgea.gov.au/gender-equality-small-business>.
- ⁵⁸ Cowper-Coles, M, Glennie, M, Borges, AM, Schmid, C (2021), Bridging the gap? An analysis of gender pay gap reporting in six countries, Global Institute for Women's Leaderships at King's College London, The Fawcett Society, The Thomson Reuters Foundation, Bowmans; WGEA (n.d.), Gender equality for small business, viewed 27 October 2021, available: <https://www.wgea.gov.au/gender-equality-small-business>.
- ⁵⁹ Glennie, M, von Reibnitz, A, William, J, Curtis, S & Bordia, S (2021), Gender pay gap reporting in Australia – time for an upgrade, The Australian National University, Canberra.
- ⁶⁰ Glennie, M, von Reibnitz, A, William, J, Curtis, S & Bordia, S (2021), Gender pay gap reporting in Australia – time for an upgrade, The Australian National University, Canberra.
- ⁶¹ WGEA (n.d.), Gender equality for small business, viewed 27 October 2021, available: <https://www.wgea.gov.au/gender-equality-small-business>.
- ⁶² UK Government Equalities Office (2016), Mandatory Gender Pay Gap Reporting Government response to the consultation on draft regulations, viewed 22 October 2021, available: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575994/HMG_response_GPG_consultation-2_final_.pdf.
- ⁶³ The Fawcett Society, Global Institute for Women's Leadership - King's College London, & Thomson Reuters Foundation (2020), Gender pay gap reporting: A comparative analysis, viewed 22 October 2021, available: <https://www.kcl.ac.uk/giwl/assets/gender-pay-gap-reporting-a-comparative-analysis.pdf>.
- ⁶⁴ WGEA data request to the ABS, by email, October 2021.
- ⁶⁵ *Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)*, sub-clause 1.2, Schedule 1.
- ⁶⁶ See sections 4.6 and 4.7 under GEI 4.
- ⁶⁷ NSW Treasury (2020), Regulating for NSW's future, viewed 21 October 2021, available: <https://www.treasury.nsw.gov.au/sites/default/files/2020-07/FINAL%20Treasury%20report%2010720.pdf>.
- ⁶⁸ KPMG (2020), Unlocking the time vault: Designing legislation for the future, viewed 22 October 2021, available: <https://home.kpmg/au/en/home/insights/2020/11/designing-legislation-future.html>.
- ⁶⁹ Commonwealth of Australia, Department of the Prime Minister and Cabinet (2017), Legislation Handbook, viewed 22 October 2021, available: <https://www.pmc.gov.au/sites/default/files/publications/legislation-handbook-2017.pdf>; KPMG (2020), Unlocking the time vault: Designing legislation for the future, viewed 22 October 2021, available: <https://home.kpmg/au/en/home/insights/2020/11/designing-legislation-future.html>.
- ⁷⁰ KPMG (2020), Unlocking the time vault: Designing legislation for the future, viewed 22 October 2021, available: <https://home.kpmg/au/en/home/insights/2020/11/designing-legislation-future.html>.
- ⁷¹ ACON (2017), A language guide: Trans and Gender Diverse Inclusion, viewed 26 October 2021, available: https://www.acon.org.au/wp-content/uploads/2017/11/External_Language-Guide-17396_print_V12A.pdf.
- ⁷² Australian Government (2015), Australian Government Guidelines on the Recognition of Sex and Gender, viewed 28 October 2021, available: <https://www.ag.gov.au/rights-and-protections/publications/australian-government-guidelines-recognition-sex-and-gender>.
- ⁷³ ABS (2021), Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables, viewed 26 October 2021, available: <https://www.abs.gov.au/statistics/standards/standard-sex-gender-variations-sex-characteristics-and-sexual-orientation-variables/latest-release#gender>.
- ⁷⁴ ABS (2021), Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables, viewed 26 October 2021, available: <https://www.abs.gov.au/statistics/standards/standard-sex-gender-variations-sex-characteristics-and-sexual-orientation-variables/latest-release#gender>.
- ⁷⁵ See ABS (2021), Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables, viewed 26 October 2021, available: <https://www.abs.gov.au/statistics/standards/standard-sex-gender-variations-sex-characteristics-and-sexual-orientation-variables/latest-release#gender>.

- ⁷⁶ Cleveland, JN, Huebner, L-A, & Hanscom, ME (2017), The Intersection of Age and Gender Issues in the Workplace, *Age Diversity in the Workplace, Advanced Series in Management*, vol. 17, pp. 119-137, Emerald Publishing Limited, Bingley, <https://doi.org/10.1108/S1877-636120170000017007>.
- ⁷⁷ Based on full-time average weekly total cash earnings and inclusive of ordinary and overtime earnings. ABS (2019), Employee Earnings and Hours, Australia, May 2018, viewed 27 October 2021, available: <http://www.abs.gov.au/AUSSTATS/abs@.nsf/mf/6306.0>.
- ⁷⁸ Australian Human Rights Commission, 2016, Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability. At: <https://humanrights.gov.au/our-work/age-discrimination/projects/willing-work-national-inquiry-employment-discrimination>.
- ⁷⁹ Cleveland, JN, Huebner, L-A, & Hanscom, ME (2017), The Intersection of Age and Gender Issues in the Workplace, *Age Diversity in the Workplace, Advanced Series in Management*, vol. 17, pp. 119-137, Emerald Publishing Limited, Bingley, <https://doi.org/10.1108/S1877-636120170000017007>.
- ⁸⁰ See ABS (2021), Regional population, viewed 29 October 2021, available: <https://www.abs.gov.au/statistics/people/population/regional-population/latest-release>; ABS (2016), Small towns, 2011.0 - Census of Population and Housing: Reflecting Australia - Stories from the Census, 2016, viewed 29 October 2021, available: <https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/2071.0main+features1132016>; Australian Institute of Health and Welfare (2019), Rural and remote health, viewed 28 October 2021, available: <https://www.aihw.gov.au/reports/rural-remote-australians/rural-remote-health/contents/profile-of-rural-and-remote-australians>.
- ⁸¹ Australian Institute of Health and Welfare (2019), Rural and remote health, viewed 28 October 2021, available: <https://www.aihw.gov.au/reports/rural-remote-australians/rural-remote-health/contents/profile-of-rural-and-remote-australians>.
- ⁸² Australian Human Rights Commission (2020), Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces, viewed 25 October 2021, available: <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>.
- ⁸³ Australian Human Rights Commission (2017), A conversation in gender equality, viewed 28 October 2021, available: <https://humanrights.gov.au/our-work/sex-discrimination/publications/conversation-gender-equality-2017>.
- ⁸⁴ Australian Human Rights Commission (2017), Gender segregation in the workplace and its impact on women's economic equality: Australian Human Rights Commission submission to the Finance and Public Administration References Committee, viewed 22 October 2021, available: https://humanrights.gov.au/sites/default/files/AHRC_Submission_Inquiry_Gender_Segregation_Workplace2017.pdf?_ga=2.226956121.575424975.1599183506-2050072554.1590363388.
- ⁸⁵ ABS (2009), 1220.0 - ANZSCO - Australian and New Zealand Standard Classification of Occupations, First Edition, Revision 1, viewed 8 November 2021, available: <https://www.abs.gov.au/ausstats/abs@.nsf/Product+Lookup/61E502FFBABBDD327CA2575DF002DA5B2?opendocument>.
- ⁸⁶ WGEA (2019), Gender equitable recruitment and promotion, viewed 8 November 2021, available: <https://www.wgea.gov.au/publications/gender-equitable-recruitment-and-promotion>.
- ⁸⁷ See, for instance, Grace Papers (2018), Being Made Redundant Whilst On Parental Leave. Viewed 8 November 2021, available: [https://www.afr.com/work-and-careers/workplace/champions-of-change-push-to-end-gender-bias-in-tech-20211019-p59179](https://gracepapers.com.au/2018-6-12-being-made-redundant-while-on-parental-leave/#:~:text=%20%20%201%20A%20genuine%20redundancy%20is,you%20are%20made%20redundant%20you%20should...%20More%20; Jennings-Edquist, G (2018), What to do if you're fired while on maternity leave, ABC Everyday, viewed 8 November 2021, available: https://www.abc.net.au/everyday/what-to-do-if-youre-fired-on-maternity-leave/10381142.</p><p>⁸⁸ Evers, J (2021), Champions of Change unveil 12 steps to boost women tech leaders, <i>Financial Review</i>, viewed 25 October 2021, available: <a href=).
- ⁸⁹ *Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)* sub-clause 1.4, Schedule 1.
- ⁹⁰ *Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)* sub-clause 1.5, Schedule 1.
- ⁹¹ Chief Executive Women (2020), CEW ASX200 Senior Executive Census 2020, viewed 3 November 2021, available: https://cew.org.au/wp-content/uploads/2020/09/14_CEW_ASX200-SEC-2020_V3.3-Single-Page-RGB.pdf.
- ⁹² Hutchinson, M, Mack, J, & Verhoeven, P (2015), Women in leadership: an analysis of the gender pay gap in ASX-listed firms, *Accounting & Finance*, vol. 57, no. 3, pp. 789-813, <https://doi.org/10.1111/acfi.12178>; Yanadori, Y, Gould, JA, & Kulik, CT (2018), A fair go? The gender pay gap among corporate executives in Australian firms, *The International Journal of Human Resource Management*, vol. 29, no. 9, pp. 1636-1660, DOI: 10.1080/09585192.2016.1255985.
- ⁹³ See, for example, Pelly, M (2019), Law partnership track blows out to 15 years, Australian Financial Review, viewed 27 October 2021, available: <https://www.afr.com/companies/professional-services/law-partnership-track-blows-out-to-15-years-20190731-p52cki>; Walsh, K (2017), Law firm partner salaries stall but are still \$1m a year, Australian Financial Review, viewed 27 October 2021, available: <https://www.afr.com/companies/professional-services/law-firm-partner-salaries-stall-but-are-still-1m-a-year-20170803-gxo5yc>.
- ⁹⁴ See, for example, Tadros, E (2018), Law partnership survey January 2019: Database, Australian Financial Review, viewed 27 October 2021, available: <https://www.afr.com/companies/professional-services/law-partnership-survey-january-2019-database-20181207-h18ugm>.
- ⁹⁵ *Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)* sub-clause 4.6 and sub-clause 4.7, Schedule 1.

- ⁹⁶ WGEA (2020), Women's economic security in retirement, viewed 27 October 2021, available: <https://www.wgea.gov.au/publications/womens-economic-security-in-retirement>.
- ⁹⁷ WGEA (2020), Women's economic security in retirement, viewed 27 October 2021, available: <https://www.wgea.gov.au/publications/womens-economic-security-in-retirement>.
- ⁹⁸ ABS (2019), Disability, Ageing and Carers, Australia: Summary of Findings, viewed 27 October 2021, available: <https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-carers-australia-summary-findings/latest-release#carers>.
- ⁹⁹ Services Australia (2021), Providing Parental Leave Pay, viewed 29 October 2021, available: <https://www.servicesaustralia.gov.au/organisations/business/services/centrelink/paid-parental-leave-scheme-employers/how-manage-your-role-scheme/providing-parental-leave-pay>.
- ¹⁰⁰ *Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)* sub-clause 4.8, Schedule 1.
- ¹⁰¹ Fitzsimmons, TW, Yates, MS & Callan, VJ (2020), Employer of Choice for Gender Equality: Leading practices in strategy, policy and implementation, Brisbane, AIBE Centre for Gender Equality in the Workplace.
- ¹⁰² see The Fawcett Society, Global Institute for Women's Leadership - King's College London, & Thomson Reuters Foundation (2020), Gender pay gap reporting: A comparative analysis, viewed 22 October 2021, available: <https://www.kcl.ac.uk/giwl/assets/gender-pay-gap-reporting-a-comparative-analysis.pdf>.
- ¹⁰³ WGEA (2020), Data Explorer, viewed 27 October 2021, available: <https://data.wgea.gov.au/home>.
- ¹⁰⁴ WGEA (n.d.), 101: Consulting effectively, viewed 22 October 2021, available: <https://www.wgea.gov.au/resources/guide-to-consulting/consulting-effectively>.
- ¹⁰⁵ WGEA (n.d.), Sex-based discrimination and harassment, viewed 22 October 2021, available: <https://www.wgea.gov.au/take-action/sex-based-discrimination-and-harassment>.
- ¹⁰⁶ United States Equal Employment Opportunity Commission, Select Task Force on the Study of Harassment in the Workplace (2016), Report of Co-Chairs Chai R Feldblum & Victoria A Lipnic cited in Australian Human Rights Commission (2020), Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces, viewed 25 October 2021, available: <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>.
- ¹⁰⁷ McDonald, P, Charlesworth, S, Graham, S (2015), Developing a framework of effective prevention and response strategies in workplace sexual harassment, *Asia Pacific Journal of Human Resources*, 53, pp.41-58, doi:10.1111/1744-7941.12046.
- ¹⁰⁸ Campbell, H & Chinnery, S (2018), What works? Preventing and Responding to Sexual Harassment in the Workplace: A Rapid Review of Evidence, CARE Australia, viewed 27 October 2021, available: <https://www.care.org.au/wp-content/uploads/2018/12/STOP-Rapid-Review.pdf>.
- ¹⁰⁹ Campbell, H & Chinnery, S (2018), What works? Preventing and Responding to Sexual Harassment in the Workplace: A Rapid Review of Evidence, CARE Australia, viewed 27 October 2021, available: <https://www.care.org.au/wp-content/uploads/2018/12/STOP-Rapid-Review.pdf>.
- ¹¹⁰ Australian Human Rights Commission (2018), Everyone's business: Fourth national survey on sexual harassment in Australian workplaces, viewed 3 November 2021, available: <https://humanrights.gov.au/our-work/sex-discrimination/publications/everyones-business-fourth-national-survey-sexual>.
- ¹¹¹ McDonald, P & Charlesworth, S (2019), Academic Evidence on the Causes, Manifestations and Responses to Workplace Sexual Harassment: Initial Submission to the Australian Human Rights Commission's National Inquiry into Sexual Harassment in Australian Workplaces, viewed 3 November 2021, available: <https://humanrights.gov.au/sites/default/files/Submission%20170%20-%20Prof%20P%20McDonald%20and%20Prof%20S%20Charlesworth.pdf>.
- ¹¹² Australian Human Rights Commission (2020), Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces, viewed 3 November 2021, available: <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>.
- ¹¹³ Steinmetz, K (2020), She Coined the Term 'Intersectionality' Over 30 Years Ago: Here's What It Means to Her Today, *Time*, viewed 26 October 2021, available: <https://time.com/5786710/kimberle-crenshaw-intersectionality/>.
- ¹¹⁴ WGEA (2021), Gender equality and intersecting forms of diversity, viewed 26 October 2021, available: <https://www.wgea.gov.au/gender-equality-and-diversity>.
- ¹¹⁵ Biddle, N & Lahn, J (2016), Understanding Aboriginal and Torres Strait Islander employee decisions to exit the Australian Public Service, CAEPR Working Paper No. 110/2016, ANU, viewed 26 October 2021, available: https://caepr.cass.anu.edu.au/sites/default/files/docs/CAEPR-WP110_2016pdf_0.pdf; WGEA (2019), Gender equitable recruitment and promotion guide, viewed 26 October 2021, available: <https://www.wgea.gov.au/topics/recruitment-and-promotion>; WGEA (2021), Gender equality and intersecting forms of diversity, viewed 26 October 2021, available: <https://www.wgea.gov.au/gender-equality-and-diversity>.
- ¹¹⁶ Cleveland, JN, Huebner, L-A, & Hanscom, ME (2017), The Intersection of Age and Gender Issues in the Workplace, *Age Diversity in the Workplace, Advanced Series in Management*, vol. 17, pp. 119-137, Emerald Publishing Limited, Bingley, <https://doi.org/10.1108/S1877-636120170000017007>; Women With Disabilities Australia (WWDA) (2021), Submission in response to the National Disability Employment Strategy Consultation Paper, May 2021, WWDA: Hobart, Tasmania, viewed 26 October 2021, available: <https://wwda.org.au/wp-content/uploads/2021/07/WWDA-Employment-Strategy-Report-Final-V4-Optimised87.pdf>; WGEA

(2021), Gender equality and intersecting forms of diversity, viewed 26 October 2021, available: <https://www.wgea.gov.au/gender-equality-and-diversity>.

¹¹⁷ Diversity Council Australia and Pride in Diversity (2020), Intersections at work: Understanding the experiences of culturally diverse LGBTQ talent, viewed 26 October 2021, available: https://www.dca.org.au/sites/default/files/intersections_at_work_online_final.pdf.

¹¹⁸ Diversity Council Australia/University of Sydney Business School (D'Almada-Remedios, R, Groutsis, D, Kaabel, A & O'Leary, J) (2021), Counting Culture: Towards a Standardised Approach to Measuring and Reporting on Workforce Cultural Diversity in Australia, Sydney, Diversity Council Australia.

¹¹⁹ WGEA (2021), Gender equality and intersecting forms of diversity, viewed 26 October 2021, available: <https://www.wgea.gov.au/gender-equality-and-diversity>.

¹²⁰ Diversity Council Australia/University of Sydney Business School (D'Almada-Remedios, R, Groutsis, D, Kaabel, A & O'Leary, J) (2021), Counting Culture: Towards a Standardised Approach to Measuring and Reporting on Workforce Cultural Diversity in Australia, Sydney, Diversity Council Australia.

¹²¹ See APSC (2021), APS Employment Data, 30 June 2021, viewed 28 October 2021, available: <https://www.apsc.gov.au/employment-data/aps-employment-data-30-june-2021>.

¹²² See Victorian Government, Commission for Gender Equality in the Public Sector (2021), Workplace gender auditing, viewed 26 October 2021, available: <https://www.genderequalitycommission.vic.gov.au/workplace-gender-auditing>.

¹²³ Cowper-Coles, M, Glennie, M, Borges, AM, Schmid, C (2021), Bridging the gap? An analysis of gender pay gap reporting in six countries, Global Institute for Women's Leadership at King's College London, The Fawcett Society, The Thomson Reuters Foundation, Bowmans.

¹²⁴ Australian Institute of Health and Welfare (2021), Indigenous employment, viewed 26 October 2021, available: <https://www.aihw.gov.au/reports/australias-welfare/indigenous-employment>.

¹²⁵ Diversity Council Australia (2019), DCA Inclusion@Work Index: Mapping the State of Inclusion in the Australian Workforce, viewed 26 October 2021, available: <https://www.dca.org.au/inclusion-at-work-index>; Australian Human Rights Commission (2020), Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces, viewed 25 October 2021, available: <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>.

¹²⁶ Diversity Council Australia/Jumbunna Institute (Brown, C, D'Almada-Remedios, R, Gilbert, J, O'Leary, J & Young, N) (2020), Gari Yala (Speak the Truth): Centring the Work Experiences of Aboriginal and/or Torres Strait Islander Australians, Sydney, Diversity Council Australia/Jumbunna Institute, viewed 26 October 2021, available: <https://www.dca.org.au/research/project/gari-yala-speak-truth-centring-experiences-aboriginal-and-or-torres-strait-islander>.

¹²⁷ Australian Institute of Health and Welfare (2021), Indigenous employment, viewed 26 October 2021, available: <https://www.aihw.gov.au/reports/australias-welfare/indigenous-employment>; Evans, O (2021), Gari Yala (Speak the Truth): gendered insights, WGEA Commissioned Research Report in partnership with the Jumbunna Institute of Education and Research and Diversity Council Australia, Sydney, Australia, viewed 28 October 2021, available: <https://www.wgea.gov.au/publications/gari-yala-speak-the-truth-gendered-insights>.

¹²⁸ Evans, O (2021), Gari Yala (Speak the Truth): gendered insights, WGEA Commissioned Research Report in partnership with the Jumbunna Institute of Education and Research and Diversity Council Australia, Sydney, Australia, viewed 28 October 2021, available: <https://www.wgea.gov.au/publications/gari-yala-speak-the-truth-gendered-insights>.

¹²⁹ Diversity Council Australia/University of Sydney Business School (D'Almada-Remedios, R, Groutsis, D, Kaabel, A & O'Leary, J) (2021), Counting Culture: Towards a Standardised Approach to Measuring and Reporting on Workforce Cultural Diversity in Australia, Sydney, Diversity Council Australia.

¹³⁰ ABS (2017), Census reveals a fast changing, culturally diverse nation, viewed 28 October 2021, available: <https://www.abs.gov.au/ausstats/abs@.nsf/lookup/media%20release3>.

¹³¹ Federation of Ethnic Communities' Councils of Australia (FECCA) (2017), Submission to Independent Inquiry into Insecure Work, viewed 26 October 2021, available: https://fecca.org.au/wp-content/uploads/2017/07/Independent-Inquiry-into-Insecure-Work-submissionv_02.pdf.

¹³² ABS (2017), Labour Force, Detailed - Electronic Delivery, Feb 2017, cat. no. 6291.0.55.001, 12-month average of original data, persons aged 15 years and over cited in Australian Government () Culturally and linguistically diverse women in Towards 2025: An Australian Government Strategy to Boost Women's Workforce Participation, viewed 26 October 2021, available: <https://womensworkforceparticipation.pmc.gov.au/culturally-and-linguistically-diverse-women.html#:~:text=The%20workforce%20participation%20rates%20for,migrants%2C%20both%20men%20and%20women>.

¹³³ Diversity Council Australia (O'Leary, J, Groutsis, D & D'Almada-Remedios, R) (2017), Cracking the Glass-Cultural Ceiling: Future Proofing Your Business in the 21st Century, Sydney, Diversity Council Australia, viewed 26 October 2021, available: <https://www.dca.org.au/research/project/cracking-glass-cultural-ceiling>.

¹³⁴ Diversity Council Australia/University of Sydney Business School (D'AlmadaRemedios, R, Groutsis, D, Kaabel, A & O'Leary, J) (2021) Counting Culture: Towards a Standardised Approach to Measuring and Reporting on Workforce Cultural Diversity in Australia, Sydney, Diversity Council Australia; Diversity Council Australia (2018), Inclusion@Work Index 2017-2018, viewed 26 October 2021, available: <https://www.dca.org.au/research/project/inclusion-index>; Victorian Health Promotion Foundation (2013), How cultural diversity can be good for business: Information sheet, viewed 28 October 2021, available: <https://www.vichealth.vic.gov.au/>

/media/ResourceCentre/PublicationsandResources/Discrimination/Race-based-fact-sheet.

pdf?la=en&hash=AAFDD9F6513B82C8A1F87B4C671124D8228CDED6; WGEA (2021), Gender equality and intersecting forms of diversity, viewed 26 October 2021, available: <https://www.wgea.gov.au/gender-equality-and-diversity>.

¹³⁵ Diversity Council Australia/University of Sydney Business School (D'Almada-Remedios, R, Groutsis, D, Kaabel, A & O'Leary, J) (2021), Counting Culture: Towards a Standardised Approach to Measuring and Reporting on Workforce Cultural Diversity in Australia, Sydney, Diversity Council Australia.

¹³⁶ Diversity Council Australia/University of Sydney Business School (D'Almada-Remedios, R, Groutsis, D, Kaabel, A & O'Leary, J) (2021), Counting Culture: Towards a Standardised Approach to Measuring and Reporting on Workforce Cultural Diversity in Australia, Sydney, Diversity Council Australia.

¹³⁷ ABS (2019), Australian Standard Classification of Cultural and Ethnic Groups (ASCCEG), viewed 26 October 2021, available: <https://www.abs.gov.au/statistics/classifications/australian-standard-classification-cultural-and-ethnic-groups-ascceg/latest-release#overview>.

¹³⁸ Australian Network on Disability (2019), Disability statistics, viewed 26 October 2021, available: <https://www.and.org.au/pages/disability-statistics.html>.

¹³⁹ Australian Human Rights Commission (2020), Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces, viewed 25 October 2021, available: <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>.

¹⁴⁰ Diversity Council Australia (O'Leary, J & D'Almada-Remedios, R) (2019), DCA-Suncorp Inclusion@Work Index 2019–2020: Mapping the State of Inclusion in the Australian Workforce, Sydney, Diversity Council Australia, viewed 26 October 2021, available: https://www.dca.org.au/sites/default/files/inclusion-at-work-index/dca_inclusive_index_2019_synopsis_online_new_accessible.pdf.

¹⁴¹ Women with Disabilities Australia (WWDA) (2021), Submission in response to the National Disability Employment Strategy Consultation Paper, May 2021, WWDA: Hobart, Tasmania, viewed 26 October 2021, available: <https://wwda.org.au/wp-content/uploads/2021/07/WWDA-Employment-Strategy-Report-Final-V4-Optimised87.pdf>.

¹⁴² Gray, P (2020), Disclosure of disability in the Australian Public Service: What the statistics tell us, *Australian Journal of Career Development*, vol. 29, no. 1, pp. 3-11, DOI: 10.1177/1038416219843620.

¹⁴³ Australian Institute of Health and Welfare (2020), People with disability in Australia, viewed 26 October 2021, available: <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/employment/unemployment>.

¹⁴⁴ see National Disability Data Asset (2021), viewed 26 October 2021, available: <https://ndda.gov.au/>.

¹⁴⁵ Australian Network on Disability (2016), Sharing and Monitoring Disability Information in your Workforce A Guide for Employers, viewed 26 October 2021, available: https://www.and.org.au/data/Info_Sharing/Information_Sharing_Monitoring_PDF.pdf.

¹⁴⁶ Alexiou, G (2021), New Global Research Exposes Challenges of Data Collection on Disabled Employees, *Forbes*, viewed 26 October 2021, available: <https://www.forbes.com/sites/gusalexiou/2021/04/20/new-global-research-exposes-challenges-of-data-collection-on-disabled-employees/?sh=9b515f45848f>.

¹⁴⁷ Alexiou, G (2021), New Global Research Exposes Challenges of Data Collection on Disabled Employees, *Forbes*, viewed 26 October 2021, available: <https://www.forbes.com/sites/gusalexiou/2021/04/20/new-global-research-exposes-challenges-of-data-collection-on-disabled-employees/?sh=9b515f45848f>.

¹⁴⁸ Obloj, T & Brown, D (2020), Beware the downsides of pay transparency, *Financial Review*, viewed 27 October 2021, available: <https://www.afr.com/work-and-careers/workplace/beware-the-downsides-of-pay-transparency-20191028-p5351k>.

¹⁴⁹ Heisler, W (2021), Increasing pay transparency: a guide for change, *Business Horizons*, vol. 64, no. 1, pp.73-81, <https://doi.org/10.1016/j.bushor.2020.09.005>.

¹⁵⁰ Glennie M, von Reibnitz A, William J, Curtis S, Bordia S, 2021. Gender pay gap reporting in Australia – time for an upgrade. The Australian National University: Canberra.

¹⁵¹ Glennie M, von Reibnitz A, William J, Curtis S, Bordia S, 2021. Gender pay gap reporting in Australia – time for an upgrade. The Australian National University: Canberra.

¹⁵² Cowper-Coles, M, Glennie, M, Borges, AM, Schmid, C (2021), Bridging the gap? An analysis of gender pay gap reporting in six countries, Global Institute for Women's Leaderships at King's College London, The Fawcett Society, The Thomson Reuters Foundation, Bowmans.

¹⁵³ The Fawcett Society, Global Institute for Women's Leadership - King's College London, & Thomson Reuters Foundation (2020), Gender pay gap reporting: A comparative analysis, viewed 22 October 2021, available: <https://www.kcl.ac.uk/giwl/assets/gender-pay-gap-reporting-a-comparative-analysis.pdf>.

¹⁵⁴ Cowper-Coles, M, Glennie, M, Borges, AM, Schmid, C (2021), Bridging the gap? An analysis of gender pay gap reporting in six countries, Global Institute for Women's Leaderships at King's College London, The Fawcett Society, The Thomson Reuters Foundation, Bowmans.

¹⁵⁵ Duchini, E, Simion, S, & Turrell, A (2020), Pay transparency and cracks in the glass ceiling, viewed 29 October 2021, available: https://warwick.ac.uk/fac/soc/economics/staff/educhini/duchini_simion_turrell_oct_2020_pay_transparency_and_glass_ceiling.pdf.

- ¹⁵⁶ Bennedsen, M, Simintzi, E, Tsoutsoura, M & Wolfenzon, D (2019) Do firms respond to gender pay gap transparency? NBER Working Paper 25435, viewed 29 October 2021, available: https://www.nber.org/system/files/working_papers/w25435/w25435.pdf; Duchini, E, Simion, S, & Turrell, A (2020), Pay transparency and cracks in the glass ceiling, viewed 29 October 2021, available: https://warwick.ac.uk/fac/soc/economics/staff/educhini/duchini_simion_turrell_oct_2020_pay_transparency_and_glass_ceiling.pdf.
- ¹⁵⁷ Baker, M, Halberstam, Y, Kroft, K, Mas, A, & Messacar, D (2020), Can Transparency Laws Fix the Gender Wage Gap? viewed 28 October 2021, available: <https://hbr.org/2020/02/can-transparency-laws-fix-the-gender-wage-gap>, Pillinger, J (2021), Pay transparency and role of gender-neutral job evaluation and job classification in the public service, EPSU, ETUI.
- ¹⁵⁸ Duchini, E, Simion, S, & Turrell, A (2020), Pay transparency and cracks in the glass ceiling, viewed 29 October 2021, available: https://warwick.ac.uk/fac/soc/economics/staff/educhini/duchini_simion_turrell_oct_2020_pay_transparency_and_glass_ceiling.pdf.
- ¹⁵⁹ See Gender Pay Gap Service (n.d.), Search and compare gender pay gap data by employer name or type, viewed 2 November 2021, available: <https://gender-pay-gap.service.gov.uk/viewing/search-results?t=1&search=&orderBy=relevance>.
- ¹⁶⁰ Obloj, T & Brown, D (2020), Beware the downsides of pay transparency, *Financial Review*, viewed 27 October 2021, available: <https://www.afr.com/work-and-careers/workplace/beware-the-downsides-of-pay-transparency-20191028-p5351k>; Zenger, T () , The case against pay transparency, *Harvard Business Review*, viewed 27 October 2021, available: <https://hbr.org/2016/09/the-case-against-pay-transparency>.
- ¹⁶¹ Dixon-Fyle, S, Hunt, V, Dolan, K & Prince, S (2020), Diversity wins: How inclusion matter, McKinsey & Company, viewed 26 October 2021, available: <https://www.mckinsey.com/~/media/mckinsey/featured%20insights/diversity%20and%20inclusion/diversity%20wins%20how%20inclusion%20matters/diversity-wins-how-inclusion-matters-vf.pdf>.
- ¹⁶² KPMG (2020), Unlocking the time vault: Designing legislation for the future, viewed 22 October 2021, available: <https://home.kpmg/au/en/home/insights/2020/11/designing-legislation-future.html>.
- ¹⁶³ ATO (2021), Single Touch Payroll, viewed 21 October 2021, available: <https://www.ato.gov.au/business/single-touch-payroll/>.
- ¹⁶⁴ ATO (2021), Single Touch Payroll, viewed 21 October 2021, available: <https://www.ato.gov.au/business/single-touch-payroll/>.
- ¹⁶⁵ Australian Institute of Health and Welfare (2021), The importance of welfare data, viewed 28 October 2021, available: https://www.aihw.gov.au/getmedia/2ce218e5-34ad-4fdc-9226-a8c22a6add96/aihw-aus-236_Chapter-1.pdf.aspx.
- ¹⁶⁶ Gilfillan, G (2020), COVID-19: Labour market impacts on key demographic groups, industries and regions, viewed 28 October 2021, available: https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp2021/COVID-19-Stat_Snapshot.
- ¹⁶⁷ For discussion on moving the Minimum Standards to one that is outcomes-based, see Glennie, M, von Reibnitz, A, William, J, Curtis, S & Bordia, S (2021), Gender pay gap reporting in Australia – time for an upgrade, The Australian National University, Canberra.
- ¹⁶⁸ WGEA (2019), Gender equality strategy guide, viewed 28 October 2021, available: https://www.wgea.gov.au/sites/default/files/documents/2019_WGEA_GE_Strategy_Guide.pdf.
- ¹⁶⁹ Fitzsimmons, TW, Yates, MS & Callan, VJ (2020), Employer of Choice for Gender Equality: Leading practices in strategy, policy and implementation, Brisbane, AIBE Centre for Gender Equality in the Workplace.
- ¹⁷⁰ Glennie, M, von Reibnitz, A, William, J, Curtis, S & Bordia, S (2021), Gender pay gap reporting in Australia – time for an upgrade, The Australian National University, Canberra.
- ¹⁷¹ See Cowper-Coles, M, Glennie, M, Borges, AM, Schmid, C (2021), Bridging the gap? An analysis of gender pay gap reporting in six countries, Global Institute for Women's Leaderships at King's College London, The Fawcett Society, The Thomson Reuters Foundation, Bowmans.
- ¹⁷² Cowper-Coles, M, Glennie, M, Borges, AM, Schmid, C (2021), Bridging the gap? An analysis of gender pay gap reporting in six countries, Global Institute for Women's Leaderships at King's College London, The Fawcett Society, The Thomson Reuters Foundation, Bowmans.
- ¹⁷³ Dixon-Fyle, S, Hunt, V, Dolan, K & Prince, S (2020), Diversity wins: How inclusion matter, McKinsey & Company, viewed 26 October 2021, available: <https://www.mckinsey.com/~/media/mckinsey/featured%20insights/diversity%20and%20inclusion/diversity%20wins%20how%20inclusion%20matters/diversity-wins-how-inclusion-matters-vf.pdf>; McKinsey & Company (2020), Corporate diversity: If you don't measure it, it won't get done, viewed 28 October 2021, available: <https://www.mckinsey.com/business-functions/strategy-and-corporate-finance/our-insights/corporate-diversity-if-you-dont-measure-it-it-wont-get-done>; Shook, E (2021), How to Set — and Meet — Your Company's Diversity Goals, *Harvard Business Review*, viewed 26 October 2021, available: <https://hbr.org/2021/06/how-to-set-and-meet-your-companys-diversity-goals>.
- ¹⁷⁴ Cowper-Coles, M, Glennie, M, Borges, AM, Schmid, C (2021), Bridging the gap? An analysis of gender pay gap reporting in six countries, Global Institute for Women's Leaderships at King's College London, The Fawcett Society, The Thomson Reuters Foundation, Bowmans.
- ¹⁷⁵ Shook, E (2021), How to Set — and Meet — Your Company's Diversity Goals, *Harvard Business Review*, viewed 26 October 2021, available: <https://hbr.org/2021/06/how-to-set-and-meet-your-companys-diversity-goals>.
- ¹⁷⁶ WGEA (n.d.), Pay equity, viewed 8 November 2021, available: <https://www.wgea.gov.au/pay-equity>.

¹⁷⁷ WGEA (2021), Australia's gender pay gap statistics, viewed 8 November 2021, available: <https://www.wgea.gov.au/publications/australias-gender-pay-gap-statistics>.

¹⁷⁸ WGEA (n.d.), The Gender Pay Gap, viewed 8 November 2021, available: <https://www.wgea.gov.au/the-gender-pay-gap>.

¹⁷⁹ See *Workplace Gender Equality Act 2012*, beneath simplified outline in section 18.

¹⁸⁰ Cowper-Coles, M, Glennie, M, Borges, AM, Schmid, C (2021), Bridging the gap? An analysis of gender pay gap reporting in six countries, Global Institute for Women's Leaderships at King's College London, The Fawcett Society, The Thomson Reuters Foundation, Bowmans.

¹⁸¹ Glennie, M, von Reibnitz, A, William, J, Curtis, S & Bordia, S (2021), Gender pay gap reporting in Australia – time for an upgrade, The Australian National University, Canberra.

