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Submission to the Review of the Workplace Gender Equality (Closing the Gender Pay Gap) Bill 2023

Senate Finance and Public Administration Committee

Submission by the Office for Women of the Department of the Prime Minister and
Cabinet

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Abbreviations

Act	Workplace Gender Equality Act 2012
Bill	Workplace Gender Equality Amendments (Closing the Gender Pay Gap) Bill 2023
OFW	Office for Women
PMC	Department of the Prime Minister and Cabinet
Review	the 2021 review of the <i>Workplace Gender Equality Act 2012</i>
WGEA	Workplace Gender Equality Agency
2013 Instrument	the <i>Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)</i>
2014 Instrument	the <i>Workplace Gender Equality (Minimum Standards) Instrument 2014</i>

1. Introduction

1. The Office for Women (OFW) welcomes the Senate Finance and Public Administration Committee's review of the Workplace Gender Equality Amendment (Closing the Gender Pay Gap) Bill 2023 (Bill).
2. Based on November 2022 data, the national gender pay gap is 13.3 per cent.¹ In practical terms, as of November 2022, the average weekly full time earnings of a woman in Australia, across all industries and occupations, was lower than the equivalent for men by \$253.50 per week.²
3. The gender pay gap alone represents a cost to the economy of approximately \$51.8 billion a year, and is a constraint upon the whole of the Australian economy.³
4. The *Workplace Gender Equality Act 2012* (Act) was first passed over 10 years ago, and since that time, findings from the Workplace Gender Equality Agency (WGEA) dataset tell us that workplaces have a key role in making a difference in the lives of all working Australians.
5. In 2021, a review of the Act (Review) and its subordinate instruments – the *Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)* (2013 Instrument) and the *Workplace Gender Equality (Minimum Standards) Instrument 2014* (2014 Instrument) – was conducted to help Australia accelerate progress towards workplace gender equality and make reporting easier for employers.
6. The Review was released in March 2022, and concluded that the gender pay gap in Australia was not closing at a fast enough rate. The Review considered whether WGEA had the appropriate powers, tools and levers to achieve the objectives of the Act. The Review made ten recommendations to accelerate the rate of change on workplace gender inequality and reduce the reporting burden on businesses. A complete list of the ten recommendations is included at **Attachment A**.
7. On August 2022, the Government agreed in-principle to implement all ten of the Review recommendations, subject to further consultation on the design and implementation of the legislative changes.
8. The Bill, together with the remade 2013 Instrument and 2014 Instrument (the remade Instruments) under the Act, fulfils most of the recommendations of the Review requiring legislative amendment. The headline amendment of the Bill requires WGEA to publish the gender pay gap at an employer level.
9. The Bill was introduced to Parliament on 8 February 2023, and the remade Instruments have been registered and tabled in both houses.
10. Following passage of this legislation, the Government will continue to progress the remaining recommendations in line with its commitment.

¹ [Gender pay gap data | WGEA](#)

² [Gender pay gap data | WGEA](#)

³ KPMG 'She's Price(d)less: The Economics of the Gender Pay Gap' (2022)
<https://www.dca.org.au/research/project/shes-pricedless-2022-update-report>

2. Current Legislative Framework

11. The Act requires relevant employers to promote and improve gender equality in the workplace, including through the lodgement of annual reports containing information relating to various gender equality indicators.
12. The Act also establishes WGEA and provides for the appointment of a Director of Workplace Gender Equality, who manages WGEA.
13. WGEA is a statutory agency charged with promoting and improving gender equality in Australian workplaces. Each year, WGEA facilitates the public reporting of 'relevant employers' against six Gender Equality Indicators (GEIs).

Employers to whom the Act applies

14. A 'relevant employer' is defined in section 4 as:
 - a. a registered higher education institution that is an employer; or
 - b. a natural person, or a body or association (whether incorporated or not), being the employer of 100 or more employees in Australia; or
 - c. A Commonwealth company that is an employer of 100 or more employees in Australia; or
 - d. A Commonwealth entity that is an employer of 100 or more employees in Australia.

Gender Equality Indicators

15. The Act sets out six GEIs against which a relevant employer must report to WGEA, as follows:
 - a. gender composition of the workforce;
 - b. gender composition of governing bodies of relevant employers;
 - c. equal remuneration between women and men;
 - d. 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;
 - e. consultation with employees on issues concerning gender equality in the workplace; and
 - f. any other matters specified in an Instrument under the Act.
16. The details of these GEIs are set out in the remade Instruments.

Reporting requirements

17. A relevant employer must prepare a public report in writing for each reporting period (a 12-month period from 1 April to 31 March for private companies or entities and from 1 January to 31 December for Commonwealth companies or entities).
 - a. Reports must contain information relating to the employer and to the GEIs.
 - b. Reports are due to WGEA within 2 months after the end of the reporting period to which the report relates.
18. WGEA must submit a report on progress achieved in relation to the GEIs to the Minister for Women every 2 year period ending 31 May as soon as practicable after 31 May. WGEA's report will be tabled in each House of Parliament within 15 sitting days of receipt by the Minister.

19. Any personal information or information relating to remuneration that is included in a public report lodged by a relevant employer is not published or used in WGEA's reports to the Minister.

Confidential Employer Reports

20. WGEA also provides reports – the Executive Summary Report and the Industry Benchmark Report – to relevant employers after they have submitted data for the applicable reporting year.

The Executive Summary Report

21. The relevant employer receives a confidential Executive Summary Report which provides a summary of the relevant employer's responses to WGEA's reporting program including details on:
 - a. workforce composition by gender:
 - i. management and non-management roles.
 - ii. employment status (full-time, part-time, and casual).
 - iii. employee growth and promotions.
 - b. responses to the questionnaire (policies/strategies, actions and employee support).
 - c. gender pay gaps:
 - i. organisation wide (in favour of women or men).
 - ii. managers and non-managers.
22. The Executive Summary Report is only available after a relevant employer has completed the sections in the reporting program page and have clicked 'Generate Report'.

The Industry Benchmark Report

23. WGEA provides a confidential Industry Benchmark Report to relevant employers after the end of the reporting period, once data from all organisations has been submitted and analysed.
24. The Industry Benchmark Report uses annualised, full-time equivalent base salary and total remuneration data provided by organisations. Using data visualisations, it reports the relevant employer's organisation-wide gender pay gap, as well as gender pay gaps for each manager category and for non-managers. It also benchmarks these pay gaps against other organisations in the relevant industry group. Industry groups are created based on ANZSIC (Australian and New Zealand Standard Industry Classifications) industry class and organisation size.
25. The industry data from this report is public but the individual employer level data is only made available to the relevant employer via the WGEA client portal.

Public Data

26. WGEA also publishes data online through the Data Explorer and National Scorecard.
27. This does not include data that is considered sensitive or is subject to the confidentiality provisions under the Act, including:
 - a. personal or identifiable information about individual employees;
 - b. salary and remuneration data of individual organisations; and
 - c. voluntarily submitted data that is considered sensitive or private.
2. It also does not include gender pay gaps at an employer level.

WGEA's Data Explorer

28. A relevant employer's public data is published on the online Data Explorer, an interactive public platform for users to explore the data of individual organisations as well as aggregated data for comparing and benchmarking performance against industry peers and organisation size over time.

National Scorecard

29. Annually, WGEA publishes the key findings from the aggregated public reporting data in its National Scorecard. The scorecard summarises data from the latest reporting year and identifies year-on-year trends.

3. Overview of the measures included in the Bill

30. The Bill amends the Act to improve gender equality in employment and in the workplace, by giving effect to:
 - a. the Government's 2022 election commitment to close the gender pay gap at work, including by boosting pay gap transparency and encouraging action to close gender pay gaps within organisations; and
 - b. a Government commitment to implement the recommendations of the Review, in full.
31. The measures contained in the Bill implement, in part or in full, Recommendations 2, 3, 5, and 9 of the Review:
 - a. Recommendation 2 – Publish organisation gender pay gaps to accelerate action to close them
 - b. Recommendation 3 – Bridge the 'action gap' with new gender equality standards
 - c. Recommendation 5 – Support Respect@Work implementation to prevent and address workplace sex-based harassment and discrimination
 - d. Recommendation 9 – set WGEA up for future success to support employers to drive gender equality in Australian workplaces
32. The implementation of recommendations in the Bill and remade Instruments is set out in further detail at **Attachment B**.

Recommendation 2 - Publishing organisational gender pay gaps

33. The Bill introduces new provisions requiring WGEA to publish the gender pay gap at an employer level for each reporting period. This will promote accountability and encourage change within organisations towards closing the gender pay gap. Improved pay gap transparency will empower current and prospective employees to make informed decisions about their employers and their salary.
34. These provisions implement Recommendation 2 of the Review, which called for amendments to allow WGEA to publish gender pay gap information at an employer level.
35. In line with the Review's recommendations, these provisions were informed by stakeholder consultation to identify the best implementation method, and are designed to ensure individual employee remuneration will not be published.

Recommendation 3 - Bridging the 'action gap'

Strengthening the focus on gender equality

36. The Bill amends the Act to rename current 'minimum standards' as 'gender equality standards', to reflect the increased ambitions of these measures to strengthen gender equality, improving outcomes for both women and men in the workplace.
37. This implements Recommendation 3.1c of the Review, noting 3.1b will be implemented through changes to the remade Instruments and WGEA is doing further work to develop the approach to Recommendation 3.1a.

Improving accountability for gender equality within organisations

38. The Bill requires CEOs of relevant employers to provide certain reports – the Executive Summary and Industry Benchmark Report – to all members of the governing body.
 - a. The Industry Benchmark Report must be provided as soon as practicable after being received from WGEA.

- b. The Executive Summary Report must be given together with the Industry Benchmark Report, if not already given.

39. These amendments will support the implementation of Recommendation 3.2 of the Review, which called for strengthened accountability of relevant employers to take action to improve gender equality in their workplaces.

Recommendation 5 - Making the Act consistent with its associated legislative instrument with regard to the collection of information on sexual harassment, harassment on the ground of sex, or discrimination.

40. The Bill amends the Act to align it with the 2013 Instrument by including 'sexual harassment', 'harassment on the ground of sex', or 'discrimination' as gender equality indicators in the Act.
41. This gives effect to Recommendation 5.1 of the Review, which called for this alignment to better support the implementation of Respect@Work and prevent and address workplace sex-based harassment and discrimination.
42. This change recognises the importance of these core gender equality indicators and brings the Act in line with the 2013 Instrument and the Sex Discrimination Act 1984, as well as other recent legislative reform, including the Anti-Discrimination and Human Rights Legislation (Respect@Work) Bill 2022.

Recommendation 9 - Improving the clarity of the Act

43. The Bill changes the title of the 'Director' of WGEA to 'Chief Executive Officer', implementing Recommendation 9.2 of the Review, to avoid confusion with company director roles and align the language of the Act and WGEA with the language of business.

4. Case Studies

Case Study 1 – current legislative framework

This is an example of a private sector employer of over 100 employees reporting to WGEA under the current legislative framework.

A clothing retailer employs over 100 people across a number of stores and offices. In accordance with the Act, it reports to WGEA by the end of May every year on the six GEIs outlined in the Act and Instruments.

Following submission, the clothing retailer is provided with the Executive Summary Report and uses this confidential report to determine how well it has progressed in closing its gender pay gap.

By November, the clothing retailer looks forward to receiving the tailored and confidential Industry Benchmark Report from WGEA, which will further help the retailer to identify how its gender pay gap compares within the retail industry.

The retailer is not under any obligation to provide either the Executive Summary Report or the Industry Benchmark Report to its governing body.

Around November, WGEA publishes its National Scorecard and updates its Data Explorer on the WGEA website.

The clothing retailer knows that, as a reporting organisation, the general public can look it up on the Data Explorer and identify information including the composition of its workforce by gender and employment status, its policy and strategy information, and aggregate gender pay gaps by industry. The public cannot see the clothing retailer's gender pay gap.

Case Study 2 – after passage of the Bill

This is an example of the same private sector employer of over 100 employees reporting to WGEA following passage of the Bill.

A clothing retailer employs over 100 people across a number of stores and offices. In accordance with the Act, it reports to WGEA by the end of May every year on the six GEIs outlined in the Act and Instruments.

Following submission, the clothing retailer is provided with the Executive Summary Report, which includes its gender pay gap, and uses this confidential report to determine how well it has progressed towards gender equality in its workplace.

By November, the clothing retailer looks forward to receiving the tailored and confidential Industry Benchmark Report from WGEA, which will further help the retailer to identify how its gender pay gap compares within the clothing retail industry.

In accordance with the Bill, the CEO of the clothing retailer is under an obligation to cause this report to be provided to the governing body together with the Executive Summary Report – the CEO may do this, for example, by providing both reports to the clothing retailer's Board for discussion during a Board meeting.

Around November, WGEA publishes its National Scorecard and updates its Data Explorer on the WGEA website. The clothing retailer knows that, as a reporting organisation, the general public can look it up on the Data Explorer and identify information including the composition of its workforce by gender and employment status, its policy and strategy information, and aggregate gender pay gaps by industry.

WGEA helps the retailer to understand the gender pay gap data ahead of its publication, and to consider a response, including a narrative or other contextualising statement that could be published alongside its gender pay gap data. Once the gender pay gap of the retailer has been published, the Data Explorer is updated and the general public can now look up the clothing retailer and find out its specific gender pay gap.

5. Consultation

44. The development and implementation of the Review's recommendations were informed by considered and comprehensive stakeholder consultation.
45. Two phases of consultation were carried out:
 - a. Review Consultation – conducted during the Review process; and
 - b. Implementation Consultation – conducted to further consider issues from the Review Consultation.

Review Consultation

46. The Review consultation occurred in October and November 2021, and was open to all members of the public. A media release made by the Minister for Women initially announced the Review consultation. The Review consultation paper was circulated on social media and emails were sent to key stakeholders inviting them to provide input.
47. Five virtual roundtables including a range of stakeholders were held in November 2021. Stakeholders comprised of a variety of targeted representatives from the business and not-for-profit sectors, employee organisations, higher education providers, the women's sector, users of the WGEA data, Australian government and state and territory government representatives and other interested parties.
48. Stakeholders were invited to respond to a consultation paper which was released on 20 October 2021. The consultation paper invited written responses for 10 questions and 155 submissions were received.
49. Several key themes emerged from consultation which informed the design of the Review recommendations:
 - a. The Act and WGEA are only one part of a holistic approach to address gender inequality in the workplace. Governments, employers, and the community all have a role in promoting and improving gender equality in Australian workplaces.
 - b. The rate of change on gender equality in workplaces is not happening fast enough.
 - c. Current compliance mechanisms and reporting standards are not going far enough to hold organisations accountable for progressing gender equality.
 - d. Increasing women's workforce participation is vital for economic growth and productivity.
 - e. A number of employers expressed concern about the burden of current reporting obligations to WGEA.
 - f. There are gaps in the dataset that mean the true state of gender equality in the economy is not being reflected, and therefore is not being fully leveraged to drive targeted action. Key gaps include intersectional perspectives from Aboriginal and Torres Strait Islander women, women living with disabilities, culturally and linguistically diverse women, and non-binary people.
 - g. There was strong agreement that focus on making gender pay gap data transparent at the organisation level (as opposed to just the industry level, which is currently reported by WGEA) will accelerate the pace of change towards closing the gender pay gap.
50. This feedback informed the recommendations of the Review.

Implementation Consultation

51. The OFW undertook further extensive consultation to target key gaps and issues from the Review consultation. The purpose of this additional consultation was to build an in-depth understanding of the impacts of these changes on businesses and to ensure sensitive recommendations were considered in more detail. It provided an opportunity for relevant stakeholders and industry experts' views to be considered in the design of implementation. Stakeholders consulted include other Government departments, WGEA, peak business bodies, partnerships, UK counterparts and experts.
52. The OFW carried out this consultation over August and September of 2022. The consultation process had two parts: a survey to relevant employers, and targeted roundtables.

Survey

53. An Expression of Interest was circulated to over 10,000 relevant employer reporting contacts by WGEA on behalf of the OFW. The OFW received 420 responses and a link to an online survey was circulated to these interested parties.
54. The online survey was completed by a total of 344 respondents. The survey was open for completion from 22 August 2022 to 16 September 2022.
55. The survey was split into three sections where the Review specifically called for further consultation with relevant employers:
 - a. Section 1 – Recommendation 2: Publish organisational gender pay gaps
 - b. Section 2 – Recommendation 3: Strengthen minimum standards
 - c. Section 3 – Recommendation 7: including a range of issues including ANZSCO categories, reporting at an entity level and timing of reporting.

Targeted Roundtables

56. Targeted roundtables were hosted by the OFW on the following issues:
 - a. Collection of data from employees identifying as non-binary (Rec 7.2) – Consultation with organisations and experts that reflect the voices of people identifying as non-binary in Australia. The stakeholder list included LGBTQIA+ peaks, advocacy organisations, and some WGEA-reporting employers.
 - b. Peak business bodies (generally covering the Review, in particular Recs 2 and 3) – Provided peak business bodies the opportunity to speak to areas of the Review that were of interest or concern.
 - c. Partnerships (Rec 7.3b) – This discussion with stakeholders was around the challenges and opportunities of partnership structures reporting to WGEA. The stakeholder list included a mix of legal and accounting firms recommended by WGEA and with knowledge of WGEA reporting.
57. Roundtables were designed in order to create an accessible environment for all stakeholders. Roundtables were targeted and efficient and were held virtually, in order to reach a wide range of stakeholders and to ensure flexibility for attendees. All three roundtables were chaired by an OFW representative, and were attended by an observer from WGEA.
58. Roundtables were conducted under 'Chatham House Rules' to enable honest and open discussion.
59. The roundtables were valuable sessions where the OFW was able to draw out more detail regarding stakeholder concerns. There was a generally high level of support for the data collection work WGEA does, particularly through the non-binary and peak body consultation.

6. Next Steps

60. The Bill is the first step in acquitting all the recommendations of the Review, and will fulfil most of the recommendations requiring legislation.
61. The OFW and WGEA are working closely together to progress any outstanding recommendations requiring further consultation and research and which may lead to future legislative amendments. Any future amendments will build on the foundations laid by the Bill and remade Instruments to accelerate progress towards gender equality in Australian workplaces.

Recommendation 3.1(a) – Development of genuine measurable targets

62. WGEA, in consultation with key stakeholders, is developing a list of genuine measurable targets that employers with 500 or more employees will achieve and report to WGEA against three of the six gender equality indicators.

Recommendation 6 – Collection of diversity data

63. WGEA is undertaking further consultation and research to determine the best way to enable reporting on Aboriginal or Torres Strait Islander background, cultural and linguistic diversity, and disability within workplaces.

Recommendation 7.2 – Collection of data from employees identifying as non-binary in line with the ABS 2020 Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables

64. WGEA is carrying out further consultation and research to determine the best way to collect this data.
65. During Implementation Consultation, businesses indicated that they are at different stages of readiness in terms of collecting and reporting non-binary employee data.

Recommendation 7.3(a) – require employers to report to WGEA at ANZSCO level 4 for non-managers

66. During Implementation Consultation, stakeholders expressed concern regarding the requirement to report to WGEA at ANZSCO level 4 for non-managers. Many employers viewed this as an increased burden but also acknowledged they were well placed to report at this level.
67. The ANZSCO classification system is being reviewed and a new version will be released in late 2024. This review is being carried out by the Women's Economic Policy Branch in the OFW.
68. Internal engagement will continue within the OFW regarding the amendments to the ANZSCO reporting levels.

Recommendation 7.3(b) – include partners and partnerships in the WGEA dataset

69. During Implementation Consultation, some partnerships expressed difficulty reporting data on their remuneration, due to the large variety of partnership structures and differences in the roles of partners and employees. At the same time, other partnerships already voluntarily report to WGEA.
70. To manage these stakeholder complexities, the OFW will undertake further research and engagement with partnerships to progress this discussion. The OFW will continue to consult with key stakeholders regarding the best way to capture gender data in the partnership space.

Recommendation 8 – Strengthen compliance and enforcement

71. A review of the Workplace Gender Equality Procurement Principles is about to commence.

72. When employers do not comply under the Act, WGEA has the power to publicly name the organisation as non-compliant, and they may not be eligible to compete for Commonwealth procurement contracts, grants or other financial assistance.
73. The Review recommended legislative amendments to strengthen compliance and a review of the WGEA procurement principles which is the key compliance mechanism. The OFW is working with Government stakeholders to determine the most effective way forward to strengthen enforcement and compliance through grant administration.

7. Conclusion

74. The workplace is a critical space for progress towards gender equality. Successes in this domain play a core role in achieving women's economic equality. The Bill charges employers with greater accountability and encourages action towards gender equality in workforces. It also fulfils a key election commitment of this Government: to close the gender pay gap at work, including by boosting gender pay gap transparency and encouraging action to close gender pay gaps within organisations.
75. This Bill will be a key driver for employer action, transparency and accountability and will help speed up progress towards gender equality in the workplace. It will do this by requiring WGEA to publish gender pay gaps at employer level, not just industry level. Greater transparency is expected to increase momentum in closing the gender pay gap.
76. Closing the gender pay gap will have positive impacts on the profits of businesses. It will also create additional benefits, such as increased efficiency, productivity, innovation, creativity and improved employee engagement.⁴ The cumulative impact of the Bill is likely to lead to a more timely reduction in the gender pay gap, economically and socially benefitting women across Australia, the individuals in their lives and their families.
77. The current legislative framework of the Act and Instruments has an estimated regulatory burden (for example, through reporting obligations on businesses) of \$8.75 million. The Bill and remade Instruments are expected to lead to a reduction in these regulatory costs⁵ of approximately \$124,709.⁶
78. The Bill and remade Instruments will support the removal of some of the barriers and disincentives to women entering or returning to the workforce by providing employer level gender pay gap transparency. Removal of barriers and disincentives for women entering the paid workforce is estimated to potentially increase the size of the Australian economy by about \$25 billion per year. These legislative changes are expected to lead to a faster narrowing of the gender pay gap, which will contribute to lifting Australia's GDP by up to 11 per cent, or \$353 billion.⁷
79. The OFW welcomes the Committee's inquiry into the Bill, and hopes that this submission assists the Committee in understanding the purpose and intent of the proposed measures of the Bill.

⁴ WGEA, Workplace gender equality: the business case, 12 November 2018, [Workplace gender equality: the business case | WGEA; Diversity Council Australia \(M. Flood, G. Russell, J. O'Leary and C. Brown\), Men Make a Difference: How to Engage Men on Gender Equality](#),

⁵ The regulatory costs are calculated based on time and labour costs for impacted entities to comply with existing reporting requirements to WGEA annually.

⁶ <https://oia.pmc.gov.au/published-impact-analyses-and-reports/changes-workplace-gender-equality-act-2012-and-associated>

⁷ Equity Economics, Making Australia the Best Place in the World to be a Parent (2021) <https://www.equityeconomics.com.au/report-archive/how-australias-parenting-policies-are-failing-women-and-our-economy>.

Attachment A

Summary of all Review recommendations

Recommendation 1	<p>1.1 Improve the quality of data reported to WGEA, and reduce the regulatory burden for employers, by tasking a new Gender Data Steering Group (Recommendation 1.2) to drive and oversee research and stakeholder consultation (including with both human resources and payroll Digital Service Providers) to identify how to:</p> <p>(a) enable WGEA to use data employers have already provided to government and</p> <p>(b) invest in a way to assist employers to extract other data from their own employer systems using a digital solution where possible.</p>
	<p>1.2 Improve the sharing of gender data among WGEA, other departments and agencies by establishing a Gender Data Steering Group under the Deputy Secretary Data Group.</p>
Recommendation 2	<p>2.1 Amend the <i>Workplace Gender Equality Act 2012</i> to allow WGEA to publish gender pay gap information at an employer level as an overall figure and by quartile to encourage change within organisations. Individual employee pay information is not to be published. Conduct further stakeholder consultation to identify the best way to implement this recommendation and conduct a regulatory impact assessment ahead of implementation.</p>
Recommendation 3	<p>3.1 Bridge the ‘action gap’ to strengthen the existing minimum standards by amending the <i>Workplace Gender Equality (Minimum Standards) Instrument 2014</i> to:</p>
	<p>(a) add a new minimum standard to require relevant employers with 500 or more employees to commit to, achieve and report to WGEA on measurable genuine targets to improve gender equality in their workplace against three of the six gender equality indicators</p>
	<p>(b) strengthen the existing minimum standards to require relevant employers with 500 or more employees to have policies or strategies that cover all six gender equality indicators (not just one policy or strategy for one gender equality indicator in the current minimum standards), and</p>
	<p>(c) rename the minimum standards to be ‘gender equality standards.’</p>
	<p>3.2 Strengthen accountability of relevant employers to take action to improve gender equality in workplaces by amending the <i>Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)</i> to:</p>
<p>(a) require relevant employers to report the date employers share with their employees, shareholders, and/or members the gender equality reports that the employers provided to WGEA, and</p>	

	<p>(b) require relevant employers to provide the Executive Summary report and Industry Benchmark report from WGEA to employers to their Board/Governing Body.</p>
<p>Recommendation 4</p>	<p>4.1 Amend the <i>Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)</i> to:</p>
	<p>(a) Remove the ‘reporting levels to the CEO’ question.</p>
	<p>(b) Replace ‘annualised full-time equivalent figures’.</p>
	<p>(c) Replace the parental leave questions that currently ask employers to report on the ‘proportion’ of their workforce. Instead, enable relevant employers to report by gender, employment status and manager/non-manager category:</p> <p>i. The number of employees with access to employer-funded paid parental leave for primary carers and for secondary carers and the eligibility period for access;</p> <p>ii. The number of employees who took a period of parental leave who ceased employment during, or at the end of that period.</p>
<p>Recommendation 5</p>	<p>5.1 To align the Workplace Gender Equality Act and its associated legislative instrument, include ‘sex-based harassment and discrimination’ as a gender equality indicator in the Workplace Gender Equality Act. It is already Gender Equality Indicator 6 in the <i>Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)</i>.</p>
<p>Recommendation 6</p>	<p>6.1 Undertake qualitative research with relevant stakeholders, led by WGEA, on the best way to collect more diversity data in addition to gender data to enable voluntary reporting, including on Aboriginal and Torres Strait Islander background, cultural and linguistic diversity, and disability.</p>
<p>Recommendation 7</p>	<p>7.1 Amend the Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1) to include mandatory reporting of:</p> <p>(a) employee age (year of birth), noting many employers report voluntarily</p> <p>(b) employee’s primary workplace location, noting many employers report voluntarily</p> <p>(c) whether superannuation is paid by an employer when an employee is on paid, unpaid employer-funded and/or government-funded parental leave, noting many employers report voluntarily, and</p> <p>(d) remuneration data for Chief Executive Officers (CEOs) or the equivalent (individual remuneration would not be public but would be aggregated to calculate gender pay gaps and used for other remuneration analysis and insights).</p>
	<p>7.2 Amend the Workplace Gender Equality Act and associated legislative instruments, in line with the ABS 2020 <i>Standard for Sex, Gender, Variations of Sex Characteristics</i></p>

	<p><i>and Sexual Orientation Variables</i>, to enable WGEA to collect data on non-binary people.</p>
	<p>7.3 To identify the best approach to improve other aspects of gender equality indicator reporting and reduce the regulatory burden on employers, the Department of Prime Minister and Cabinet is to do further work to assess the need for legislative amendments to:</p> <ul style="list-style-type: none"> (a) require employers to report to WGEA on occupations and jobs at Australian and New Zealand Standard Classification of Occupations (ANZSCO) level 4 for non-managers (b) include partnerships and partners in the WGEA dataset more comprehensively than they are currently (partners in partnership structures are considered owners not employees, this skews the reporting of gender pay gap data to WGEA), and (c) make it mandatory for relevant employers to report on data as it relates to individual entities within corporate structures, not as it relates to the group hierarchy.
<p>Recommendation 8</p>	<p>8.1 Amend the Workplace Gender Equality Act so all relevant employers must comply with WGEA’s reporting obligations for Commonwealth grants eligibility and Commonwealth procurement participation. To support implementation of this recommendation, the Office for Women in the Department of Prime Minister and Cabinet, together with the Department of Finance and other relevant departments, will review the Workplace Gender Equality Procurement Principles.</p>
<p>Recommendation 9</p>	<p>9.1 Invest in WGEA</p> <p>9.2 To avoid confusion with company director roles, amend the Workplace Gender Equality Act to change the title of the ‘Director of WGEA’ to Chief Executive Officer (CEO).</p> <p>9.3 WGEA to review its Employer of Choice Gender Equality citation to improve its effectiveness as a citation and incentive for more employers to progress gender equality in their workplaces.</p> <p>9.4 WGEA to continue to improve the way it supports employers progress gender equality in their workplaces</p>
<p>Recommendation 10</p>	<p>10.1 Formally review the effectiveness of action flowing from this WGEA Review five years from the commencement of any legislative reform.</p>

Attachment B

Implementation of Recommendations through the Bill and remade Instruments

Rec	Description	Legislative Implementation
2.1	Publish organisation gender pay gaps to accelerate action to close them	Implemented through the Workplace Gender Equality Amendment (Closing the Gender Pay Gap) Bill 2023.
3.1(b)	Strengthen the existing minimum standards to require relevant employers with 500 or more employees to have policies or strategies that cover all six GEIs	Implemented through the remade Workplace Gender Equality (Gender Equality Standards) Instrument 2023.
3.1(c)	Rename the minimum standards to be 'gender equality standards.'	Partially implemented through the Workplace Gender Equality Amendment (Closing the Gender Pay Gap) Bill 2023. Further implementation required through Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2023.
3.2(a)	require employers to report the date employers share with their employees, shareholders, and/or members the gender equality reports that the employers provided to WGEA	Implemented through the remade Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2023.
3.2(b)	require employers to provide the Executive Summary report and Industry Benchmark report from WGEA to employers to their Board/Governing Body.	Implemented through the Workplace Gender Equality Amendment (Closing the Gender Pay Gap) Bill 2023.
4.1(a)	Remove the 'reporting levels to the CEO' question. Currently employers must report on managerial distance from the CEO or equivalent	Implemented on 31 March 2022 through amendment to 2013 Instrument.
4.1(b)	Replace 'annualised full-time equivalent figures'. Enable employers to report on actual earnings of part-time and casual employees as well as the number of hours employees are engaged	Implemented through the remade Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2023.
4.1(c)	Replace 'proportion of workforce' questions with 'number of employees' who have access to paid parental leave, and number of employees who ceased employment during or after that leave.	Implemented through the remade Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2023.

Rec	Description	Legislative Implementation
5.1	Support Respect@Work implementation	Implemented through the Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2023 and to be implemented through the Workplace Gender Equality Amendment (Closing the Gender Pay Gap) Bill 2023.
7.1	<p>Refine gender equality indicators to include mandatory reporting of:</p> <ul style="list-style-type: none"> a. age (already reported voluntarily by many) b. primary workplace location, (already reported voluntarily by many) c. whether superannuation is paid by an employer when an employee is on paid, unpaid employer-funded and/or government-funded parental leave, and d. remuneration data for Chief Executive Officers (CEOs) or the equivalent (no information is to be published by WGEA on individual remuneration). 	Implemented through the remade Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2023.
9.2	To avoid confusion with company director roles, change the title of the 'Director of WGEA' to Chief Executive Officer (CEO).	To be implemented through the Workplace Gender Equality Amendment (Closing the Gender Pay Gap) Bill 2023