

Workplace Gender Equality Amendment (Setting Gender Equality Targets) Bill 2024

DECEMBER 2024

Community and Public Sector Union



CPSU Submission to the Senate Finance and Public Administration Legislative Committee Inquiry

The Community and Public Sector Union (CPSU) (PSU Group) is the primary union for employees in Australian Public Service and broader Commonwealth public sector as well as ACT Public Sector, NT Public Sector, CSIRO and covers ABC, SBS and private sector workers in telecommunications, commercial broadcasting, employment services and research.

The CPSU welcomes the opportunity to make a submission to the inquiry on the Workplace Gender Equality Amendment (Setting Gender Equality Targets) Bill 2024 (the **Bill**). The Bill's proposed reforms represent positive steps to elevating gender equality as a workplace priority. These include a key requirement for 'designated' employers with 500 or more employees to set and make progress towards workplace gender equality targets over a three-year cycle.

The CPSU welcomes the Bill and supports its overarching objectives but considers aspects of the reforms as overly cautious. The Bill sets a high threshold by only requiring employers with 500 or more employees to select, report and take action on gender equality targets compared to existing reporting requirements which covers employers with 100 or more employees required to report to the Workplace Gender Equality Agency (WGEA) annually. Employers may choose easy targets (rather than targets where there is progress to be made) with minimal consequences for lack of action or progress. The Bill also does not recognise the important role of workplace delegates and unions in helping set appropriate targets and driving gender equality in the workplace.

The CPSU makes the following recommendations:

- **Recommendation 1:** Define a Designated Relevant Employer as having 100 or more employees.
- **Recommendation 2:** Require all DREs to make progress under the equal remuneration target and choose three additional gender equality targets.
- **Recommendation 3:** Require an employer to consult unions on gender equality targets and implementation plans.

The CPSU endorses the ACTU submission to this Inquiry and its recommendations.

The Designated Relevant Employer

The Bill proposes that relevant employers with 500 or more employees, i.e., 'designated relevant employers' will be required to set and progress towards gender equality targets.¹ This includes Commonwealth companies or entities with 500 or more employees.

In 2023, the Commonwealth public sector, 116 employers reported gender equality data in respect of 338,951 employees. The Commonwealth Sector Gender Equality Scorecard reflects the sector's positive focus on gender equality with total remuneration average gender pay gap of 13.5%; overall the workforce is gender balanced with 43.5% women and 56.3% men; 48% of employers having a gender-balanced workforce and at every level of management including most senior levels there is gender balance.² Setting of gender equality targets in the sector and focus on achieving targets has in part contributed to these results, see Australian Public Service Gender Equality Strategy 2021-2026. To limit obligations relating to the setting of gender equality targets to only those Commonwealth public sector employers with 500 or more employees would effectively limit target setting obligations to 56 Commonwealth companies or entities (of 116 companies or entities currently reporting).³

WGEA reports that 90% of employers with 100 employees or over have a policy or strategy to support gender equality in the workplace in any event.⁴ In the Commonwealth Public Sector, 78% of employers have a policy or strategy in place for gender equality overall (91% in men dominated employers and 83% in women-dominated employers).⁵

Given employers with 100 employees or more are already required to report publicly to WGEA each year on gender pay gaps, and the vast majority already have policies and strategies in place to, the CPSU recommends instead setting the DRE threshold at employers with 100 or more employees.

Recommendation 1: Define a Designated Relevant Employer as having 100 or more employees.

1 Workplace Gender Equality Amendment (Setting Gender Equality Targets) Bill 2024, s4A.

2 WGEA Commonwealth Public Sector Gender Equality Scorecard Key Employer Results June 2024, <https://www.wgea.gov.au/publications/Commonwealth-public-sector-gender-equality-scorecard>

3 WGEA Commonwealth Public Sector Gender Equality Scorecard Key Employer Results June 2024, <https://www.wgea.gov.au/publications/Commonwealth-public-sector-gender-equality-scorecard>, 15.

4 WGEA Gender Equality Scorecard 2023-24 WGEA [Gender Equality Scorecard | Latest results employer reporting](#)

5 WGEA Commonwealth Public Sector Gender Equality Scorecard Key Employer Results June 2024, <https://www.wgea.gov.au/publications/Commonwealth-public-sector-gender-equality-scorecard>

Gender Equality Targets

The Bill requires a DRE to select gender equality targets that the employer commits to achieving in the target cycle.⁶ Targets and their related rules would be set by legislative instrument.⁷

The Explanatory Memorandum refers to 'numeric' or 'action' targets under the Gender Equality Indicators (GEI). It is proposed that DREs select 'at least three targets in every three-year cycle with at least one numeric target in any three-year cycle'⁸ and either meet or demonstrate improvement over that cycle.

Broad flexibility in choice of targets may lead to some employer picking easier targets and make little or no meaningful progress on gender equality. This is an observation WGEA has made in respect of current reporting, i.e., while employers have strategies and actions in place for GEI's, opportunities for further action risk being missed. WGEA highlights that 'results show few employers are setting targets in areas where there is progress to be made' such as encouraging men's uptake of primary care's leave or flexible work.⁹

DREs should be required to make progress under the equal remuneration target which represents the clearest indicator of progress towards gender equality that all other indicators and targets can contribute towards.

Recommendation 2: Require all DREs to make progress under the equal remuneration target and choose three additional gender equality targets.

6 Workplace Gender Equality Amendment (Setting Gender Equality Targets) Bill 2024, s13(3AA).

7 Workplace Gender Equality Amendment (Setting Gender Equality Targets) Bill 2024, s17B.

8 Explanatory Memorandum, para [20], 6.

9 WGEA Commonwealth Public Sector Gender Equality Scorecard Key Employer Results June 2024, <https://www.wgea.gov.au/publications/Commonwealth-public-sector-gender-equality-scorecard>, 9.

Role of workplace delegates and unions

Progressing gender equality and women's issues including ensuring safe, respectful and inclusive workplaces and improving pay and conditions are core objectives for unions and workplace delegates.

The Commonwealth Government and Parliament have recently recognised the important role of workplace delegates, legislating new rights and protections in the Fair Work Act 2009.¹⁰ Workplace delegates now have a clear right to represent the industrial interests of union members or potential members in the workplace. The WGE Act recognises the role of unions by requiring 'relevant employers' to inform them of the lodgement of a gender equality public report to WGEA¹¹ and the opportunity for the union to provide comment to the employer or WGEA.¹²

The Bill fails to provide a role for unions or workplace delegates including in relation to the proposed rules for setting targets and their implementation. CPSU recommends DRE's should be required to consult with unions and workplace delegates prior to selecting gender equality targets. Further existing GEI 5 (consulting with employees on issues concerning gender equality in the workplace) explicitly refer to consultation with unions and workplace delegates.

Recommendation 3: Require an employer to consult unions on gender equality targets and implementation plans.

10 Fair Work Act 2009 (Cth), s 350C.

11 Workplace Gender Equality Act 2012 (Cth), s16A.

12 Ibid, s16B.