

Executive Summary

WGEA is widely recognised as providing one of the best datasets in the world with respect to gender equality in the workplace, providing transparency and comparability of performance over time.

WGHA relies on WGEA data to inform our campaigns and actions, and to highlight areas of gender equality that require attention and further initiatives. WGEA data provides a critical, consistent and reliable dataset which measures outcomes and changes over time, and is not publicly available through other means.

WGHA encourages WGEA to continue to make the reporting process as streamlined as possible, ideally aligned with other reporting processes to minimise the reporting burden on employers.

WGHA would be very concerned if there were any dilution of the quality or extent of data collected until gender equality is achieved in Australia.

Responses to Consultation Questions

Consultation question

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?

WGEA has appropriate functions and powers for promoting and improving gender equality in the workplace, which should be retained and strengthened. However, the fact that many measures of gender equality in the Australian workplace (as demonstrated through WGEA data) have not significantly improved over time highlights the fact that WGEA's functions and powers should be enhanced and strengthened to improve outcomes.

WGHA recommends the impact of the WGEA be enhanced through -

- enforcement provisions including penalties for non-compliance with certain WGE Act reporting obligations;
- public reporting of the gender pay gap of individual organisations against industry and whole of workforce benchmark;
- expansion of the WGEA's research and initiatives to include recommendations to the government on eliminating gender bias in industry wage rates and gender bias in advertising and the media.

There is an opportunity for proactive collaboration with organisations in relation to the listed function **"Advising and assisting employers in promoting and improving gender equality in the workplace"** as this aligns with one of our three business pillars **"Encouraging organisations to empower and create opportunities for women"**.

WGEA is effective in relation to collection and analysis of data, development of benchmarks and undertaking research. However the analysis is limited as it is defined by industry ANZSIC codes, the industry we represent covers 9 different ANZSIC codes, so we need to reanalyse the data and cannot advise on gender pay gap as we do not have access to the full data set.

WGHA would like to see WGEA use its data and resource base to engage and collaborate more actively with associations like WGHA. As this would allow us to improve gender equality in the workplace by enabling the right metrics to be discussed publicly through the industry.

Consultation question

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?

WGHA relies on WGEA data to inform our campaigns and actions, and to highlight areas of gender equality that require attention and further initiatives. We follow a motto of Collate, Curate and Create, to enable an effective use of our scarce resources. We rely entirely on WGEA for Gender Pay Gap information. We utilise WGEA data to collate information that represents the industry (9 different ANZSIC codes) and seek change from the industry on the facts we publish.

The WGEA data provides a critical, consistent and reliable dataset which measures outcomes and changes over time, and which is not publicly available through other means. In the absence of WGEA data, we would need to implement our own data gathering, which would not have the reliability or accuracy of WGEA data nor the breadth of coverage.

We encourage WGEA to continue to make the reporting process as streamlined as possible, ideally aligned with other reporting processes to minimise the reporting burden on employers, particularly those with very few internal resources for such reporting.

Key areas that can have an impact to workplaces, and which are not currently with the scope of covered by WGEA are -

- societal norms including gender biases in media and advertising
- embedded gender bias in wages and salaries levels in certain industries which contribute significantly to the gender pay gap and women's economic security
- gendered career preferences that emerge from our education system

Consultation question

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?

Consideration could be given to introducing a less onerous reporting regime for employers with 50-99 employees.

Consultation question

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?

GEI 4 could be divided into two separate indicators, one pertaining to the availability of flexible working arrangements, and another to supporting employees with family or caring responsibilities. This would remove the emphasis on a correlation between the provision of flexibility and caring responsibilities, as this can tend to suggest that only carers seek or benefit from improved work flexibility.

WGHA also suggests consideration should be given to collection of the following data -

- Extent to which the employer's business activities (products and services) promote gender equality. For example, does the reporting organisation review its advertising for gender bias? Does the reporting organisation include gender equality measures in procurement?
- Age of employees and workplace, by gender and employment status.
- Involuntary work departures, voluntary and involuntary redundancies by gender and employment status.
- Employee data at 1st, second and third tier by gender and employment status - comparing both the gender break-down and pay rates.
- Employees who are paid superannuation for parental leave and if they do not return to work after parental leave.

Consultation question

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?

WGHA recognises the need for improved workplace diversity in areas other than gender (e.g. cultural and linguistic diversity) and the importance of better insight into these nuances in men's and women's experiences. However at this stage our focus is gender, so we would be hesitant to suggest further scope that could risk broadening WGEA's mandate too broadly and reduce the focus on achieving gender equality.

Consultation question

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?

WGHA's industry remit covers 9 ANZSIC codes and 4 divisions, we would support mechanisms that allow an easier analysis of the data set to bring our industry view together. As mentioned above, we are unable to report to the industry on the gender pay gap, as we are unable to access the dataset to calculate it for our industry.

The ANZSIC codes that businesses in our industry are classified under:

Accommodation and Food Services

- Food and Beverage Services
 - Pubs, Taverns and Bars
 - Clubs (Hospitality)
- Accommodation
 - Accommodation

Arts and Recreation Services

- Gambling Activities
 - Gambling Activities

Professional, Scientific and Technical Services

- Computer System Design and Related Services
 - Computer System Design and Related Services

Manufacturing

- Machinery and Equipment Manufacturing
 - Computer and Electronic Equipment Manufacturing
- Furniture and Other Manufacturing
 - Other Manufacturing

Consultation question

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?

WGHA strongly advocates for WGEA making the reporting process as streamlined and useful for employers as possible. WGHA support in principle the proposal for WGEA to be able to access data available from other sources, such as Single Touch Payroll (STP) data, to avoid duplication of effort by employers. However, it would be necessary to ensure that the STP data is able to be mined by WGEA, and incorporated into their analytics for such a proposal to be effective. STP data is collected by the ATO, a separate government agency, and subject to its own legislation and privacy and confidentiality considerations. These issues would need to be fully explored and addressed, and a technology solution provided to ensure the efficiency gain was achievable before implementation.

WGHA would caution against any material changes to the reporting regime established under the WGEA, or any significant reduction in the data collected by WGEA on gender equality in the workplace. We request that if any changes to data collection is proposed, that consultation be undertaken on the specific reporting and data changes to ensure that the utility of the data remains sound, and that there are no unintended consequences or loss of important information on gender equality.

Consultation question

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?

WGHA recommends that the instrument require ALL employers with over 100 employees to, at a minimum have strategies in place for Equal Remuneration and Prevention of sex-based harassment and discrimination.

strategies in place to address overall gender composition, flexible work, and gender equitable care for children and elders, on an “if not, why not” basis, similar to the ASX Corporate Governance Principles.

Employers with more than 100 employees should be encouraged to have strategies in place for the areas of:

- overall gender composition;
- flexible work;
- gender equitable care for children and elders

on an “if not, why not” basis, but failure to do so should not attract penalties for non-compliance.

Consultation question

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?

WGHA supports increased powers under the Act for instigating consequences for non-compliance. Non-compliance with the Act should have the same status of reporting obligations as for ACNC or ASIC reporting obligations.

Consultation question

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?

We would like to see WGEA working hand in hand with the Respect at Work Council to ensure that organisations are taking their responsibilities for providing harassment-free workplaces seriously, and following the recommendations of the Respect@Work report. We believe WGEA could be taking a stronger compliance role in relation to this specific GEI.

We further believe that sexual harassment should be one of the minimum standards and part of the reporting framework. And employers should report on the provision and frequency of workplace training on sexual harassment.



WOMEN IN GAMING
& HOSPITALITY
AUSTRALASIA

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Submission to the Review of Workplace Gender Equality Act 2012

About Us

Women in Gaming & Hospitality Australasia (WGHA) is a not for profit organisation focused on ensuring gender equity, gender equality and inclusivity across gaming, gaming-related and hospitality industries. This is about everyone, men, women and gender diverse people are needed to achieve gender equity. Established in 2017, WGHA has the mission to promote positive outcomes for women and to drive systemic change in the industry. We operate according to three main pillars:

- Industry – Achieve an inclusive industry, highlight inequality when we see it
- Organisation – Challenge organisations to empower and create opportunities for women
- Individual – Encourage individuals to reach their full potential by supporting their development with education, exposure and networking opportunities.

For more information on WGHA see our website www.wgha.org.au