

ARA SUBMISSION

WORKPLACE GENDER EQUALITY AMENDMENT (SETTING GENDER EQUALITY TARGETS) BILL 2024

DECEMBER 2024

EXECUTIVE SUMMARY

The Australian Retailers Association (ARA) welcomes the opportunity to contribute to the consultation on the Workplace Gender Equality Amendment (Setting Gender Equality Targets) Bill 2024 to drive progress on gender equality in Australia.

The ARA is the oldest, largest, and most diverse national retail body, representing a \$430 billion sector that employs 1.4 million Australians – making retail the largest private sector employer in the country. As Australia's peak retail body, representing more than 120,000 retail shop fronts and online stores, the ARA informs, advocates educates, protects, and unifies our independent, national, and international retail community.

We represent the full spectrum of Australian retail, from our largest national and international retailers to our small and medium-sized members, who make up 95% of our membership. Our members operate across the country and in all categories - from food to fashion, hairdressing to hardware, and everything in between.

Gender equality is a fundamental human right. The ARA is committed to addressing imbalances and uniting the sector to achieve gender equality. This commitment is demonstrated through the release of the 2022 [Gender Equality Position Statement](#), which major retail employers have endorsed, and the annually held Gender Equality Symposiums. In September 2024, the ARA launched its [Gender Equality Playbook](#), providing retailers with a structured roadmap to develop actionable gender equality strategies within their organisations.

Despite positive progress from the retail sector, imbalances persist. Women are integral to the success of the retail industry, accounting for 75% of consumer spending and representing 56% of the workforce¹. Despite this, women occupy only 19% of retail board positions and 13% of the sector is led by female CEOs¹. The retail sector also has a 7% pay gap between men and women in similar roles, and whilst this represents the lowest industry-level pay gaps, it remains one of the contributing factors to women retiring with superannuation savings 23% lower than men².

Additionally, women are significantly more likely to experience sexual discrimination and harassment in the workplace, and they are three times more likely to be victims of domestic and family violence. Recent reports indicate that 48% of women and 25% of men have experienced sexual harassment in retail settings³. These issues are heightened for First Nations women, young women, migrant women, lesbian and bisexual women, trans women, and women living with a disability. This highlights the challenges of achieving gender equality

¹ WGEA Retail Trade Industry Snapshot 2023 (<https://www.wgea.gov.au/data-statistics/industry-snapshots/retail-trade>)

² WGEA Women's economic security in retirement (<https://www.wgea.gov.au/publications/womens-economic-security-in-retirement>)

³ ANROWS Just another day in retail <https://www.anrows.org.au/publication/just-another-day-in-retail-understanding-and-addressing-workplace-sexual-harassment-in-the-australian-retail-industry/in-brief-read/>

within the retail sector and underscores the broader issue of inequality in Australia. Without strong government leadership and action to tackle these issues, progress toward gender equality will remain difficult to achieve.

FEEDBACK AND COMMENTS

The ARA supports the Australian Government's efforts to achieve gender equality, however, recognises that while individual retailers are making progress, no business alone can shift individual attitudes or behaviours and that this is a systemic, society wide issue. Gender inequality is a pervasive and deeply entrenched issue underpinned by complex and structural problems that require sustained solutions that demand collective action from all members of society to achieve systemic change. Any review should take into account the broader challenges presented in Table 1 that obstruct progress and reduce the effectiveness of efforts to address this issue.

Table 1: Societal issues contributing to gender inequality in Australia:

- a) **Stereotypes and cultural norms:** While there have been recent improvements, changing attitudes toward gender is a slow and resistant process. Persistent cultural and social norms that reinforce traditional gender roles continue to limit women's opportunities and choices, perpetuating inequality.
- b) **Caregiver roles and unpaid work:** Despite positive changes in traditional caregiving roles, women still bear the majority of unpaid caregiving responsibilities. Gendered norms reinforced by social and economic structures position women as primary caregivers for children, aging parents, and individuals with disabilities, ultimately impeding their career progression.
- c) **Gender-based violence:** Rates of violence against women remain alarmingly high. 1 in 4 women have experienced violence by an intimate partner or family member ⁴. This violence affects women's safety, wellbeing, and participation in the workforce.
- d) **Limited primary prevention strategies:** Inadequate national action to address root causes, from school-based initiatives to nationwide campaigns, hampers efforts to prevent violence and achieve meaningful gender equality.

The ARA welcomes the Workplace Gender Equality Amendments Bill 2024 and the introduction of gender equality targets for 'designated relevant employers', or employers with 500 or more employees. The ARA broadly supports the timeline of a three-year target cycle to address three of the six gender equality indicators (GEIs) currently in the legislative scheme. However, it is important to note that in a previous 2021 submission regarding the Workplace Gender Equality Act (2012), members provided feedback that the GEIs are too prescriptive and action-based rather than outcome-based.

It is essential to provide retailers with the opportunity to integrate and align existing gender equality targets into the framework, rather than requiring the creation of new, standalone targets solely to meet compliance or reporting requirements. Leveraging existing targets ensures consistency with established strategies and

⁴ Our Watch Quick facts about violence against women (<https://www.ourwatch.org.au/quick-facts>)

ongoing initiatives, prevents duplication of effort, and maximises the impact of current gender equality programs. This approach allows retailers to build on progress already achieved, fostering a more cohesive and strategic implementation of gender equality objectives within the broader diversity, equity and inclusion (DEI) agenda.

To drive meaningful progress, businesses must collect data and take action across all dimensions of diversity, equity, and inclusion (DEI), including gender identity and sexual orientation. This intersectional approach captures how gender interacts with other forms of diversity, addressing the unique barriers faced by women from diverse cultural backgrounds, LGBTIQA+ women, neurodiverse women, women with disabilities, older women, and those from low socioeconomic backgrounds. By doing so, businesses can ensure all women have equitable access to opportunities, moving beyond traditional gender equality measures that often benefit only certain groups.

Gender inequality and intersectionality

Gender inequality is not experienced in the same way by all women and men. Different dimensions of identity, including race, geography, sexuality, and disability can intersect and influence individual experiences and outcomes at work. Systemic discrimination and bias – both conscious and unconscious – can create inequalities at every stage of the employment cycle ⁵.

Focusing solely on gender equality risks missing opportunities to integrate broader DEI efforts into organisational priorities. A holistic and intersectional strategy avoids prescriptive, box-ticking approaches and ensures initiatives deliver genuine, sustainable impact.

The ARA highlights the absence of intersectionality in the Explanatory Memorandum and recommends acknowledging businesses that address broader DEI objectives alongside specific gender equality targets. Integrating these efforts strengthens outcomes and fosters truly inclusive workplaces.

The ARA's position is that the Workplace Gender Equality Agency (WGEA) needs to shift focus from reporting and compliance to building the knowledge and capability needed to address gender inequality. Intentional non-compliance may occur in some cases, but it's essential to recognise that many businesses genuinely want to comply but may struggle due to common challenges such as resource constraints, knowledge gaps, cost or cultural or structural barriers. Rather than vilifying non-compliant businesses, it is crucial to provide support and resources to help them navigate complex regulations, enhance their compliance frameworks, and foster a culture of accountability. By offering guidance and assistance, stakeholders can facilitate a more cooperative approach to achieving compliance, ultimately benefiting both the businesses and the broader community.

Additionally, in unique circumstances where a business is not on track to meet its established targets, it should be allowed to revise these targets to understand why and adjust if needed within the remaining target cycle. We recommend WGEA provides ongoing consultation and support to assist businesses in this process, helping them navigate potential challenges and prevent non-compliance. This approach promotes a collaborative

⁵ Australian Government Gender equality in Australia (<https://genderequality.gov.au/working-for-women/working-women-strategy-overview/gender-equality-australia#:~:text=Not%20all%20people%20experience%20gender,age%2C%20location%20and%20sexual%20orientation.>)

environment that encourages businesses to remain committed to their gender equality objectives while addressing any difficulties they may face in achieving them.

Implementing gender equality targets for retailers entails costs related to target setting, data collection, analysis, and reporting; however, these costs can yield significant long-term benefits. To maximise the value of these efforts, it is essential for WGEA to conduct sector-specific analysis of the collected data and develop actionable solutions and incentives, rather than focusing solely on compliance. As the first initiative of its kind globally, the gender equality targets scheme can be a pioneering case study, offering valuable insights for future policies and practices aimed at advancing gender equality.

RECOMMENDATIONS

The ARA proposes the following recommendations to accelerate progress in the retail sector:

- 1. Integrate existing targets:** It is essential to incorporate existing targets into the framework to demonstrate progress and build upon existing efforts. The proposed Gender Quality Targets does not currently provide for this option, which is a crucial oversight. By integrating existing targets, businesses can showcase the progress that has already been made, rather than presenting it as a new concept.
- 2. Timeframe:** As noted, businesses should be allowed to revise targets within the 3-year period if they are not on track to meet a target.
- 3. Review mechanisms for non-compliance:** There should be a review mechanism if there is a finding of non-compliance. The explanatory memoranda explain that this has not been included because employers have the ability to provide a reasonable excuse for non-compliance and make representations as to why public naming shouldn't occur. However, if there is a determination that an excuse isn't reasonable then there is no review option at present and that isn't ideal for employers. The explanatory memoranda indicates there is some work being done in this space and it may be introduced in the future but this is vague and non-determinative.
- 4. Revisit the approach to gender data collection:** Currently, reporting relies solely on the information disclosed by employees, which does not capture the full complexity and nuances of gender identities. As more individuals opt not to disclose their gender or identify as neutral, employer reporting may not accurately reflect the true demographics of their workforce. This could lead to inaccuracies in gender pay reporting, which may not provide a comprehensive representation of the organisation's diversity.
- 5. Implement national primary prevention campaigns:** Launch comprehensive public awareness campaigns and educational programs in schools aimed at changing attitudes and behaviours related to gender stereotypes and violence and cultural awareness campaigns.
- 6. Invest in leadership development programs for women:** Develop and fund leadership training initiatives specifically designed to empower women in the retail sector, enhancing their skills, confidence, and opportunities for advancement.

7. **Support caregivers and recognise unpaid work:** Provide resources and support for employees in caregiving roles, recognising and valuing the unpaid work predominantly performed by women. Develop policies that promote work-life balance and support for caregivers.
8. **Foster industry partnerships:** Collaborate with industry associations and key partners to enhance the delivery of gender equality initiatives. Leverage these partnerships for knowledge sharing, meaningful participation, and alignment on best practices in the retail sector.
9. **Highlight the importance of intersectionality:** Develop training and educational programs that focus on intersectional aspects to tackle the specific challenges encountered by diverse groups.
10. **Integrate gender equality with broader DEI objectives:** Ensure that gender equality efforts are aligned with overall DEI goals. Recognise and reward employers who successfully implement comprehensive strategies that address both gender and broader diversity objectives.
11. **Provide supportive alternatives to non-compliance:** Instead of punitive measures for non-compliant employers, establish supportive alternatives such as tailored training programs and resources.
12. **Conduct sector-specific data analysis:** Use the collected data and insights to inform targeted solutions and enable like-for-like comparisons.

CONCLUSION

The ARA acknowledges the retail sector's significant potential to drive gender equality. While the proposed amendments are welcomed, meaningful progress requires a societal shift in ingrained behaviours and attitudes, as efforts from businesses alone will not suffice. We look forward to ongoing collaboration to drive this change.

Thank you for the opportunity to provide a submission to this inquiry.