



20 December 2024

Senator Louise Pratt
Chair
Finance and Public Administration Legislation Committee

Dear Chair,

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

The Victorian Trades Hall Council (VTHC) welcomes the opportunity to make a submission into the review of the *Workplace Gender Equality Amendment (Setting Gender Equality Targets) Bill* (the Bill).

VTHC was established in 1856, and is the peak body for unions in Victoria, representing 40 unions and over 500,000 workers. Since winning the Eight Hour Day in 1856, VTHC has had a long history of fighting for and defending the rights of all workers in Victoria. Workers in union have been at the forefront of the struggle for all workers to be safe, respected and equal at work.

VTHC has been organising women workers since inception and in that time has campaigned for many important reforms. More recently, these include:

- Equal Pay
- Family and Domestic Violence Leave
- Maternity Leave
- Reproductive Leave
- Superannuation
- Reforms to address gendered violence at work through an Occupational Health and Safety (OHS) framework
- Reforms to ban the misuse of non-disclosure agreements in workplace sexual harassment matters

Our largest affiliated unions are in women dominated workplaces and this has meant that their enterprise agreements are the most advanced in addressing gendered violence, workplace discrimination, and other entitlements that contribute to workplace gender equality.

VTHC warmly congratulates the Albanese Labor Government for their industrial relations reform, including establishing a new positive duty for employers and businesses to prevent sexual harassment, and the introduction of Same-Job Same-Pay, leading to pay rises for thousands of women workers.

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Secretary

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VTHC recognises the work that has contributed to this Bill. However, as it currently stands, the Bill has many shortcomings: It fails to address the real issues facing women workers such as insecure work, and it fails to ensure targeted plans for women in vulnerable cohorts. There are few if any forms of genuine accountability and none of the targets are mandatory. Real overall progress towards markers of gender equality for women workers do not need to be met.

VTHC is willing and able to work with the Office for Women and the Workplace Gender Equality Agency to create positive change and reform on this Bill. Our submission includes a range of recommendations that would see this Bill target measures to ensure progress towards women being safer and treated more equally in the workplace.

We thank you for the opportunity to make a submission.

Yours Sincerely,

Danae Bosler
VTHC Assistant Secretary – Appointed
Ref LH:SS 92.32

1. Introduction

Through successive changes to the Fair Work Act, the Albanese Labor Government has delivered meaningful improvements to the pay and conditions of hundreds of thousands of Australian workers. VTHC acknowledges that women workers in particular have benefited from these industrial reforms, notably its expansion of multi-employer bargaining and the implementation of much needed pay rises in the care economy.

VTHC also acknowledges the work behind this Bill as an important step to progress equality and equity for women in Australia's workforce. However, Victorian unions are disappointed by the Bill's lack of innovative and mandatory policy targets or accountability. Without mandatory progressive targets or accountability for those targets, workplaces will remain unequal and unsafe for women. The Workplace Gender Equality Agency's inadequate consultation with trade unions prior to the drafting and tabling of this Bill contributes to its shortcomings.

This submission should be read in conjunction with the Australian Council of Trade Union's (ACTU) submission and any other Australian unions' submissions. VTHC fully endorses the recommendations made in the ACTU's submission and further contributes the following ideas and recommendations, based on the successful implementation of the *Gender Equality Act (Vic) 2020* in Victoria.

2. Women and the workplace

Every day over 1.6 million Victorian women go to work in our state, supporting their families and communities, and contributing to the economy. Yet women are not safe at work: women face harassment, discrimination, abuse, and violence that is specifically intended to intimidate them and prevent them from achieving social and economic equality.

In August 2024, the national gender pay gap fell to the lowest on record, to 11.5% thanks to targeted intervention and industrial relations reforms advocated by trade unions and delivered by the federal government. For every dollar men earn on average, women earn 89 cents. However, while this progress is welcomed by Victorian unions, the gender pay gap only accounts for base pay. When considering the total remuneration package for all workers, the gap widens to 21.8%, meaning for every dollar a man earns, a woman earns 78 cents, accumulating to approximately \$28,425 less per year.¹

In Victoria, the gender pay gap is reducing at the most accelerated rate across the nation. Between May 2022 and May 2024, the gender pay gap declined 3.9%. This accelerated progress is largely attributed to targeted government policy programs established by both the federal and Victorian Governments, including the *Gender Equality Act (Victoria)*.²

¹ <https://www.wgea.gov.au/pay-and-gender/gender-pay-gap-data>

² <https://www.actu.org.au/wp-content/uploads/2024/11/Minding-the-Gap.pdf> pg. 11

It is the largest companies in Australia, those who employ more than 500 employees, which have the starkest gender pay gaps. For example, A2 Milk has a gender pay gap of 40.5%, Qantas' gender pay gap is 37%, AGL's 33.2% and the Commonwealth Bank has a gender pay gap of 29.9%.³ The lived reality of this persistent gender pay gap means that it is far more difficult for women to pay rent, buy food, access training opportunities, provide for their children and plan for the future. The gender pay gap and high rates of insecure employment makes it more difficult for women to escape family and domestic violence, or to be empowered to improve their unsafe workplaces. Later in life, the gender superannuation gap of 40%⁴, which is often due to remuneration pay gaps and unequal distribution of caring responsibilities, result in poverty among older women. By the time they are 60 years old, 34% of single women in Australia will live in poverty.⁵ These impacts are both unacceptable and avoidable.

In the past five years, one in three women workers has experienced sexual harassment in the workplace. Gendered violence, including sexual harassment, sex-based harassment, victimisation, and discrimination, remains pervasive in our workplaces. Victorian unions know that gendered violence is compounded by insecure work and that those in insecure work also experience systemic wage theft and exploitation. Australia has one of the highest levels of insecure work in the OECD,⁶ and at every age group, fewer than 50% of women work full-time.⁷ This reaches its peak with women aged 55 and over, where 65% are employed in part-time and casual positions. In contrast, the majority of men in all age groups over 25 work full-time.⁸

Encouragingly, Australia's full-time gender pay gap has dropped from 14.1% to 11.5% over the past two years. Significant progress in lifting wages in women dominated occupations and sectors has been a key driver, particularly in aged care, healthcare, and the early learning sector. This is a direct result of targeted reforms, such as the introduction of multi-employer bargaining and changes to the 'equal remuneration' provisions in the *Fair Work Act 2009*, delivered by the Federal Government through the *Secure Jobs Better Pay* legislation in 2022. These amendments have enabled trade unions to effectively advocate at scale for wage improvements that recognise historically undervalued work in female dominated sectors.

The rapid reduction of the pay gap over the past two years demonstrates the importance of strong, targeted government intervention in reducing the gender pay gap. It is expected that progress towards equal pay will continue through these and other measures. These measures include

³ <https://www.afr.com/work-and-careers/workplace/gender-pay-gap-calls-for-proper-explanation-to-maximise-opportunity-20240225-p5f7o8>

⁴ <https://www.wgea.gov.au/publications/superannuation-gender-pay-gaps-by-age-group>

⁵ <https://streetsmartaustralia.org/poverty-and-homelessness-the-reality-for-too-many-older-women/#:~:text=Poverty%20is%20the%20daily%20reality,experiencing%20housing%20stress%20and%20homelessness.>

⁶ <https://www.actu.org.au/wp-content/uploads/2023/06/media1449507d20-actu-submission-senate-inquiry-into-insecure-work.pdf>

⁷ <https://www.wgea.gov.au/newsroom/New-data-Australian-workers-part-time-promotion-cliff#:~:text=Women%20are%20twice%20as%20likely,casualty%2C%E2%80%9D%20Ms%20Wooldridge%20said.>

⁸ https://www.wgea.gov.au/sites/default/files/documents/Gender%20%26%20Age_Research%20Brief_final3.pdf

stronger rights to request flexible work arrangements, and the Gender Undervaluation - Priority Awards Review,⁹ currently being heard by the Fair Work Commission. Without this direct government intervention, there would be little change in the gender pay gap. It is also essential that our largest and most powerful employers are held accountable to taking meaningful action.

Women in Low-Paid and Insecure Work

It is critical that insecure and low paid work be addressed if meaningful change is to be made on the gender pay gap, as insecure work is persistent and disproportionately affects women workers. Women overwhelmingly remain the primary carers of children, with 88% of women taking primary carer's leave, compared to 12% of men.¹⁰ The targets included in the Bill do not go far enough in positively impacting the uptake of shared parental and carer's leave. Without adequate intervention, barriers will remain in place, which will severely hamper women workers' ability to achieve substantive gender and pay equality.

Addressing insecure work needs urgent attention, especially after the pandemic. Most casual workers are women, and some of the most highly feminised sectors such as healthcare, education and social assistance are the most casualised.¹¹ As the ACTU found in their research report, *Leaving women behind: The real cost of the Covid recovery*, 60% of new jobs created from May through to November in 2020 were casual jobs. Women filled 62% of those jobs.¹² Women are also more likely to be reliant on Award-based, low-paid work. As a result, women workers can access fewer and less predictable hours, and fewer standard entitlements like sick leave, long service leave and annual leave.¹³ While state-level initiatives such as portable long service leave for community services workers help women access entitlements, more needs to be done at the federal level to ensure women have access to secure work.

VTHC does not believe that the 'menu' of Gender Equality Targets proposed by this Bill goes far enough to address or combat the issue of women's disproportionately high rates of insecure employment. The pay gap and broader representation for women in the workforce needs meaningful, targeted action as well as external accountability mechanisms and consequences for the employers who fail to meet targets. Targets around improving job security need to be implemented in this Bill as part of Gender Equality Indicator 1 (GEI), as a measure of gender equality. Further, improving job security for women will mean they are more empowered to raise and resolve issues such as sexual harassment, discrimination or wage theft at work which contribute to the gender pay gap.

⁹ <https://www.fwc.gov.au/hearings-decisions/major-cases/gender-undervaluation-priority-awards-review>

¹⁰ Ibid, pg.3

¹¹ <https://www.pmc.gov.au/resources/10-year-plan/current-state#:~:text=Women%20are%20more%20likely%20to,support%20workers%20are%20casually%20employed.>

¹² Australian Council of Trade Unions (2020), *Leaving women behind: The real cost of the Covid recovery*, ACTU, accessed: <https://www.actu.org.au/media/1449502/actu-sub.pdf>, p. 3.

¹³ Ibid, p.20.

Recommendation 1: Include a job security target as a gender equality target under GEI1.

Intersectionality

Currently, this Bill does not mandate the collection of diversity and intersectional data. The collection of this data is critical, as it can help to identify patterns of inequality for workers who may experience layers of compounding barriers and disadvantage in the workplace. The needs of First Nations women, women of colour, and migrant women are not uniform. Nor are they the same as the needs of women who are part of the LGBTQI+ community, women with disabilities or chronic illnesses. Victorian unions know that the harms of gendered violence are multiplied and intensified for workers who are members of these diverse cohorts. By homogenising the experiences of women workers, without considering the unique circumstances or specific barriers, this Bill will fail to address the key issues it has been designed to solve. Legislative action aimed at empowering these cohorts must be informed and driven by the lived experiences of workers who are part of these diverse communities.

Workers who are part of these diverse cohorts understand more than any other how well-meaning targets and other top-down initiatives consistently fail to deliver any substantive or material changes to their livelihoods, and ability to participate fully in the workforce. Although such discrimination is structural in nature, it reveals itself clearly at the level of the individual, the community and the workplace.

In 2023, 59% of First Nations women reported they experienced discrimination and/or harassment in the workplace¹⁴ and only 1 in 4 First Nations women said, ‘they feel supported when they experienced racism at work.’¹⁵

Women from migrant and refugee backgrounds have also reported that there are fewer opportunities for advancement or professional growth in their workplace. Women from these backgrounds face high levels of workplace sexual harassment, disproportionately higher representation in low-paid ‘feminised’ industries and higher underemployment due to racial discrimination, language barriers and a systemic undervaluing of their qualifications and skills.¹⁶

These experiences demonstrate the unequivocal and real impact of discrimination on the lives of these cohorts and the necessity of ambitious, comprehensive and women-led legislative solutions. The failure of the Bill and ‘menu’ of Gender Equality Targets to include targets to drive real change for these communities is a missed opportunity. VTHC supports WGEA developing a process for collecting meaningful intersectional data to inform such targets.

¹⁴ <https://www.genderequalitycommission.vic.gov.au/intersectionality-work/chapter-1-gender-and-aboriginal-and-torres-strait-islander-employees>

¹⁵ https://www.wgea.gov.au/sites/default/files/documents/GariYala_Key_Insights_Factsheet_2021.pdf

¹⁶ <https://lens.monash.edu/@politics-society/2023/09/04/1386104/diversifying-the-gender-equality-lens-to-include-migrant-women>

Recommendation 2: Conduct further consultation with representative organisations and peak bodies about amending the Bill to collect mandatory intersectional and diversity data.

3. Menu of Gender Equality Indicators

In Victoria, over 70% of employers are small or micro businesses employing fewer than four employees,¹⁷ and only 10% of employers employ more than 100 employees. Measures to increase gender equality for workers in small to medium businesses are not contemplated at all by the Bill.¹⁸

VTHC strongly supports the ACTU's recommendation on defining a Designated Relevant Employer (DRE) as having 100 or more employees, given that the current scope set out by the Bill would miss over 70% of the Australian labour force.¹⁹

Companies who employ more than 500 workers are some of the most influential and well-resourced in Australia, many are multi-national, meaning they have the greatest ability, and therefore responsibility, to drive meaningful change. Yet as we know by the published gender pay gap data, the overwhelming majority of our largest companies have significant gender pay gaps and have failed to make any real meaningful change towards gender equality.

Allowing businesses to choose their targets from a menu of options, leaves it open to them to manipulate existing data and choose targets they are almost certain to 'meet' without making any new progress.

While this Bill requires that employers do not go backwards on their self-selected targets, VTHC has genuine concerns over a situation where an employer chooses their numeric target to be GEI2 - 'Gender Composition of Governing Body' and increase gender diversity on their board by including an additional woman. At the same time, they could go backwards by another measure such as an increase to the company's gender pay gap under numeric GEI3. Under the Bill, the company would meet their targets including the required numeric target. Yet, it cannot be said that this would amount to meaningful progress towards gender equality. Increasing the number of women on the Board whilst failing to shift headcount diversity or the gender pay gap should not be considered an overall improvement. Targets must not be structured to allow this to occur.

Large workplaces have the greatest ability to resource action on workplace gender equality, given their financial and administrative powers, therefore it is not satisfactory for companies to simply show progress in any form, rather than create net positive change.

¹⁷ Analysis of Australian Small Business and Family Enterprise Ombudsman, 2024. Small Businesses by State: Victoria. Data excludes non-employing enterprises. Link: <https://www.asbfeo.gov.au/small-business-data-portal/location-australias-small-businesses-state-and-territory/victoria>

¹⁸ Ibid.

¹⁹ ABS Labour Force, October 2024

For the 25% of employers that meet the DRE eligibility, they are encouraged to select ‘at least three targets in every three-year cycle with at least one numeric target in any three-year cycle.’²⁰ VTHC is concerned that the broad choices available for employers would mean that inactive employers could simply pick the three easiest targets based on their current structures and make no meaningful progress.

Gender equality in the workplace is an issue which requires a targeted and deliberate response. Allowing companies to choose three out of six targets, with only one having to be a ‘numerical target,’ rather than creating an approach which requires meaningful action on all GEIs, will not lead to the change we need. The Bill should, at a minimum, require all DREs to make progress under the equal remuneration target.

Given its documented impact on women workers, reducing the incidence of workplace gendered violence must also be a mandatory target. Instances of gendered violence such as sexual harassment, and/or discrimination must be reportable incidents. Employers must show progress towards reducing these incidents every reporting cycle. Employers must work with women workers and their unions to create meaningful change towards ensuring women are safe and respected at work.

Recommendation 3: Define a Designated Relevant Employer (DRE) as having 100 or more employees.

Recommendation 4: Require all DREs to make progress under all equal remuneration targets under GEI1 and require all DREs to make progress under the GEI6 – sexual harassment, harassment on the ground of sex, or discrimination in addition to choosing two other targets to make progress on.

4. Consultation Best Practice

The *Workplace Gender Equality Act (2012)* (the Act) includes as one of its principal objects ‘to foster workplace consultation between employers and employees on issues concerning gender equality in employment and in the workplace.’²¹ While implied, there is no specific requirement for employers to meet with workplace delegates, or union representatives, to ensure workers’ voices are heard in the setting and monitoring of action related to the GEI targets.

Unionised workplaces are safer workplaces: Unions and workplace delegates are critical in ensuring safer, more equitable workplaces.²² The WGEA Act partly recognises the role of union members by requiring employers to update their delegates on its lodgement of a report (s 16A) to WGEA.

²⁰ Ex Mem, para 20 page 6

²¹ Workplace Gender Equality Act (2012) Cth, s. 2A.

²² <https://www.tuc.org.uk/research-analysis/reports/union-effect#:~:text=It%20found%20that%20workers%20with,those%20at%20non%2Dunion%20shops.>

When women workers are meaningfully consulted, increased engagement ultimately improves the likelihood of success of gender equality outcomes. The *Gender Equality Act 2020 (Vic)* requires defined entities (employers) to consult with employees and their representatives (unions) in the development of Gender Equality Action plans (GEAPs).²³ In the Victorian Public Sector, the development of these GEAPs, in conjunction with workers and the respective union, the Community and Public Sector Union (CPSU), has seen a substantial decrease in their gender pay gap, down to 7.2%. In comparison, the Victorian private sector, which is under no obligation to consult workers, unions or address the gender inequalities of their workplaces, internally or externally, has a pay gap double that of the public sector at 15.9 %.²⁴

Consistent with the objects of the Act, the Bill should require DREs to consult with workers and unions on the gender equality targets and specific measures before they are selected. The Bill should also require DREs to develop specific Gender Equality Action Plans in consultation with workers that include the actions, implementation, monitoring and measurement of such plans. Gender Equality Action Plans should be publicly available.

Recommendation 5: Consult with unions in the development of guidance materials for employers to meet their obligations under the Act.

Recommendation 6: Consistent with the objects of the Act, require DREs to consult with workers and unions on the gender equality targets and specific measures before they are selected.

5. Accountability

As set out above it is the view of VTHC that this Bill should require DRE's to complete a Gender Equality Action Plan, developed in consultation with their workers and their respective unions. Consultation with workers is critical, especially in ensuring that employers can be kept to account and create a genuine ability to positively influence the outcomes of the chosen targets.

Instead of allowing companies to choose their own targets, this Bill should set ambitious but realistic, scalable targets.

For women in all industries, but especially male dominated industries, such as finance and insurance, or construction, and manufacturing, there needs to be meaningful accountability. There should be clearer obligations on employers that ensure the success of increased participation of women workers, at all levels of the workplace.

The Victorian Building Equality Policy (BEP) is a successful example of this approach, because it tackles gender inequality in the building industry using multiple approaches. The BEP was

²³ *Gender Equality Act 2020 (Victoria)*, s. 10(2)

²⁴ <https://www.vic.gov.au/sites/default/files/2024-09/Motivating-Action-Closing-the-gender-pay-gap-in-Victorian-businesses-2024.pdf> pg. 4

developed in collaboration with VTHC and affiliated unions, as well as employers in the industry, meaning that both workers affected and employers responsible for implementing the reform were involved in the design of the solution.

Under the BEP, building and construction suppliers to the state government are now required to have women workers perform: ²⁵

- 3% of trade covered labour,
- 7% of non-trade construction labour,
- 35% of management/supervisory and specialist staff positions, and
- 40% of apprenticeships and traineeships.

These targets reflect the accurate gender composition of these industries, and they are ambitious as they will scale as more progress is made. The BEP requires businesses to audit the gender composition of their workforces and have Gender Equality Action Plans to ensure targets are delivered and increased.

Under the current amendments put forward by the Bill, employers are not required to conduct any specific audits or consult with their workers on their chosen GPIs. Instead, the Bill is only committed to closing the gender pay gap by ‘encouraging action to more gender equal practices’ by business, ²⁶ and the Bill sets the meagre requirement that employers make a public commitment to improving workplace gender quality, with their progress published on the ‘Data Explorer.’

VTHC fears this Bill will not improve gender equality because it is merely an exercise in self-regulation. Under the proposal, business will be responsible for writing the standards upon which they are being assessed. This Bill creates a presumption of compliance, given that employers merely have to ‘achieve *or* demonstrate progress’ by selecting a target.

Some of Australia’s biggest companies, including Rio Tinto and BHP have been recently served with a class action for systematic sexual harassment, and gender discrimination. Yet, on paper, Rio Tinto have claimed that they have gender pay gaps *in favour* of women.²⁷ Despite this, they have failed to create safe workplaces for women. Victorian unions know that without strong action and actual progress on all GEIs, companies will be allowed to continue to ‘pink-wash’ their reputations.

More concerning, under the compliance and regulatory burden outline of the Explanatory Memorandum, if an employer fails to comply, they can submit a reasonable excuse to WGEA for ‘not setting, achieving or making progress against their targets.’²⁸ There is no definition for what can be considered a ‘reasonable excuse.’

²⁵ <https://www.vic.gov.au/sites/default/files/2024-07/Building-Equality-Policy-July-2024.pdf> pg. 6

²⁶ Workplace Gender Equality Amendment (Setting Gender Equality Targets) Bill 2024 briefing, slide 2.

²⁷ <https://www.riotinto.com/en/sustainability/talent-diversity-inclusion/pay-equity/statement-wgea-gender-pay-gap>

²⁸ [Setting Gender Equality Targets Bill 2024 Explanatory Memorandum.pdf](#) pg. 5

In accordance with the Workplace Gender Equality Procurement Principles, the consequence of non-compliance is that the employer will not be issued with a 'certificate of compliance.' While this certificate is considered part of an employer's eligibility to contract with the Australian Government, it is seemingly not a mandatory part of the criteria. For businesses who fail to comply and do not supply services to the Australian Government, it seems there is one form of accountability. If businesses fail to make their workplaces safer and more equal for their women workers they may be 'name(d) in the Agency report(s) to the Minister, or in reports published on the Agency website or in a newspaper.'²⁹ This represents the Bill's inability to take the issue of workplace gender inequality seriously. It does not adequately address the real impact of failing to make progress on gender equality.

Further, this Bill fails to create mechanisms that would provide genuine external accountability, allowing employers to get away with not setting targets that actually create change and progress for women workers.

While improved transparency is crucial, it is not enough for employers to risk only being 'named and shamed,' if they are found to be non-compliant.

To drive real accountability, there should be a system of civil penalties for non-compliance and further, any non-compliant employer should be deemed ineligible to receive federal government grants, as well as tender for any government contracts.

The Federal Parliament should consider the Victorian Gender Equality Act which sets out accountable, scalable plans for gender equality. The Victorian Act requires organisations to undertake gender equality audits and then develop action plans that address issues identified. This process for developing GEAPs must include consultation with workers and their unions. Continuous improvement is built into the Act as organisations must report on their progress every two years and complete a full audit and plan every four years. An independent commissioner is also tasked with oversight of these plans to ensure that organisations are held accountable for both their targets and the implementation of strategies they propose to reach them. The Victorian Act should act as a strong model for the rest of Australia.

Like the example set by the Victorian Gender Equality Act, the targets in this Bill should be monitored by a specific commissioner or independent auditor. The auditor should collate real time reporting of targets and check in on progress and provide support. They should also be tasked with enforcing targets and ensuring there is real accountability for those who fail to meet their targets.

An independent auditor tracking this data in real time would enable expertise and analysis to achieve genuine monitoring of targets, while also acting as a hub for resources, collaboration and support for employers to achieve these targets.

²⁹ Ibid.

Recommendation 7: Require DREs to develop specific Gender Equality Action Plans in consultation with workers that include the specific actions, implementation and measurement of such plans. Gender Equality Action Plans should be publicly available and collect useful data about diverse demographics, which target actions to the unique experiences of their workforce.

Recommendation 8: Amend the Bill to give genuine powers of accountability to an independent and external auditor responsible for the targets. The independent auditor should have powers which allow them to review and require action on such targets.

Recommendation 9: Put in place a system of civil penalties for non-compliance and bar any non-compliant employer from being eligible to receive Commonwealth Government grants, as well as procurement.

6. Conclusion:

VTHC congratulates the Albanese Labor Government's work on gender equality by investing in women's safety, paid parental leave and affordable childcare. While VTHC acknowledges this Bill is an important step forward, it lacks targets which can make genuine and lasting change. The Bill in its current form fails to address the issues women workers face such as gendered violence, concentration in highly segregated lower paid industries, job insecurity and discrimination. VTHC is concerned that the Bill will not hold employers to an effective account and in its current form will present a missed opportunity to address inequality in our workplaces.

VTHC urges the Committee to amend the Bill to deliver meaningful change to the way targets are set, mandated and enforced. This is critical to ensuring working women can access safer, more fair and more equal workplaces.

7. Recommendations:

Recommendation 1: Include a job security target as a gender equality target under GEI1.

Recommendation 2: Conduct further consultation with representative organisations and peak bodies about amending the Bill to collect mandatory intersectional and diversity data.

Recommendation 3: Define a Designated Relevant Employer (DRE) as having 100 or more employees.

Recommendation 4: Require all DREs to make progress under all equal remuneration targets under GEI1 and require all DREs to make progress under the GEI6 – sexual harassment, harassment on the ground of sex, or discrimination in addition to choosing two other targets to make progress on.

Recommendation 5: Consult with unions in the development of guidance materials for employers to meet their obligations under the Act.

Recommendation 6: Consistent with the objects of the Act, require DREs to consult with workers and unions on the gender equality targets and specific measures before they are selected.

Recommendation 7: Require DREs to develop specific Gender Equality Action Plans in consultation with workers that include the specific actions, implementation and measurement of such plans. Gender Equality Action Plans should be publicly available and collect useful data about diverse demographics, which target actions to the unique experiences of their workforce.

Recommendation 8: Amend the Bill should be amended to give genuine powers of accountability to an independent and external auditor responsible for the targets. The independent auditor should have powers which allow them to review and require action on such targets.

Recommendation 9: Put in place a system of civil penalties for non-compliance and bar any non-compliant employer from being eligible to receive Commonwealth Government grants, as well as procurement.