



December 2024

Submission to the Australian Government inquiry
into the *Workplace Gender Equality Amendment
(Setting Gender Equality Targets) Bill 2024*.

Contents

Contents.....	1
Introduction	2
Summary of Recommendations	3
Strengthening compliance	5
Expanding the Workplace Gender Equality Agency processes across jurisdictions.....	7
Policy options as per the addendum to the Impact Analysis	8
Supplementing the targets for employers to select	10
GEI1: Gender Composition of the Workforce.....	10
GEI 14 – Flexible working arrangements and support for employees with caring responsibilities	10
GE16 – Sexual harassment, harassment on the ground of sex or discrimination.....	12
Conclusion.....	15
Appendix 1: Leading for Gender Equality Training	16
Appendix 2: Gender Equity Advocates Training	17



Introduction

1. Unions NSW is the peak body for trade unions and union members in NSW. We have 48 affiliated trade unions and labour councils who collectively represent over 600,000 union members in all industries in NSW.
2. Unions NSW welcomes the opportunity to provide a submission to the Australian Government inquiry into the *Workplace Gender Equality Amendment (Setting Gender Equality Targets) Bill 2024* (the Bill).
3. The Bill seeks to implement Recommendation 3.1a of the 2021 *Review of the Workplace Gender Equality Act 2012* (the Act) to bridge the ‘action gap’ through the development of a gender equality targets scheme for certain employers. By encouraging action to increase gender equal practices and commitments within organisations, the Bill aims to further the Government’s commitment to closing the gender pay gap.
4. Building towards workplace gender equality is central to the work of Unions NSW. Unions NSW has a proud history of supporting the Respect@Work campaign, and the We Won’t Wait campaign which won 10 days paid family and domestic violence (FDV) leave in the National Employment Standards. Since 2022, Unions NSW has provided workplace gender equality training to 2,762 mostly male workers in the public, private, and NGO sectors. In 2024, Unions NSW supported the many migrant women who have experienced gendered workplace harassment to launch our Visa Assist program for workplace justice.
5. Unions NSW recommends the passage of the Bill as it seeks to introduce a mandate for employers to materially improve gender equality in the workplace.
6. Unions NSW also makes recommendations to strengthen the Bill by reinforcing compliance and creating a pathway to extend Workplace Gender Equality Agency (WGEA) processes to local, state, and territory jurisdictions.
7. Finally, we recommend that the Government supplement the targets already proposed with additional targets which expand the opportunities for progress. These include a target for employers to enable workplace training that utilises the WHS model of behavioural change to transform gendered norms, attitudes, and behaviours in workplaces.



Summary of Recommendations

8. Unions NSW recommends:

Strengthening compliance

Recommendation 1: Require at least one of the three targets chosen by employers to be a numerical target which must be at least 75% achieved to comply with the Act.

Recommendation 2: Where a target is not met, require an employer to develop a plan of how that target will be met in the following 6 months with a further report due at that time showing achievement.

Recommendation 3: For each three-year cycle after the first, require employers to continue to maintain or improve upon achievements they have made in previous cycles.

Expanding the Workplace Gender Equality Agency processes across jurisdictions

Recommendation 4: The Bill should include an intention from the Government to engage with State, Territory, and Local Governments to identify a constructive way for them to engage in the WGEA process.

Policy options as per the addendum to the Impact Analysis

Recommendation 5: The Government made the right choice in rejecting Policy Option 1 in the Impact Analysis because taking no action would fail to further workplace gender equality or the Government's aim of closing the gender pay gap.

Recommendation 6: The Government should proceed with a 'menu of targets' as per Policy Option 3 because this enables a broader range of targets which can unlock more opportunities for improvement.

Supplementing the targets for employers to select

Recommendation 7: The following targets and actions should be added to the 'menu of targets' for employers to select:



Recommendation 7a: GEI1 – Gender Composition of the Workforce

Add the following actions to support the proposed targets:

- i. Offer career advancement scholarships to increase representation in roles where there is gender under-representation.*
- ii. Establish a mentoring program for emerging leaders in areas where there is gender under-representation.*

*Scholarships and mentoring to prioritise those escaping family and domestic violence or those who have been out of the workforce due to caring responsibilities.

Recommendation 7b: GEI 14 – Flexible working arrangements and support for employees with caring responsibilities

Within the target, ‘Improve supports for employees experiencing or at risk of domestic abuse or violence’, add the following actions:

- i. Assistance to open a bank account, including identity verification.
- ii. Provide to the employee a mobile phone with credit for personal use while they move to safety and recovery.
- iii. Offer a workplace re-entry program to persons escaping family and domestic violence that includes sponsored TAFE/University training, mentoring, and workplace experience.

Recommendation 7c: GE16 – Sexual harassment, harassment on the grounds of sex or discrimination

Add the following target and corresponding action:

Target: Improve all employees’ right to safety in the workplace from sexual harassment and sex-based harassment.

Action: Utilise the proven WHS model of behavioural change to transform gendered norms, attitudes, and behaviours in workplaces:

- i. Integrate gender equality and prevention of gendered violence into business-as-usual WHS processes.
- ii. Engage workers in the change process by enabling gender equality training.
- iii. Engage workplace leaders in gender equality advocacy through training as per the HSR model.



Strengthening compliance

9. The most encouraging aspect of the Bill is that it seeks to establish a mandate for employers to materially improve gender equality in the workplace. However, the Bill's compliance mechanism should be strengthened to enforce the mandate and ensure that improvements are substantial and sustainable.
10. Because the proposed Bill only requires employers to improve upon instead of achieving a target, the door is left open for employers to make only minuscule improvements. Therefore, employers should be required to select at least one numerical target which must be achieved by at least 75% to comply with the Act.

Recommendation 1:

Require employers to select at least one numerical target which must be achieved by at least 75% to comply with the Act.

11. Targets should also be legitimate, with employers expected to make genuine attempts to achieve them. If employers are only expected to make improvements, targets could become meaningless, promoting complacency. To give effect to the concept of a 'target', employers who do not meet a target by the end of the cycle should be required to demonstrate a legitimate plan to meet the target within the following 6 months.

Recommendation 2:

Where a target is not met, require an employer to develop a plan of how that target will be met in the following 6 months with a further report due at that time showing achievement.

12. There is also a risk that following a three-year cycle, employers could slide back on improvements which they have made, especially if they have selected different targets in the new cycle. A common-sense solution is to build sustainability into the process by requiring employers to continue to maintain or improve upon achievements they have made previously.



Recommendation 3:

For each three-year cycle after the first, require employers to continue to maintain or improve upon achievements they have made in previous cycles.



Expanding the Workplace Gender Equality Agency processes across jurisdictions

13. Australian state, territory, and local governments currently employ 2,152,600 workers. Employees in these workplaces have a right to gender equality and should not be excluded from the process of change led by the Workplace Gender Equality Agency (WGEA).
14. The WGEA processes include,
 - a. For employers of 100 employees or more, the annual reporting of information relating to the six gender equality indicators (GEIs) set out in the Act.
 - b. For employers with 500 or more employees, the requirement to have in place policies or strategies to support each of the GEIs.
 - c. For employers with 500 or more employees, the requirement to set and achieve targets in relation to the GEIs over a 3-year cycle, as proposed by the Bill.
15. If the significant number of workplaces in state, territory and local governments had access to these processes with the oversight of the WGEA, the general uplift in standards regarding gender equality within those jurisdictions is also likely to spill over into the private sector.
16. To that end, the Bill should reflect an intention for the Australian Government to develop a pathway for these jurisdictions to participate.

Recommendation 4:

The Bill should include an intention from the Government to engage with State, Territory, and Local Governments to identify a constructive way for them to engage in the WGEA process.



Policy options as per the addendum to the Impact Analysis

17. The addendum to the Impact Analysis, following the Bill's explanatory memorandum, sets out three policy options that the Government has considered regarding the Bill. These are:
 - a. Option 1: Maintain the status quo,
 - b. Option 2: Accelerate the rate of change on gender equality through action by requiring designated relevant employers to set three targets from a select list of targets related to gender equality and achieve (or at minimum improve on) these targets in a three-year period. This will implement Review Recommendation 3.1.a.
 - c. Option 3: Accelerate the rate of change on gender equality through action by requiring designated relevant employers to set at least three targets from a menu of targets and achieve (or at minimum improve on) these targets in a three-year period. This will implement Review Recommendation 3.1.a.
18. The Impact Analysis does not support Option One; neither does Unions NSW. It is reasonable for the Government to set expectations for large employers to work toward targets which promote workplace gender equality. Option 1 would not further the Government's aim of closing the gender pay gap by encouraging action to increase gender equal practices and commitments within organisations. The Government has made the right decision in proposing the Bill and therefore rejecting Option 1.

Recommendation 5:

The Government made the right choice in rejecting Policy Option 1 in the Impact Analysis because taking no action would fail to further workplace gender equality or the Government's aim of closing the gender pay gap.

19. Between Options 2 and 3, Unions NSW prefers Option 3, noting the additional compliance measures proposed in this submission. Unions NSW understands that a 'menu of targets' under Option 3 has greater capacity to enable more opportunities to improve than would a more limited 'list of targets' under Option 2.



There are many actions that employers can take to advance gender equality, and these can be better captured by a ‘menu of targets’.

Recommendation 6:

The Government should proceed with adopting a ‘menu of targets’ as per Policy Option 3 as a broader range of options can unlock more opportunities to improve.



Supplementing the targets for employers to select

20. There are additional actions that employers can take to advance gender equality that are not yet captured in the proposed ‘menu of targets’ in Attachment A: Gender Equality Targets within the Bill’s explanatory memorandum. Below, Unions NSW details additional targets and actions that should be added to the menu for employers to have the opportunity to select.

GEI1: Gender Composition of the Workforce

21. The proposed targets within GEI1 seek to increase the representation of gender diverse employees in roles where they are underrepresented. These targets can better be achieved by introducing additional actions which support gender diverse employees to move into these roles. Employers can facilitate career advancement by providing scholarships or mentoring to employees which empowers them with relevant skills and knowledge.

Recommendation 7a: GEI1 – Gender Composition of the Workforce

Add the following actions to support the proposed targets:

- i. Offer career advancement scholarships to increase representation in roles where there is gender under-representation.*
- ii. Establish a mentoring program for emerging leaders in areas where there is gender under-representation.*

*Scholarships and mentoring should prioritise those escaping family and domestic violence or those who have been out of the workforce due to caring responsibilities.

GEI 14 – Flexible working arrangements and support for employees with caring responsibilities

22. Within GEI14, the employer actions below the target, ‘Improve supports for employees experiencing or at risk of domestic abuse or violence’, support



employees to move to safety and recovery while maintaining their employment and protecting them from discrimination. There are actions in addition to those which are already proposed which can further support this aim, detailed below.

Assistance to open a bank account

23. One aspect of family and domestic violence (FDV) is financial abuse by the perpetrator. Often, a person experiencing FDV has restricted financial independence, so that when they leave violence, they may not have access to a bank account or the documentation necessary to open one. Employers can assist in these circumstances by helping an employee to verify their identity to a bank.

Provision of a mobile phone with credit

24. Additionally, persons leaving violence may not have access to a mobile phone or their phone and devices may have tracking software that allows the offender to monitor communication and activities. Employers can assist by providing a mobile with access to credit so the employee can make their safety arrangements without alerting the offender to their intentions.

Workplace re-entry programs

25. Finally, persons escaping FDV (who may not yet be employees) may have been out of the workforce for a lengthy period. Employers can support their independence and re-entry to the workforce by offering a workplace re-entry program to persons escaping FDV that includes sponsored TAFE/University training, mentoring, and workplace experience.

Recommendation 7b: GEI 14 – Flexible working arrangements and support for employees with caring responsibilities

Within the target, ‘Improve supports for employees experiencing or at risk of domestic abuse or violence’, add the following actions:

- i. Assistance to open a bank account, including identity verification.
- ii. Provide to the employee a mobile phone with credit for personal use while they move to safety and recovery.



- iii. Offer a workplace re-entry program to persons escaping family and domestic violence that includes sponsored TAFE/University training, mentoring, and workplace experience.

GE16 – Sexual harassment, harassment on the ground of sex or discrimination

- 25. GE16 seeks to improve the prevention, reporting, and response to sexual harassment and harassment on the grounds of sex or discrimination.
- 26. A new target should be included under GE16 which incorporates a work health and safety (WHS) framework to the prevention of sexual harassment or sex-based harassment. This is because the WHS model has proven success in radically changing the culture of Australian workplaces over recent decades. For example, according to the SafeWork Australia 2024 report of workplace fatalities, workplace fatalities are the most extreme consequence of unsafe conditions but their occurrence in Australia has reduced by 19% in the past decade.
- 27. The WHS model has been backed by legislative reform and integrated into induction, workplace practices, and policy. Workforces have been engaged, consulted, and empowered to understand and act in accordance with safe workplace practices. An understanding that ‘WHS is in everyone’s interest’ and ‘is everyone’s responsibility’ has been successfully ingrained in workplace behaviour and culture. The practices have extended to community events and home activities as workers see and agree with the value of safe practice.
- 28. Workplace training is an essential component of WHS. Training on gender equality through a WHS framework should therefore be facilitated as an action under GE16. WHS training engages workers in actively promoting a safe workplace. Gender equality training will engage workers actively in the process of building inclusivity and gender equality in the workplace.
- 29. The evidence regarding gender equality training indicates positive outcomes for Australian workplaces. Of the 426 male blue-collar workers trained by Unions NSW between 21 September 2022 to 15 February 2023,
 - a. 79% agreed with the statement ‘they had learnt a lot’ and 81% said they would ‘apply the content at work’,



- b. 78% agreed they would 'recommend the training' to others with only 4% saying they wouldn't,
 - c. 86% agreed that 'attitudes were the biggest barrier' for those experiencing gendered violence.
30. Of the open-ended evaluation questions, the question most responded to was, '1 thing I will adopt after this training'. Overwhelmingly, the responses indicated personal behavioural change decisions.
31. In the training, participants were asked to consider actions in their workplace that could improve gender equity practices. As well as suggesting Gender Ambassadors similar to Mental Health Ambassadors, participants suggested,
- a. more gender equity training with a focus on prevention;
 - b. flow charts to encourage people to speak up and/or access support;
 - c. demonstration of the benefits of gender inclusion and diversity to staff;
 - d. more conversations which are relevant and mainstream; and
 - e. policies and practices that promote gender inclusion.
32. The Government should facilitate the provision of gender equality training by training providers. Training should occur in two tiers as per the WHS model; firstly, broad based training on workplace gender equality for all workers, and secondly, health and safety representative (HSR) style training on gender equality advocacy for workplace leaders. Appendix 1 and 2 of this submission provide further information about the training programs provided by Unions NSW in this area.



Recommendation 7c: GE16 – Sexual harassment, harassment on the ground of sex or discrimination

Add the following target and corresponding action:

Target: Improve all employees' right to safety in the workplace from sexual harassment and sex-based harassment.

Action: Utilise the proven WHS model of behavioural change to transform gendered norms, attitudes, and behaviours in workplaces:

- i. Integrate gender equality and prevention of gendered violence into business-as-usual WHS processes.
- ii. Engage workers in the change process by enabling gender equality training.
- iii. Engage workplace leaders in gender equality advocacy through training as per the HSR model.



Conclusion

33. Unions NSW supports workplace gender equality and the Government's aim to close the gender pay gap. Unions NSW supports the Bill because it seeks to mandate improvements in workplaces which are directly relevant to these aims.
34. However, the Bill can be strengthened in four key areas:
35. Firstly, to realise the requirements for employers envisaged by the Bill and avoid loopholes, the compliance mechanisms must be strengthened.
36. Secondly, state, territory and local government jurisdictions comprise a significant component of the national workforce and should be given a pathway to participate in WGEA processes.
37. Thirdly, the Government should proceed with adopting a 'menu of targets' approach because it has the capacity to unlock the numerous opportunities that employers have available to improve workplace gender equality.
38. And finally, additional targets can supplement those already proposed, including harnessing the WHS model of behavioural change and engaging workers through training to build gender inclusive workplaces.



Appendix 1: Leading for Gender Equality Training

The Leading for Gender Equality training incorporates qualitative and quantitative evidence and adult education principles of experiential learning and reflective practice. Consideration of scenarios in small groups assists in learning. Emphasis is placed on the Paid Family and Domestic Violence leave entitlement and workplace practices, and Respect@ work requirements.

Topics

- gendered violence – sexual, domestic and family violence and harassment,
- social concepts, facts, definitions, statistics,
- intersectionality,
- micro aggression,
- impacts of gendered violence and a trauma informed response,
- paid Family and Domestic Violence Leave,
- workplace Safety Plans,
- Respect@work,
- gender inequality, and the social structures and norms that drive gendered violence, and,
- ethical bystanders.

The training is delivered over 7 hours plus breaks and is face to face.

About the Trainer

Karen Willis is the Gender Equity Officer at Unions NSW. The position represents Union NSW's commitment to gender equality for all women in all workplaces. Previously Karen worked for 40 years in NGO sexual, domestic, and family violence services.

In 2005, with Professor Moira Carmody from the University of Western Sydney, Karen engaged in a three-year ARC funded research project studying the prevention of gendered violence.

Karen has been awarded a Churchill Fellowship, an Order of Australia Medal, and the Edna Ryan Grand Stirrers award for her work to respond to and prevent gendered violence.



Appendix 2: Gender Equity Advocates Training

The description below is adapted from the Unions NSW and University of Newcastle report, *Moving from agreement to participation: Investigating union-affiliated men's commitments to gender equality* (2024) by Chris Krogh, Xuan Luu, and Karen Willis.

This four-day program is a unique gendered violence prevention initiative which works with people in workplace leadership positions to extend their personal commitment to, and to develop strategies to achieve, greater workplace gender equity. The rationale behind this approach is that gender inequality is the foundation of violence against women and that workplaces can be sources for individual assistance for a woman experiencing violence, as well as sites of social change by addressing the drivers of gendered violence.

As settings in which adults and young people spend significant amounts of time, workplaces can be safe places for some and unsafe places for others. Workplaces can allow people to perpetuate harmful actions or endorse and enforce alternative and safer practices. The long process of embedding safer work practices, and cultures of safety more broadly, based on a WHS approach, provides a model for how this can be progressed. The Advocates Training incorporates that observation into its broad orientation and into its activities.

The Advocates training builds on the one-day program Leading for Gender Equality created and delivered by Karen Willis from Unions NSW. The Advocates training very effectively follows the one-day training. While it is not essential that participants have attended the one-day training, that program does provide foundational knowledge and help potential participants to self-select into or out of the Advocates training.

Central to the approach is to engage people who hear about issues that individuals in workplaces are experiencing, to recognise that they have a responsibility to respond to these issues and can play a role in shaping broader workplace culture

The circular diagram below shows the broad structure of the Gender Equity Advocates Training as it moves through initial engagement with individuals and their motivations, information sharing and building skills, through to concluding with strategising and planning for workplace change. The second diagram provides more detail about each day of the training indicating specific content that is covered over the four days.



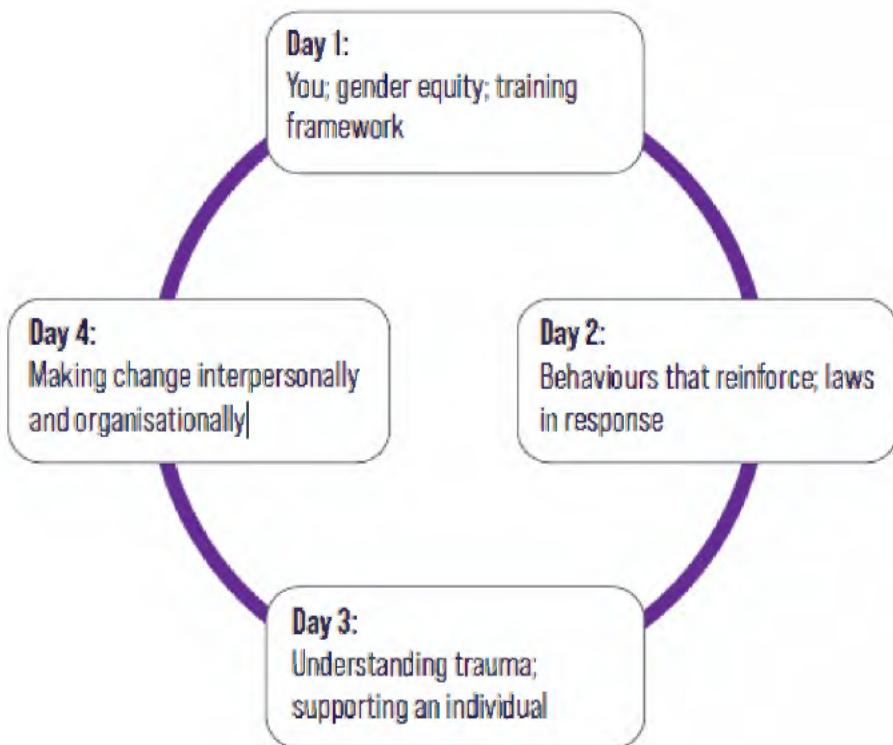


Figure 1: Brief map of the GEA Training flow



Figure 2: Detailed outline of each day of the GEA Training

While there are many distinct elements to the Advocates Training, one critical aspect is a constant movement between engaging commitment, knowledge and skills development at an individual level, and resources to make progress at a structural level in the workplace. Another is a deliberate focus on how gender equity may be positive for men's lives also.



Finally, the program also includes attention to intersectionality and the compounding effects of multiple marginalisations, such as for women of colour, First Nations Women and women with disabilities. While the program recognises that men from these communities can also experience intersecting marginalities, the program focuses on the experiences of women and the recognition that in a patriarchal society, men will still accumulate social advantages over women, all other things equal.

