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24 November 2021

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WGEA Review – Consultations
Department of the Prime Minister and Cabinet
PO Box 6500
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By email: wgeareview@pmc.gov.au.

Review of the Workplace Gender Equality Act

Dear Ms Hawkins

Thank you for the opportunity to provide a submission in response to the *Review of the Workplace Gender Equality Act*.

Diversity Council Australia (DCA) is the independent not-for-profit peak body leading diversity and inclusion in the workplace. We have a wealth of experience providing advice to our members on the business benefits of diversity and inclusion (D&I).

Gender equality is an issue of significant interest to DCA and our member organisations. Each year DCA surveys our members about their D&I priorities and gender equality consistently ranks among the top three.

DCA believes that the *Workplace Gender Equality Act 2012* (the Act) has been a critical tool in Australia's approach to addressing workplace gender equality. However, as the Act has been in place for some time, we believe there are opportunities to strengthen it through the collection of more nuanced and intersectional data, and through stronger advocacy on the part of the Agency, for example, to address specific drivers of the gender pay gap.

As a member-based organisation, it is extremely important to DCA that our submission reflects the views of the DCA membership. Therefore, in preparing this submission we surveyed DCA members about a range of relevant issues raised in the consultation paper.

This submission reflects the responses we received in our consultation as well as DCA's views based on our research and experience in D&I over many years.

We note that this consultation was open for five weeks, which has allowed limited time and input from some major stakeholders. We strongly urge the Government to ensure that there is further consultation with employers about changes to the Act before they are introduced.

Please feel free to contact myself or Cathy Brown, Director of Communications and Advocacy, on 0424 578 698 or advocacy@dca.org.au, if you require any further information about this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'L. Annese', with a long horizontal flourish extending to the right.

Lisa Annese
Chief Executive Officer

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I. ABOUT DIVERSITY COUNCIL AUSTRALIA

Who we are

Diversity Council Australia (DCA) is the independent not-for-profit peak body leading diversity and inclusion in the workplace. We provide unique research, inspiring events and programs, curated resources, and expert advice across all diversity dimensions to a community of member organisations.

DCA's Membership covers over 20% of the Australian labour market

DCA's prestigious group of almost 1000 members is drawn from business and workplace diversity leaders and includes some of Australia's biggest employers. Our membership covers over 20% of the Australian labour market.

About our members

- 950 member organisations, including almost 40 ASX100 Listed companies.
- Our members are drawn from across the corporate, government and not-for-profit sectors and vary from small to large workforces in size.
- Our founding members include ANZ, AMP, BHP, Boral, Coles, IBM Australia, Myer, Orica, Rio Tinto, and Westpac.

DCA's Members are listed on our website here: <https://www.dca.org.au/membership/current-dca-members>.

Our belief, vision, and mission

- Our **belief** is that diversity and inclusion is good for people and business.
- Our **vision** is to create a more diverse and inclusive Australia.
- Our **mission** is to encourage and enable Australian organisations to create diverse and inclusive workplaces.

What we do

DCA, formerly known as the Council for Equal Opportunity in Employment Ltd, was established in 1985 as a joint initiative of the Australian Chamber of Commerce and Industry and the Business Council of Australia to demonstrate the business community's commitment to equal opportunity for women.

Our focus since then has expanded to cover all aspects of diversity in employment, reflecting changes in practice to embrace all areas of the diversity of human resources.

DCA is not government funded - its income is generated from membership fees, sponsorships, and services to businesses/employers.

Our Research

DCA works in partnership with members to generate ground-breaking evidence-based diversity and inclusion resources that enables Australian organisations to fully leverage the benefits of a diverse talent pool.

- **DCA research is grounded in the contributions of people with lived experience.** DCA projects use expert panels, focus groups, think tanks and surveys to make people with lived experience central to the project findings.
- **DCA resources are ahead of the curve.** They establish leading diversity thinking and practice, enabling Australian organisations to re-imagine and reconfigure the way they manage talent in today's dynamic operating environments.
- **DCA resources drive business improvement.** They are high impact, driving business improvement through providing evidence-based guidance on how to fully leverage the benefits of a diverse talent pool.
- **DCA resources are practice focused.** They respond to the information needs of industry leaders and the people they employ.
- **DCA resources speak to the Australian context.** DCA projects generate leading diversity thinking and practice that speaks to Australia's unique and distinctive institutional, cultural, and legal frameworks.
- **DCA resources consider all diversity dimensions.** The full spectrum of diversity dimensions is investigated including age, caring responsibilities, cultural background and identity, disability, Aboriginal and/or Torres Strait Islander status, sexual orientation, gender identity, intersex status, social class, and work organisation.

II. SUMMARY

DCA welcomes the opportunity to make this submission on the *Workplace Gender Equality Act 2012*.

Gender equality is of significant interest to DCA and our member organisations. Each year DCA surveys our members about their diversity and inclusion (D&I) priorities and gender equality consistently ranks among the top three.

DCA believes that the *Workplace Gender Equality Act 2012* (the Act) has been a critical tool in Australia's approach to addressing workplace gender equality. By establishing a standardised reporting framework, the Act has increased understanding and awareness of the state of workplace gender equality in Australia. It has helped organisations to identify where to take action.

However, the Act has been in place for some time. During this time, and thanks in part to the Act, we have developed a more advanced and nuanced understanding of gender inequality in Australia. We believe there are opportunities to strengthen the Act based on what we now know about gender equality. The collection of more nuanced and intersectional data will be critical in making progress on gender equality. And stronger advocacy on the part of the Agency, for example around addressing specific drivers of the gender pay gap, will be necessary for progress.

As a member-based organisation, it is extremely important to DCA that our submission reflects the views of the DCA membership. Therefore, in preparing this submission we surveyed DCA members about a range of relevant issues raised in the consultation paper. We had 101 responses to that survey.

This submission reflects the responses we received in our consultation as well as DCA's views based on our research and experience in D&I over many years.

We note that this consultation was open for five weeks, which has allowed limited time and input from some major stakeholders. We strongly urge the Government to ensure that there is further consultation with employers about changes to the Act before they are introduced.

Below is a summary of some of our key findings and recommendations.

DCA's Perspective

Missed opportunity to strengthen the Objects of the *Workplace Gender Equality Act*

DCA strongly supports the intention of the *Workplace Gender Equality Act* (the Act) to promote and improve gender equality, but we feel there is a missed opportunity to articulate that there should be a specific Object of the Act focussed on generating solutions to gender inequalities.

Recommendation 1. While DCA supports the existing objects of the Act, we believe that consideration should be given to adding to the Objects of the Act a specific object about generating solutions to gender inequalities.

Further consultation is needed

We note that there was limited time for this submission process and believe that there is a need for further targeted consultations.

Recommendation 2. Given the importance of gender equality, DCA recommends that there should be further targeted consultation with both employers and specialist organisations.

Reporting on Sexual Harassment

Sexual harassment is an important gender equality issue. However, currently, the reporting framework measures very little with respect to harassment.

Recommendation 3. DCA broadly supports the inclusion of sexual harassment as a Gender Equality Indicator. We believe additional data should be informed by the recommendations from the *Respect@Work Report* and by the Respect@Work Council. However, before any changes are introduced, we would strongly recommend consultation with employers on the specific measures.

Gender equality is good for the economy

In this submission, we argue that the role of the Agency should be strengthened, and the agency should be provided with additional resources to support gender equality and inclusive workplaces in Australia.

Recommendation 4. While we recognise that any changes will involve additional resourcing, we believe that this would have significant benefits to the Australian economy and national prosperity. DCA recommends that the significant economic benefits of improving gender equality should be taken into account when considering resourcing for the WGEA.

Response to the Consultation Paper

Effectiveness of WGEA's resources and functions

A vast majority of DCA respondents indicated that WGEA's existing resources and functions were useful and effective. However, throughout our survey, respondents commented that reporting publicly on gender equality does not go far enough. Progress remains slow and could be bolstered by additional resources targeted to help organisations interpret and use their data better.

Recommendation 5. DCA recommends that the Agency's resources and functions are expanded to include a greater focus on industry benchmarking, and more guidance for employers on how to take effective action based on the WGEA data.

Implementing D&I change (including gender equality initiatives) at work

For gender equality to be improved in workplaces, DCA believes there needs to be support for organisations to identify D&I initiatives that are evidence-based and have been demonstrated to be effective in addressing gender inequality.

WGEA reporting processes

Almost two-thirds (65%) of respondents agreed or strongly agreed that the process of reporting to WGEA helps them to understand gender equality in their workforce. Yet less than half (47%) of respondents agreed or strongly agreed that the reporting process helps their organisation create change.

This suggests that while DCA members found the reporting process to WGEA helpful in understanding gender inequality, organisations need more support to convert data into gender equality outcomes

Recommendation 6. DCA recommends that WGEA be supported to develop materials to assist organisations interpret and utilise their data more effectively to make change across their organisations.

How could WGEA's dataset be better utilised to support gender equality in workplaces, across the labour market, and more broadly in society?

DCA recognises that while WGEA's dataset has provided an important foundation for understanding gender equality in Australia, there is an opportunity going forward for WGEA to use its data in a more targeted way. For example, WGEA could use its data to advocate for policy interventions that address specific drivers of the gender pay gap.

Given the extensive data collected by WGEA on many of these areas, we believe there is an opportunity for Government to use WGEA's dataset more effectively when designing gender equality policy initiatives. DCA believes that WGEA should use the dataset to take a more active role in setting the agenda and advocating for policy development in this space.

Recommendation 7. DCA recommends that WGEA should use their dataset to take a more active role in setting the agenda and advocating for policy development in gender equality.

The definition of ‘relevant employer’

Recommendation 8. DCA recommends that the definition of ‘relevant employer’ should be expanded, with consideration given to including government and public sector agencies. However, we emphasise that no changes should be introduced without extensive consultation with employers who would be impacted.

While at this stage we would not recommend that the definition of ‘relevant employer’ include non-public sector employers with 50 or more employees, we do agree with WGEA that if in future the reporting process is made simpler and more automated, consideration should be given to expanding the definition of ‘relevant employer’ to smaller non-public sector employers.

Generally, respondents supported broadening or expanding the gender equality indicators.

Our respondents gave a range of suggestions and feedback about ways to improve the GEIs across different areas. Given the short timeframe for this consultation, we don’t feel that it is possible to make any further specific recommendations, but would urge the government to consider the suggestions from our respondents and have a targeted consultation in each of the existing GEIs.

The importance of having intersectional data

DCA strongly supports the collection of more intersectional data by WGEA.

Collecting more nuanced data would enable policy makers to design interventions that are more appropriate to the experiences of diverse groups of men, women and non-binary or gender diverse people in the workforce.

Recommendation 9. DCA recommends that WGEA should collect data on men, women, and non-binary people. We further recommend that the WGEA should consult with peak bodies that represent non-binary and gender diverse people on appropriate measures to collect this data.

Recommendation 10. DCA recommends that WGEA should collect data on cultural diversity using the principles outlined in DCA’s Counting Culture 2021 tool.

Recommendation 11. DCA recommends that WGEA should consult with peak bodies that represent people with disability on an appropriate measure to allow for the collection of relevant data on disability status.

Recommendation 12. DCA recommends that WGEA collect data on age.

Recommendation 13. DCA recommends that WGEA collect data on Aboriginal and/or Torres Strait Islander identity.

Most of our respondents did not agree that WGEA should collect data on location of primary workplace. However, we recognise that this information would be useful for addressing significant issues of gender inequality. We therefore would encourage education as to why it is important this information is collected.

Recommendation 14. DCA recommends that WGEA produces resources to educate employers on why collecting data on location of primary workforce is important for gender equality before considering making such data collection mandatory.

Consult with peak groups and employers before any additional diversity data requirements are introduced

DCA has extensive experience in designing survey questions to ask about diversity attributes in a respectful and inclusive way. For example, DCA's, *D&I 101: Conducting a Diversity Survey*, outlines the leading principles for undertaking respectful and inclusive diversity data collection to obtain genuine, meaningful data.

We believe it is critical that if WGEA was to expand the data it currently collects to take into account more intersectional information, that there should be consultation with peak bodies and people with lived experience of diversity on the design of any questions.

Furthermore, additional data collection requirements cannot be introduced without extensive consultation with employers. While this information will be of significant value to employers, many will not currently have processes in place to enable them to report on additional diversity attributes.

Recommendation 15. DCA recommends extensive consultation with employers before any additional mandatory diversity data collection requirements are introduced.

Pay transparency

Over 90% of our survey respondents agreed or strongly agreed with greater pay transparency.

Recommendation 16. DCA recommends that consideration be given to more transparent data about organisational pay gaps being published.

Requiring Board oversight or evaluation of WGEA reports

DCA's research shows that for organisational D&I change to be effective (such as gender equality initiatives), the change must be integrated into an organisation's business strategy, and that the organisation should ensure that key metrics are included in regular Board reports. Therefore, we support *WGEA's Recommendation 27*.

Recommendation 17. DCA Supports WGEA's recommendation that the *Workplace Gender Equality (Minimum Standards) Instrument 2014 (Minimum Standards)* require

employer action and progress on gender equality. This includes reporting to the Board/Governing Body on the Executive Summary report and Industry Benchmark report provided to employers by the Agency.



III. INTRODUCTION

DCA welcomes the opportunity to make this submission on the *Workplace Gender Equality Act 2012*.

Gender equality is of significant interest to DCA and our member organisations. Each year DCA surveys our members about their diversity and inclusion (D&I) priorities and gender equality consistently ranks among the top three.

Since DCA's establishment in 1985, we have been working with Australian organisations to support them to build more gender equal, diverse, and inclusive organisations. Although there has been much progress since that time, and since the *Workplace Gender Equality Act* commenced, we know that there is still much to do to ensure gender equality in the workplace, and this consultation is a welcome contribution towards that aspiration.

Our submission

DCA undertook extensive consultation with its members during the 2009 review of the *Equal Opportunity for Women in the Workplace Act 1999*, the introduction of the *Workplace Gender Equality Act (the Act)* in 2012 and the subsequent design and implementation of the WGE Act reporting requirements. When the Act was first introduced, our consultations with DCA members indicated they overwhelmingly welcomed its introduction as a mechanism to deliver tangible benefits for women, business, and the general community.

DCA believes that the Act has been a critical tool in Australia's approach to addressing workplace gender equality. By establishing a standardised reporting framework, the Act has increased understanding and awareness of the state of workplace gender equality in Australia and helped organisations to identify where action needs to be taken.

However, as the Act has been in place for some time, we believe there are opportunities to strengthen it through the collection of more nuanced and intersectional data, and through stronger advocacy on the part of the Agency, for example, to address specific drivers of the gender pay gap.

As a member-based organisation, it is extremely important to DCA that our submission reflects the views of the DCA membership. Therefore, in preparing this submission we surveyed DCA members about a range of relevant issues raised in the consultation paper. We had 101 responses to that survey.

Overwhelmingly, DCA's members who responded to this survey felt that WGEA was valuable, and the reporting process was useful to understand the state of gender equality.

But they also told us that while data collection is useful for employers in understanding the state of gender inequality in their workforce and starting the conversation about gender equality, they need assistance to use their data to make real and sustained progress on gender equality.

DCA's Perspective

DCA has over 30 years of experience working in the gender equality space. The views contained in this section are based on our extensive experience in research and in advising our member organisations.

Missed opportunity to strengthen the Objects of the *Workplace Gender Equality Act*

DCA strongly supports the intention of the *Workplace Gender Equality Act* (the Act) to promote and improve gender equality, but we feel there is a missed opportunity to articulate that there should be a specific Object of the Act focussed on generating solutions to gender inequalities.

We note that the scope of this targeted review is to examine the “*application of the Workplace Gender Equality Act and assess the effectiveness of WGEA’s existing practices in the promotion and improvement of gender equality in employment and in workplaces*”.

However, we feel that by not specifically reviewing the Objects of the Act (2A) there is a missed opportunity to strengthen the legislation by focussing on how the Act could be used to generate solutions to gender inequality.

Furthermore, we note that if, for example, if WGEA’s data collection was expanded to include people who are non-binary or gender diverse, the Objects of the Act would need to be amended to reflect this.

Recommendation 1. While DCA supports the existing objects of the Act, we believe that consideration should be given to adding to the Objects of the Act a specific object about generating solutions to gender inequalities.

Further consultation is needed

As we note below, to develop this submission, we consulted with DCA members and received over 100 responses to our survey. However, we also note that there was limited time for this submission process and believe that there is a need for further targeted consultations.

Many of the changes that will be recommended as part of this consultation process will have an impact on employers and we believe that it is critical to further consult with employers about how these will impact their organisations.

Furthermore, as this submission notes, the way that other aspects of individual’s identities interact with gender has a significant impact on how gender inequalities are experienced in workplaces. We therefore recommend that specialist organisations in the gender equality space and peak organisations representing diverse groups should also be specifically consulted about any changes to data collection.

Recommendation 2. Given the importance of gender equality, DCA recommends that there should be further targeted consultation with both employers and specialist organisations.

Reporting on Sexual Harassment

Sexual harassment is an important gender equality issue. Addressing workplace sexual and sex-based harassment is also a critical issue for DCA member organisations. Since April this year, over [200 CEOs](#) of DCA member organisations have signed on to our *#IStandForRespect* campaign¹ agreeing to stand against gendered harassment and violence in all its forms and commit to taking steps in their organisations to address sexual and sex-based harassment, to make the workplace safe for everyone

However, currently, the reporting framework measures very little with respect to harassment. WGEA's submission (p.24) explains that:

The Agency ... only collects limited data with respect to sex-based harassment and discrimination. Employers report on the existence of a formal policy and/or strategy on sex-based harassment and discrimination prevention, whether a grievance process is included in the policy and/or strategy, and whether training is provided to all managers on sex-based harassment and discrimination. ...

This means that the WGEA dataset paints an incomplete picture of gender inequality in Australia. Strengthened reporting on sexual harassment would help complete that picture.

We note WGEA's **Recommendation 21**:

The Agency recommends that sex-based harassment and discrimination is specified as GEI 6.

Following from this, the Agency recommends that additional data is collected with respect to this GEI as specified by the Respect@Work Council.

The Agency also recommends that an additional GEI (GEI 7) be added to account for other matters specified by the Minister.²

DCA broadly supports the inclusion of sexual harassment as a Gender Equality Indicator. We believe additional data should be collected that is informed by the recommendations from the *Respect@Work Report* and by the Respect@Work Council, as they relate to the intent of the Act to make workplaces more gender equal.

However, as outlined below, some of our members have raised concerns regarding reporting on sexual harassment and feel that these concerns must be addressed before a specific GEI 6 is introduced.

Recommendation 3. DCA broadly supports the inclusion of sexual harassment as a Gender Equality Indicator. We believe additional data should be informed by the recommendations from the *Respect@Work Report* and by the Respect@Work Council. However, before any changes are introduced, we would strongly recommend consultation with employers on the specific measures.

Gender equality is good for the economy

In this submission, we argue, based on the responses from DCA members to our survey and our extensive experience in gender equality, that the role of the Agency should be strengthened, and provided with additional resources to support gender equality and inclusive workplaces in Australia.

While we recognise that any changes will involve additional resourcing, we believe that this would have significant benefits to the Australian economy and national prosperity. In particular:

- Gender equality offers a range of measurable and well documented benefits to [national productivity](#) and competitiveness, as well as to individual businesses. Increasing the labour market participation of Australian women, particularly mothers, offers one of the two [greatest opportunities to increase our nation's productivity](#) to the tune of about \$25 billion per year.
- According to the World Economic Forum's Global Gender Gap Report 2016, [Australia](#) still faces the challenge of fully closing gaps in economic participation and equality – in particular, the gaps in economic participation, wage equality, income and leadership.
- [Gender inequality](#) also represents a waste of our nation's investment in the education of women and girls. Female university students have [outnumbered their male counterparts since 1987](#), and now do so by a considerable margin but only 59% of working aged women are currently in paid work, compared to 70% of men, indicating Australia is failing to capture the substantial economic contribution tertiary educated women offer. It is [estimated](#) that the Australian economy would gain \$8 billion if women transitioned from tertiary education into the workforce at the same rate as men.

Further, DCA's research shows that inclusion is good for business. Our [Inclusion@Work Index](#) found that workers in inclusive organisational cultures are:

- *Three times more likely to report that their team is highly effective* (60% of workers in inclusive organisations strongly agreed that their team always worked together effectively compared to just 17% for non-inclusive organisations);
- *Five times more likely to indicate their team is innovative* (47% of workers in inclusive organisations indicated that their team always looked for innovations versus 10% for non-inclusive organisations), and;
- *Three times more likely to indicate their team provides excellent customer/client service* (61% versus 21%).

This shows that there is an economic imperative for working to improve gender equality.

Recommendation 4. DCA recommends that the significant economic benefits of improving gender equality should be taken into account when considering resourcing for the WGEA.

DCA Member Consultation

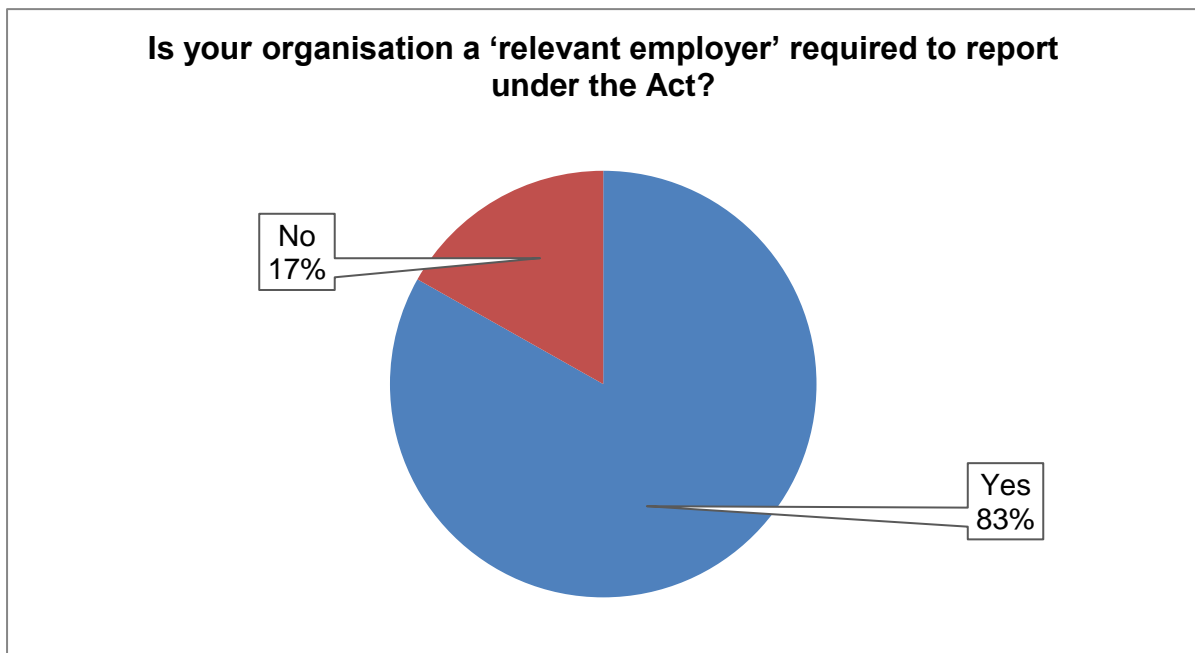
As a member-based organisation, it is extremely important to DCA that our submission reflects the views of the DCA membership. We surveyed our members from 3 November 2021 to 10 November 2021.

Overall, there were 101 responses to our survey.

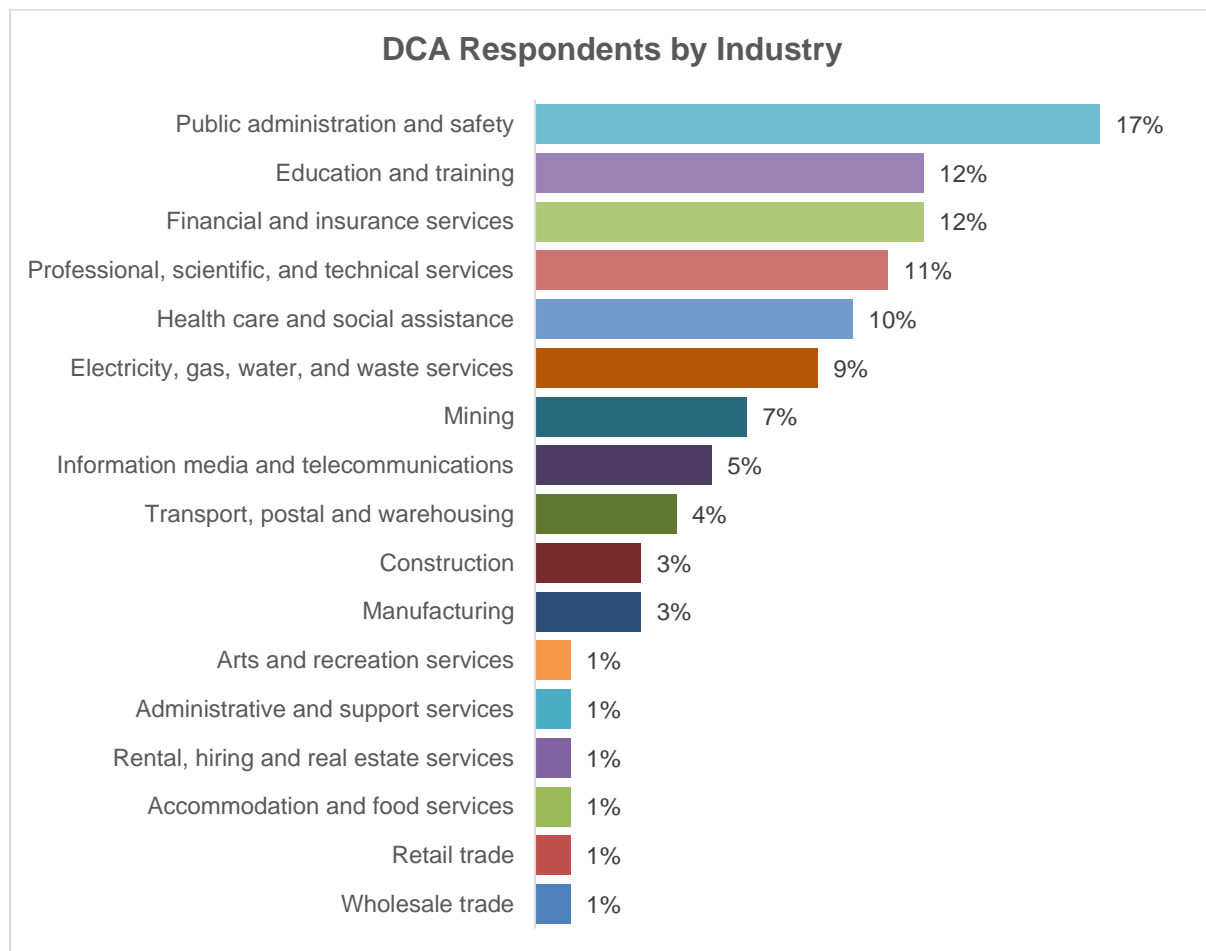
Questions in the survey were non-compulsory, which is reflected in the number of responses for each question.

We note that this consultation was open for five weeks, which has allowed limited time and input from some major stakeholders. We strongly urge the Government to ensure that there is further consultation with employers about changes to the Act before they are introduced.

The vast majority (83%) of respondents currently report to WGEA.



Respondents represented range of industries.



A note on binary language used in this submission

While neither sex nor gender exist in binary categories, these categories still have very real effects. This submission sometimes uses binary language to convey the gendered nature and dynamics of workplace gender inequalities.

At the same time, however, DCA recognises that there are people whose experiences and identities cannot be captured using binary language, and these limitations should be acknowledged whenever binary language is used.

In this submission, we advocate for more nuanced data collection so that the workplace experiences of non-binary and gender diverse people can be better understood, and evidence-based interventions can be designed based on those experiences.

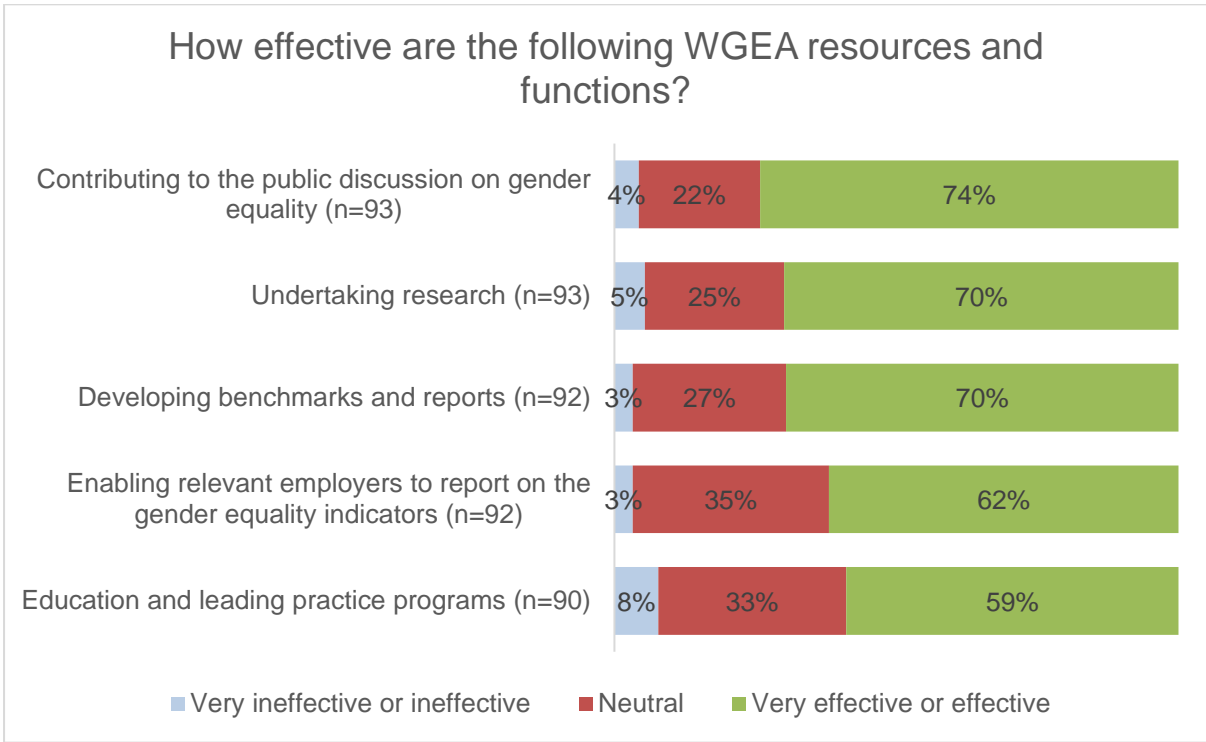
IV. RESPONSE TO THE CONSULTATION PAPER

In this submission, we have responded to the questions in the consultation that were most relevant to DCA and our member organisations.

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?*

Effectiveness of WGEA’s resources and functions

We asked our members for their views on the effectiveness WGEA’s resources and functions (between 90 to 93 respondents answered this question). **A vast majority of DCA respondents indicated that WGEA’s existing resources and functions were useful and effective.**



Three quarters (74%) of DCA respondents felt that WGEA was effective or very effective at contributing to the public discourse on gender equality.

70% of our respondents stated that WGEA was effective or very effective at undertaking research, and at developing benchmarks and reports. A clear majority (62%) felt that WGEA was effective or very effective at enabling relevant employers to report on the Gender Equality Indicators, and 59% felt that WGEA was effective or very effective at education and leading practice programs.

This shows us that DCA members believe the functions and powers of WGEA are effective.

However, throughout the survey, respondents commented that reporting publicly on data does not go far enough. Progress remains slow and could be bolstered by additional resources targeted to help organisations interpret and use their data better.

This needs not only data, but also adequate resources to support programs, monitoring long-term impact of policies and innovative ways to implement policies into daily practices.

Several respondents also highlighted that the current settings regarding industry are confusing:

The way it's structured seems to be challenging for us to address effectively, possibly because we don't fit easily into an industry "box".

However, other respondents requested more industry specific information. From comments throughout the survey and through our regular interactions with our members we know that industry benchmarking is of particular importance to our members:

Setting and measuring against realistic targets, being able to benchmark our performance against similar industries and organisation size, tied specific initiatives to metrics, targeted training, e.g. unconscious bias in hiring practices for managers.

While DCA members are supportive of WGEA's existing effectiveness, throughout our survey they told us that these functions could be improved by better industry benchmarking, and more resources and information on how to take effective action based on reporting and data.

Recommendation 5. DCA recommends that the Agency's resources and functions are expanded to include a greater focus on industry benchmarking, and more guidance for employers on how to take effective action based on the WGEA data.

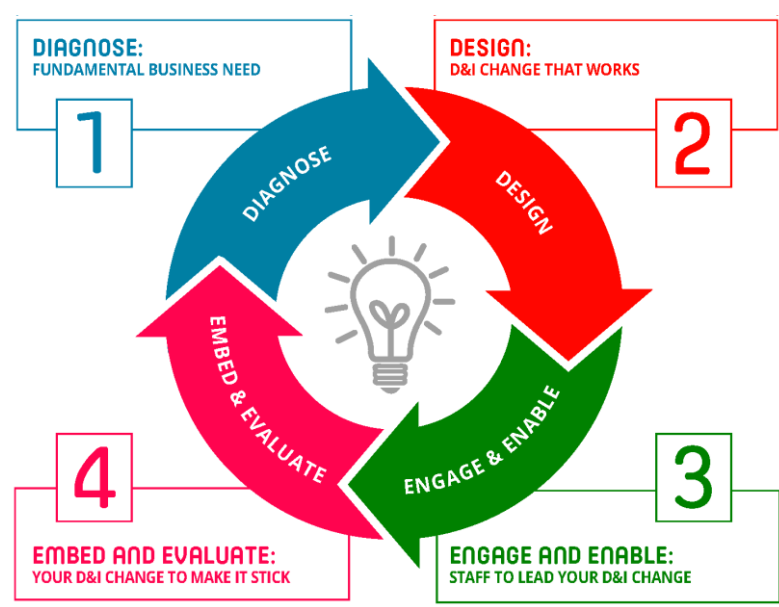
Consultation Question 2: What is your experience of what works to improve gender equality in your workplace? How do you currently engage with WGEA and use the reporting process and their resources to improve gender equality? What changes, if any, would you like to see in the areas of future focus for WGEA to further promote and improve gender equality over the next ten years?

Implementing D&I change (including gender equality initiatives) at work

In 2018, DCA undertook research into the effectiveness of diversity and inclusion (D&I) efforts (including efforts to improve gender equality) by Australian organisations. We undertook this research because we had recognised that despite over 30 years of initiatives designed to improve D&I, change had been slow (e.g., a significant gender pay gap remains; there is still little evidence of diversity in senior executive positions).

As a result, DCA designed an evidence-based framework for implementing effective D&I change in workplaces. Our framework identified that there are four key factors (or switches) that evidence shows are necessary for change to be effective in workplaces.

1. **DIAGNOSE:** What is the fundamental business need that requires addressing?
2. **DESIGN:** How can we design our D&I change to most effectively address the business need/opportunity
3. **ENGAGE & ENABLE:** How can we build staff interest in, and capability to lead our D&I change?
4. **EMBED & EVALUATE:** How can we ensure our D&I change 'sticks'/ is sustained over time?



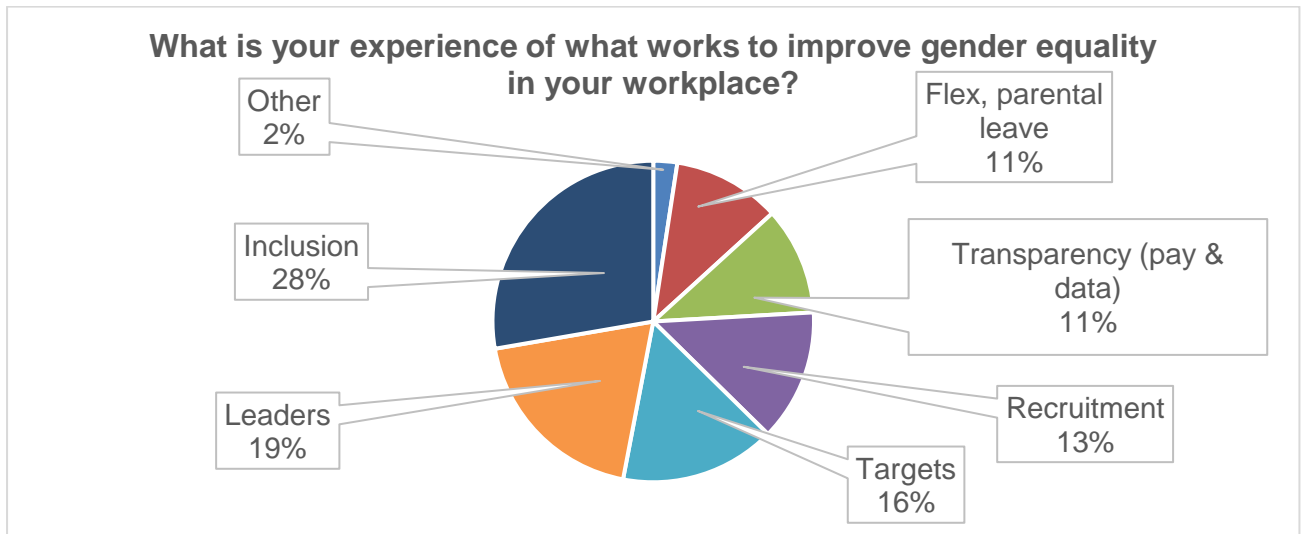
DCA Comment: While not specifically related to the Act, DCA’s experience shows that using this evidence-based framework is critical for change to be successful.

For gender equality to be improved in workplaces, DCA believes there needs to be support for organisations to identify D&I initiatives that are evidence-based and have been demonstrated to be effective in addressing gender inequality.

What works for our members to improve gender equality in their workplaces

We asked respondents about their experience of what works to improve gender equality in their workplaces.

There were 83 responses to this question. Some clear themes emerged from our respondents: over a quarter (28%) indicated that general D&I or inclusion policies and programs were key; about one in five (19%) indicated leadership was critical; 16% of respondents nominated targets; 13% recruitment process; 11% pay and data transparency; and 11% care policies including flexibility and parental leave.



More than a quarter of respondents to this question nominated workplace D&I or inclusion programs as key to successful gender equality outcomes:

Having a workplace culture that promotes equality, embraces & celebrates diversity, that will not tolerate sexism, homophobia & racism, that promotes respectful relationships & supports, for example, women experiences DFV.

About one in five responses highlighted the importance of leadership:

Leadership from the top.

16% of responses were related to setting (and measuring against) targets:

Setting and measuring against realistic targets

Another theme that emerged was the importance of inclusive recruitment processes that address biases in selection:

Enhancing recruitment & selection processes. Ensuring diverse interview panels, diverse shortlists, openly considering biases upfront.

11% of responses highlighted flexibility, and policies to ensure that care can be shared more equally:

Understanding the nuances that come in to play for (mainly) women than men on career, family responsibilities. More inclusive paid parental leave schemes - including superannuation contributions.

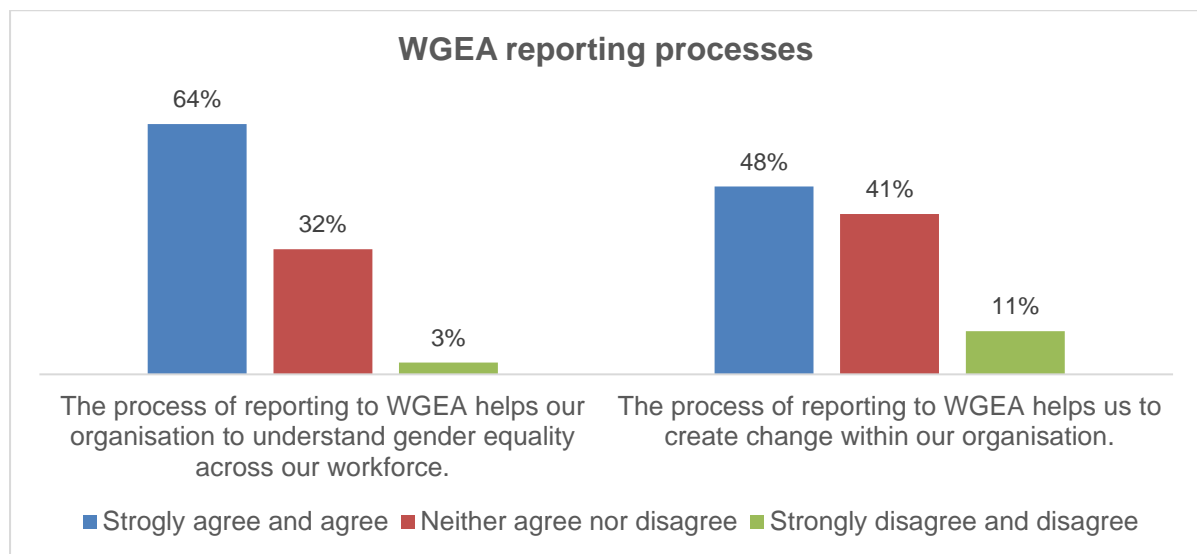
Shared parental leave is very successful - it would be great to see more dads return to work on a flexible basis, 4 day weeks etc to close that gap more.

Another 11% of responses highlighted the importance of transparency in relation to remuneration and data collected on gender equality:

Robust pay ranges and transparent market salary data available to compare positions not people.

WGEA reporting processes

We asked our members whether the process of reporting to WGEA helps them to understand gender equality within their workforce, and whether the process of reporting to WGEA helps them to create change within their organisations.



Almost two-thirds (65%) of respondents agreed or strongly agreed that the process of reporting to WGEA helps them to understand gender equality in their workforce.

Yet less than half (47%) of respondents agreed or strongly agreed that the reporting process helps their organisation create change.

This suggests that while DCA members found the reporting process to WGEA helpful in understanding gender inequality, organisations need more support to convert data into gender equality outcomes.

Respondents could also provide additional comments, and one respondent noted that the process of reporting to WGEA promotes conversations about gender equality:

The process of reporting to WGEA promotes conversations around gender equality and increases awareness of gender equality as an important topic for organisations and employers.

And that this process is good for the industry overall:

Reporting drives good discipline across the market.

However, some respondents noted that data that gets reported to WGEA does not always paint an accurate picture and does not indicate what gaps or issues exist:

The way we report doesn't really speak to our job levels and it often isn't totally clear what/if gaps exist - we need to look at it differently to determine this. But it certainly triggers that.

Some members commented they do their own analysis or that they would do this kind of analysis regardless of the obligation to report to WGEA:

It's a consequence of the reporting process, but we would do this anyway if we didn't have to report to WGEA.

A number of respondents also indicated that the reporting process can be onerous:

While we agree, the process itself is quite onerous and clunky.

One respondent noted that the process is largely seen as a compliance activity, which hinders progress being made from the data gathered.

It's seen as an administrative burden because the process is so difficult, and then no one wants to look at it again.

Recommendation 6. DCA recommends that WGEA be supported to develop materials to assist organisations interpret and utilise their data more effectively to make change across their organisations.

How do DCA members currently use WGEA resources to improve gender equality?

In our survey, we asked our members: *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?*

Respondents provided 72 open-ended answers to this question. Most respondents indicated that they find WGEA reporting useful in some way:

I study my organisations WGEA report every year in order to stay informed about the status of women and in particular proportion of female leaders representative of the total workforce

Respondents indicated that they found the WGEA data they were required to report useful for benchmarking, as well as planning, research, policy formulation, and raising awareness:

We use relevant reporting to help make informed decisions around strategies to improve - set goals, higher targets and embedding diversity goals into the daily operations of their business objectives.

One respondent noted that the reporting process enabled them to improve their internal policies and programs to support gender equality:

We use the reporting process to identify ways we can improve our staff benefits specifically around gender-based options. If we don't offer something that is listed as an option in the report, we assess whether we can expand our benefits or change our policies.

However, some respondents indicated that while they felt that the process of reporting into WGEA was helpful in terms of raising awareness, they needed more support on how to convert this into action and progress:

At present I use this as an awareness tool. Am not sure how to convert this into more action at present.

And some of these members shared concerns that reporting is a compliance activity, that it is more about reporting rather than achieving meaningful change:

Interesting to look at the benchmarking but as our industry is fairly gender pay equal (apart from representation at senior levels). There doesn't seem to be a focus on shifting the dial/improvement, just tick the box.

For those respondents who indicated that they used WGEA's resources, a number indicated that the Employer of Choice Citation provided useful information on best practice:

To improve gender equality, we also look at those who have Employer of Choice Citation to further explore their best practices and benchmarking for opportunities for improvement.

Respondents also suggested several improvements that they felt would enhance the usefulness of the reporting process and data generated.

Respondents suggested making the reporting process simpler and more automated; more of a focus on organisations having to demonstrate progress and being held accountable for addressing inequality, more reporting on intersectional factors, in particular non-binary gender.

How could WGEA's dataset be better utilised to support gender equality in workplaces, across the labour market, and more broadly in society?

Gender inequality is a persistent and insidious issue in Australia, despite many years of sustained efforts to address it. Women continue to be underrepresented in leadership positions.³ One in four (23%) Australian women and one in six men (16%) experienced sexual harassment at work in 2018.⁴ Women continue to retire with about half the superannuation savings as men.⁵ Earlier this year, WGEA released research that found that while the total remuneration gender pay gap fell from 24.7% to 20.1% in the last seven years, it is likely to take another 26 years for the full-time total remuneration gender pay gap to close completely.⁶

Addressing these inequalities will require targeted interventions across the labour market, and more broadly in our society. But we cannot begin to address these issues without understanding them. WGEA's dataset is a significant opportunity to provide the evidence-base for the state of gender equality in workplaces, but also across our community.

DCA comment: DCA recognises that while WGEA's dataset has provided an important foundation for understanding gender equality in Australia, there is an opportunity going forward for WGEA to use its data in a more targeted way. For example, WGEA could use its data to advocate for policy interventions that addresses specific drivers of the gender pay gap.

DCA, WGEA and KPMG's *She's Price(d)less*⁷ report outlines the key drivers of the gender pay gap. This report shows that deeply entrenched gender stereotypes about the roles men and women play in paid work and caring continue to be the driving force behind the gender pay gap. This research found that:

- Gender discrimination continues to be the biggest contributing factor to the pay gap, accounting for almost two-fifths (39%) of the gender pay gap,
- The combined impact of years not working due to interruptions, part-time employment and unpaid work contributed to 39% of the gender pay gap,
- Occupational and industrial segregation continue to be significant contributors to the gender pay gap at 17%.

The report's analysis also showed that closing the primary drivers of the gender pay gap is equivalent to \$445 million per week, or almost \$23 billion per year.

Because of the current WGEA dataset, we already understand the state of gender inequality in Australia. Because of *She's Price(d)less*⁸, we already understand the key drivers of that gender inequality. What we need now is for WGEA to be able to leverage this data to drive change by designing effective gender equality policy initiatives.

DCA comment: Given the extensive data collected by WGEA on many of these areas, we believe there is an opportunity for Government to use WGEA's dataset more effectively when designing gender equality policy initiatives. DCA believes that WGEA should use the dataset to take a more active role in setting the agenda and advocating for policy development in this space.

Recommendation 7. DCA recommends that WGEA should use their dataset to take a more active role in setting the agenda and advocating for policy development in gender equality.

DCA Member comments on how to better utilise WGEA's dataset

In our survey, we asked members: *How could WGEA's dataset be better utilised to support gender equality in workplaces, across the labour market, and more broadly in society?*

Respondents provided 56 open-ended answers to this question.

Most respondents agreed that WGEA could better utilise the dataset.

Respondents indicated that gender equality goes beyond the workplace, that work needs to be done on addressing gender inequality and gender stereotypes before employment and outside the workplace:

WGEA should be using its data set to work with educational institutions and policy makers to develop programs and practices to influence pre-employment and employment decisions throughout society. Workplaces alone cannot completely influence the gender stereotypes in society which impact individual and family decisions around employment, career paths, caring etc.

While other respondents indicated that merely reporting is not enough, that there should be more focus on finding solutions:

Move beyond just reporting on the data and focus more on solutions.

Some respondents commented that it is not just about collecting the data, that WGEA should be providing guidance on how to use that data to drive change in their organisation:

Current focus is about on gather data. The attention needs to turn to what to do with it - what are the actions that companies can adopt to reduce the pay gap. Share/learn/act/report against actions (leading indicators), as well as numbers (lagging indicators).

Several respondents commented that the dataset is currently aimed at employers, and that WGEA should do more to engage with the public and community:

Better community understanding and support.

Communicate the data to the public.

Some also made suggestions for how to communicate and present the data more effectively:

Presented as summaries online or via podcasts to raise awareness of common inequalities. This would make it easier to share with team members to raise awareness of issues.

It would be good to have case studies or social media tools to dispel myths and demonstrate what works for employers and managers to see improving gender equality in the workplace pays off.

Throughout the survey, many respondents commented that better industry benchmarking would be helpful:

More breakdown so that you could compare the gender pay gap relative to your industry. Working in Gov, the pay structure means that our base pay gap is very low - it is when other factors such as overtime come into play where our pay gap widens. However, if you were just to compare our pay gap to the Australia wide one, you would feel very good about how we are performing. Especially for other orgs, it must feel like comparing apples to oranges when it comes to the GPG - and easy to explain away why your organisation isn't doing well

Some respondents raised that there should be a greater focus on the economic drivers of decision making around parenting, care, and part-time work:

Perhaps look into reasons why it is almost always the female parent in an opposite sex parenting arrangement that returns part-time? Is it linked to them being more likely to have the lower income? I think that it is likely too often put down to gender differences in parenting styles/or the perception of it being a mother's desire to be the main caregiver rather than an economic decision.

Respondents want to WGEA to share leading practice organisations and strategies:

Use the data to create a list of suggested actions to improve. Clear actionable and reportable plans for organisations to follow to help shift the data to be more inclusive.

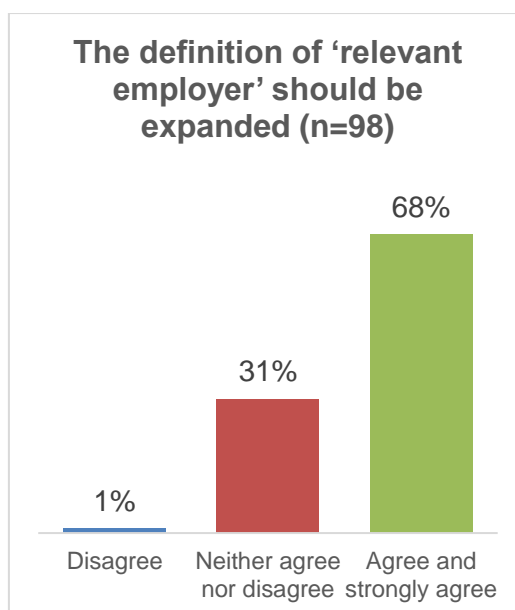
Respondents also commented that the data would be more valuable if it captured intersectional data, as it is not useful to treat women as a homogenous group:

Capturing more statistics and across intersections would be ideal. Just capturing the number of women across management positions/levels is okay but not great. It enforces this idea that every woman is the same. Even if there are 50% of individuals who identify as women in senior management position, it doesn't account for whether they're white or non-white, whether their pay is consistent with peers etc.

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?

The definition of 'relevant employer'

We asked our members whether the definition of 'relevant employer' should be expanded. We had 98 responses to this question. **Over two thirds of our respondents (68%) agreed or strongly agreed that the definition of 'relevant employer' should be expanded.**



Several members suggested that it should be expanded to include the public sector or to include smaller businesses:

Should be expanded to capture smaller business, federal and public agencies as well.

Some members noted that small employers may also face issues with gender inequality:

It should apply to everyone. The biggest issues may be hidden in small employers

Recommendation 8. DCA recommends that the definition of 'relevant employer' should be expanded, with consideration given to including government and public sector agencies. However, we emphasise that no changes should be introduced without extensive consultation with employers who would be impacted.

DCA also notes WGEA's submission⁹ to this review which recommends that:

...with the introduction of Single Touch Payroll (STP) data, there be consideration for expanding the definition of 'relevant employer' to include non-public sector employers with 50 or more employees.

We know from our members that smaller employers are passionate about D&I (as evidenced in a significant increase in smaller organisations becoming DCA members in the last 12 months). However, we note that reporting can be a significant process, and that smaller organisations may not be equipped to take on this additional regulatory burden.

DCA Comment: While at this stage we would not recommend that the definition of ‘relevant employer’ include non-public sector employers with 50 or more employees, we do agree with WGEA that if in future the reporting process is made simpler and more automated, consideration should be given to expanding the definition of ‘relevant employer’ to smaller non-public sector employers.

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?

How could the gender equality indicators (GEIs) be improved?

In our survey, we asked members: *How do you think the gender equality indicators (GEIs) in the Workplace Gender Equality Act could be improved? (e.g., should other indicators, such as sexual harassment, be included?)*

Respondents provided 71 open-ended answers to this question.

Generally, respondents supported broadening or expanding the gender equality indicators. However, respondents noted that employers would need to be given time to prepare to report on any additional data:

Yes, but this should be announced prior to reporting period to allow organisations prepare methods to gather the data required.

Many respondents agreed that sexual harassment should be included:

*Yes, agree - more focus on sexual harassment and **proactively creating workplaces free from this.***

Information about sexual harassment would be useful - it is a barrier to gender equality in the workplace and not often spoken about. Learnings from sexual harassment cases can be aggregated and inform change.

However, some shared concerns that having to report on sexual harassment may lead to a culture of under-reporting, or that reporting on sexual harassment would not reflect the reality of rates of sexual harassment:

I don't know that being required to report on incidents of sexual harassment would necessarily have a positive impact. Quite often those kinds of measures, similar to safety measuring lost time injuries, leads to a culture of under reporting or non-reporting if they are not implemented correctly within a psychologically safe workplace.

It would be great for sexual harassment to be included, as alluded to (sexual harassment stats anyway) in a previous response, but I have concern on the true responses in this are - is it just those taken to HRC level, or any internal complaints at all? I suspect there would be discrepancy in accurate figures reported, especially in larger more complex organisations. Reporting on having a public and known "sexual harassment advocate/figure" who had a true passion/social responsibility for sexual harassment and all employees knew they could contact in confidence and in turn would report all cases made, no matter how "minute" or "major" (noting that ALL are major/significant, but for the purpose of reporting) then this would perhaps be difficult and provide skewed results.

Other suggestions respondents gave for improving the GEIs included focusing on progress, rather than just the existence of policies:

Focus on improvement year on year, rather than just whether policies/practices exist.

Broadening the GEIs:

Broader categories of inclusion and intersectionality measures added. Introduce more leading as well as lagging indicators for reporting.

Shifting the focus to inclusion for all genders:

I think WGEA needs to more broadly acknowledge that gender is nonbinary and have more questions to address inclusion of all genders, including asking organisations about their use of inclusive language in all their policies, asking whether they still have gendered or primary/secondary classifications for their parental leave, whether they have a breastfeeding policy in place, and whether high level leaders (i.e. executives) model flexible working to demonstrate an inclusive environment.

Focusing on other what workplace supports are available to employees in a variety of areas:

Support available for people with diverse needs (eg: are there policies and procedures in place for people experiencing domestic violence at home)

Broadening the scope of existing GEIs:

I think the Flexible Working GEI should be expanded to include details of applications made, applications accepted and applications rejected. I think Recruitment should be a GEI in its own right with details collected about applicants, short lists, interviews, panels and outcomes. Most organisations collect patchy and inconsistent recruitment data, if they collect it at all. The WGEA requiring them to provide detailed recruitment data would mean they all have to start paying attention to it and HR Advisors can't just not input the data.

Recruitment, retention, and promotion measures:

Women coming of 'childbearing age' not receiving raises, etc.

We recently used a Harvard Business Review framework for measuring Gender Pay and Equity which focuses on not only pay, but measures of representation, development, retention, opportunity and belonging to compare women's experiences. This provides a lot more insights into what is going on in the organisation and help to identify the drivers of GPG.

For an organisation to improve workforce diversity it needs to know: the diversity of people joining the organisation, the diversity of people leaving the organisation, the reason people join and leave. Internal barriers such as diversity of people applying to act in other roles and who is successful. Where there are pockets of diversity in the organisation and find out why. Merely providing the symptoms (i.e. indicators) does not really help an organisation to understand what is working and what isn't to make a more diverse workforce.

Another indicator would be to look at the average time an employee stays with the organisation and if there are any trends within minority groups.

I agree with sexual harassment, I would also look at the 'hurdles' a female has to jump to prove her success / eligibility for a promotion (e.g. additional accreditations, more experience etc.)

DCA Comment: As we raised earlier, DCA's view is that there is scope for more specific data collection around sexual harassment in GEI 6. We also recommend below that more intersectional data is explored.

However, it's clear from our respondents that there are a range of suggestions and feedback about ways to improve the GEIs across different areas. Given the short timeframe for this consultation, we don't feel that it is possible to make any further specific recommendations, but would urge the government to consider the suggestions from our respondents and have a targeted consultation in each of the existing GEIs.

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 (eg cultural and linguistic diversity, disability, age, location of primary workplace). If not, why not?

The importance of having intersectional data

DCA comment: DCA strongly supports the collection of more intersectional data by WGEA.

'Intersectionality' refers to the ways in which different aspects of a person's identity can expose them to overlapping forms of discrimination and marginalisation.

The term 'intersectionality' is attributed to Kimberlé Crenshaw, a legal theorist of race and feminism, who coined the term in the 1980s to highlight how gender and race combine to further marginalise African American women, and how discourses are shaped to respond to one identity or other, rather than multiple.¹⁰

More recently, intersectionality has been extended to include other aspects of diversity (e.g., our age, care-giving responsibilities, disability status, sexual orientation, and gender identity).

Intersectionality is an essential element of D&I practice as it recognises that D&I initiatives should be designed to work across diversity dimensions.

DCA's work over many years has recognised how intersectionality impacts the experiences of diverse women in Australian workplaces. For example:

- DCA, WGEA & Jumbunna's research, *Gari Yala: Gendered Insights*¹¹, found that Indigenous women who are also carers experience 'triple jeopardy'. That is, the combination of these three aspects of their identity overlap to amplify their experiences of discrimination and exclusion at work.
- DCA's *Class at Work*¹² research shows that 45% of women from self-identified lower classes reported having experienced discrimination and/or harassment of some type.
- DCA's *Out at Work*¹³ recognised the 'double jeopardy' that LGBTIQ+ women face, where the combination of being a woman, and having a non-heterosexual identity combine to make it more difficult for them, relative to cisgender-gay-men or cisgender-heterosexual-women, to progress in the workplace.
- DCA's *Capitalising on Culture and Gender in ASX leadership*¹⁴ found that culturally diverse women experience a 'double jeopardy' when accessing leadership roles due to their gender and cultural background. This double jeopardy results in a 'glass-cultural ceiling' in which invisible organisational barriers lock out culturally diverse women from accessing leadership positions in their workplaces.

In their recent report on gender pay gap reporting in Australia, Miriam Glennie, Anna von Reibnitz, Jananie William, Sally Curtis and Sarbari Bordia¹⁵ noted that:

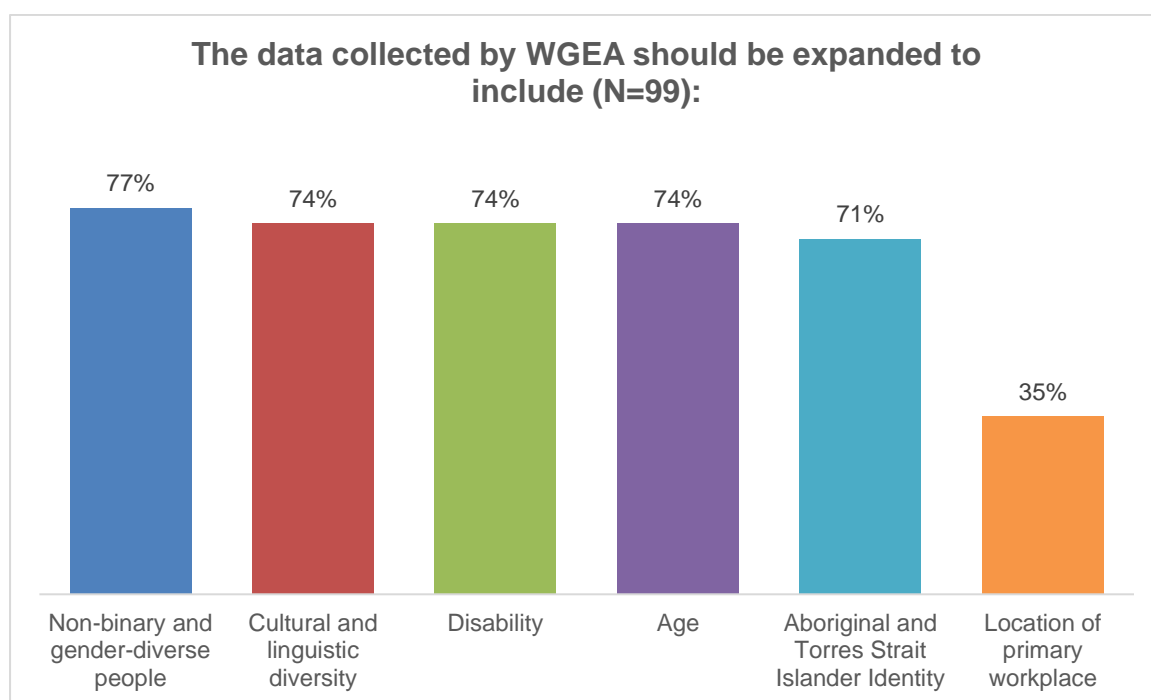
Australia does not collect intersectional data or require reporting on additional measures of disadvantage. The absence of such data means that it is difficult to understand how gender intersects with other factors to contribute to specific types of

discrimination and contrasts with most public sector equality reporting frameworks that capture Indigenous status, disability and language background.

DCA Comment: Having more nuanced data collected would enable policy makers to design interventions that are more appropriate to the experiences of diverse groups of men, women and non-binary or gender diverse people in the workforce.

DCA member views on expanding data collection

We asked our members what additional data WGEA should collect. *Respondents could tick all that apply.*



There was strong support from our respondents for expanding the data currently collected by WGEA. Over three-quarters (77%) of respondents supported including data about non-binary and gender diverse people, 74% indicated that data should include cultural and linguistic diversity, disability status and age, 71% agreed that data should recognise Aboriginal and Torres Strait Islander identity, while one-third (35%) agreed that data collections should be expanded to include location of primary workplace.

Other suggestions from members included collecting data on caring responsibilities, flexible work, and sexuality.

While there was support for expanding the data collection, it was noted that this should be brought in with a staged approach.

Non-Binary and Gender Diverse People

77% of respondents agreed that WGEA should collect data on non-binary and gender diverse people.

Leading practice organisations recognise that sex and gender both exist on a spectrum. We also know, anecdotally, from several DCA members that they are already collecting data on the number of non-binary or gender diverse people in their workplace, but when reporting to WGEA they are not able to report on the experiences of these people.

Therefore, limiting the WGEA's data collection to the categories of woman and man does not reflect how all individuals interact with and experience gender and gender inequality at work.

Collecting this data is also important given that we know from DCA's [Out at Work](#)¹⁶ and [Intersections at Work](#)¹⁷ research that trans and gender diverse people experience specific forms of discrimination at work.

The inclusion of non-binary people in the WGEA dataset would allow for better representation of the experiences of people of all genders, and better policy interventions for gender equality.

We suggest that DCA members collecting data on gender for their workforce use ACON's **Recommended Community Indicators for Research**¹⁸ which have been developed through regular and ongoing consultation with LGBTIQ+ communities and LGBTIQ+ health research experts. We would urge WGEA to consult with an organisation like ACON on developing appropriate measures for their dataset.

Recommendation 9. DCA recommends that WGEA should collect data on men, women, and non-binary people. We further recommend that the WGEA should consult with peak bodies that represent non-binary and gender diverse people on appropriate measures to collect this data.

Cultural and Linguistic Diversity

74% of respondents agreed that WGEA should collect data on cultural and linguistic diversity.

This is important because our research¹⁹ shows that culturally diverse women are under-represented in leadership ranks, evidenced by this chart which shows that in 2015, if ASX directors were 100 people, approximately:

- 2 would be culturally diverse women
- 6 would be Anglo-Celtic women
- 28 would be culturally diverse men
- 64 would be Anglo-Celtic men.





Furthermore, we know that internationally, for example in the U.S., there are significant differences by race and ethnicity in the gender pay gap.²⁰

DCA Comment: DCA notes that the consultation paper asked about “cultural and linguistic diversity,” but DCA would recommends collecting data about cultural diversity, which our research shows is (at this stage) the most commonly understood term in Australian workplaces.²¹

DCA defines cultural diversity as “*having a mix of people from different cultural backgrounds – it can include differences in cultural/ethnic identity (how we identify ourselves and how others identify us), language, country of birth, religion, heritage/ancestry, national origin, and/or race, colour.*”²²

By WGEA collecting data on cultural diversity, we would be able to better understand how gender and cultural diversity are impacting the experiences of people.

DCA would recommend utilising our [Counting Culture](#) tool to collect this data. This tool is an evidence-based standardised approach for defining, measuring, and reporting on workforce cultural diversity in a respectful, accurate and inclusive way.

Recommendation 10. DCA recommends that WGEA should collect data on cultural diversity using the principles outlined in DCA’s [Counting Culture 2021 tool](#).

Disability

74% of respondents agreed that WGEA should collect data on disability status.

DCA notes WGEA’s views in their submission on collecting data around disability:

In Australia, people with disability have lower rates of labour force participation and employment and higher rates of unemployment than people without disability. People with disability are also more likely to experience workplace sexual harassment when compared to other workers and have less trust in their organisations to treat them fairly.

Women with disability are less likely to be employed than men with disability, and women with disability in the workforce are more likely to be in lower-paid jobs, work part-time, be underemployed, and work in more precarious and vulnerable forms of employment. 141 Research suggests that women may choose to conceal disability in

the workplace to avoid compounding their disadvantage (as both a woman and a person with disability) when seeking to advance.

Recommendation 11. DCA recommends that WGEA should consult with peak bodies that represent people with disability on an appropriate measure to allow for the collection of relevant data on disability status.

Age

74% of respondents agreed that WGEA should collect data on age.

DCA research shows that age is a key factor that impacts gender inequality. For example, DCA's [Older Women Matter²³](#) research found that older women (defined as 45 years plus) are overlooked in Australia's labour market. In 2020, DCA's [Do We Still Really Need Workplace Gender Equality?²⁴](#) also recognises that age and life stage have a huge impact on the experiences of men and women.

Recommendation 12. DCA recommends that WGEA collect data on age.

Aboriginal and Torres Strait Islander Identity

71% of respondents agreed that WGEA should collect data on Aboriginal and/or Torres Strait Islander identity.

DCA's research supports the need for intersectional data recognising the specific experiences of Aboriginal and/or Torres Strait Islander people at work. For example, the DCA/Jumbunna report [Gari Yala \(Speak the Truth\): Centring the experiences of Aboriginal and/or Torres Strait Islander Australians at work](#) showed that Indigenous employees continue to experience significant workplace racism and exclusion and that racism is impacting wellbeing and job satisfaction.

A follow-up to that report, [Gari Yala \(Speak the Truth\) Gendered Insights](#) found that Indigenous women, and in particular those who are also carers, are experiencing 'triple jeopardy' - that is, the combination of these three aspects of their identity are amplifying their experiences of discrimination and exclusion at work.

Recommendation 13. DCA recommends that WGEA collect data on Aboriginal and/or Torres Strait Islander identity.

Location of Primary Workplace

35% of respondents agreed that WGEA should collect data on location of primary workplace.

Although respondents to our survey were least likely to support additional data being collected, DCA notes WGEA's submission, which stated:

Location can impact how women and men interact with the workforce. Critically, more than one in four Australians live outside a major city.⁸⁰ People in regional, rural and remote locations have, on average, lower employment-to-population ratio and lower average incomes when compared to metropolitan areas, which may be in part due to less access to employment opportunities.⁸¹ Women in regional, rural, and remote areas may be at increased risk of experiencing workplace sexual harassment and discrimination⁸² and have less economic security.⁸³ Collecting data on an employee's primary workplace location would contribute to understanding how location interacts with gender, particularly issues related to gender pay gaps, workforce composition and leadership. This, in turn, could better inform government policy and investment in parts of Australia.

Also, DCA's research²⁵ which highlights how the location of a workplace can have a significant impact on the likelihood of people experiencing sexual harassment:

Physical isolation and decentralisation make a difference. Workers who are physically isolated or have few opportunities to work with others (such as cleaners working alone, people attending to hotel rooms alone, and agricultural workers) can also be at a higher risk of harassment. This is often because harassers can easily access such workers and there are no witnesses to the harassment or bystanders who could intervene. This can also be the case for decentralised workplaces where frontline staff and managers are far removed from corporate offices and can feel (or sometimes actually be) unaccountable to the organisation for their behaviour. Sometimes harassment can remain unaddressed because frontline staff simply don't know how to address workplace harassment issues.

DCA Comment: While we note that most of our respondents did not agree that WGEA should collect data on location of primary workplace, we recognise that this information would be useful for addressing significant issues of gender inequality. We therefore would encourage education as to why it is important this information is collected.

Recommendation 14. DCA recommends that WGEA produces resources to educate employers on why collecting data on location of primary workforce is important for gender equality before considering making such data collection mandatory.

Consult with peak groups and employers before additional diversity data requirements are introduced

DCA Comment: DCA has extensive experience in designing survey questions to ask about diversity attributes in a respectful and inclusive way. For example, DCA's, *D&I 101: Conducting a Diversity Survey*, outlines the leading principles for undertaking respectful and inclusive diversity data collection to obtain genuine, meaningful data.

We believe it is critical that if WGEA was to expand the data it currently collects to consider more intersectional information, that there should be consultation with peak bodies and people with lived experience of diversity on the design of any questions.

Furthermore, additional data collection requirements cannot be introduced without extensive consultation with employers. While this information will be of significant value to employers, many will not currently have processes in place to enable them to report on additional diversity attributes.

Recommendation 15. DCA recommends extensive consultation with employers before any additional mandatory diversity data collection requirements are introduced.

DCA Member views on how this data would help to create more diverse and inclusive workplaces

There is a strong body of evidence that shows that D&I are good for business. Specifically, DCA's research²⁶ shows workers in inclusive organisational cultures are:

- Three times more likely to report that their team is highly effective (60% of workers in inclusive organisations strongly agreed that their team always worked together effectively compared to just 17% for non-inclusive organisations),
- Five times more likely to indicate their team is innovative (47% of workers in inclusive organisations indicated that their team always looked for innovations versus 10% for non-inclusive organisations), and
- Three times more likely to indicate their team provides excellent customer/client service (61% versus 21%).

DCA Members are therefore deeply committed to taking action to make Australian workplaces more diverse and inclusive. We asked them how having additional data would assist in these efforts.

88 respondents provided additional comments about how having intersectional data would enable them to create a more diverse and inclusive workplaces. Overwhelmingly, those who commented supported WGEA expanding the data that they collect, as something that could drive focus on specific initiatives and improve outcomes for diverse groups:

A better/deeper understanding on that data will help inform where focus should be, but also, uncover opportunities to improve current situations.

Capture of further data would highlight further (potential) disparities within certain intersections within gender. Collecting information for non-binary & gender-diverse

people is very important also as, at present, this group is not "counted" & so we have no idea of the true information here

By viewing gender equality through other diversity indicators, we can build a better understanding of what policies are working, and tailor more specific measures for people. For example, there would be age-related issues affecting women at different stages of their career. Women from Indigenous and multicultural backgrounds experience more prejudice in different ways to women of European background. Combining our efforts on these issues only makes it more compelling to act, it makes us more inclusive.

A number noted that having this additional information would help them to build workplaces which would have positive impacts on employees' wellbeing:

There are many facets to diversity, and being able to show that we incorporate all that (or not, in some cases) would showcase to our people and to potential employees what we value when it comes to D&I. People want to work in a place where they feel they'll fit in, and it's hard to know that without knowing the make-up of an organisation.

They also noted it would help them be more inclusive of people from different cultures:

Knowledge of the diversity within the community, particularly as it relates to culture will greatly assist employers to gain an understanding of the backgrounds and customs of the employees and whether the workplace needs to take steps towards inclusion of different cultures.

Several respondents highlighted that expanding the data collected by WGEA would help in understanding where discrimination exists for diverse groups:

Often these intersectional dimensions serve to highlight other hidden inequalities. So, proportions of women and men may look fine, but there may be an age bias, for example.

Without this information it is difficult to see how gender intersects with other factors to contribute to specific types of discrimination and under representation.

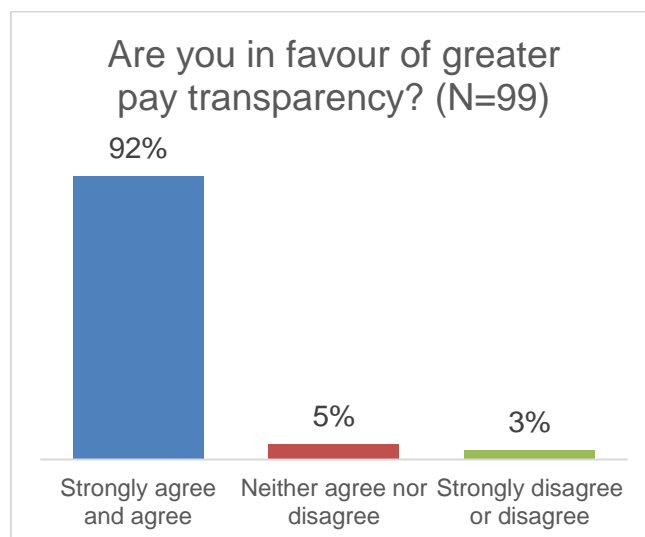
One respondent noted concern about capturing additional diversity data:

I think if WGEA tries to get 'all the data' it may have the opposite effect.

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?

Pay transparency

Research²⁷ suggests publishing organisation level pay gap data would bring Australia in line with other countries, like the UK, and is effective for helping close the gender pay gap. We asked our members about this and whether they would therefore be supportive of more pay transparency. Overwhelmingly, respondents agreed to this.



Over 90% of our survey respondents agreed or strongly agreed with greater pay transparency.

DCA notes the recent report, [Gender Pay Gap Reporting in Australia: Time for an upgrade](#), provides a detailed examination of Australia's current gender pay gap reporting arrangements and how they can, and should, be improved upon.

DCA also notes that among the report's recommendations was:

- **Recommendation 1.** Publish gender pay gaps of individual organisations to enable external stakeholders to hold employers accountable for gender equality performance.

Recommendation 16. DCA recommends that consideration be given to more transparent data about organisational pay gaps being published.

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?

Requiring Board oversight or evaluation of WGEA reports

The *Workplace Gender Equality (Minimum Standards) Instrument 2014* requires relevant employers with 500 or more employees to have a formal policy or strategy in place in one of several areas. However, DCA's research²⁸ shows that having a policy or strategy does not, in and of itself, contribute to successful D&I outcomes.

Furthermore, in their submission, the WGEA²⁹ notes that:

The 2019-20 WGEA dataset shows that all employers with 500 or more employees met the minimum standards. This is likely because most organisations (99.6%) have a policy or strategy in place for the prevention of sex-based harassment and discrimination. The Agency dataset also shows that most organisations (99.2%) with less than 500 employees are already meeting the minimum standards. Similarly, almost all relevant employers with less than 500 employees (98.1%) have a policy or strategy in place for the prevention of sex-based harassment and discrimination.

Despite high compliance with the minimum standards among employers, the gender pay gap persists, rates of sex-based harassment and discrimination remain high, and women remain underrepresented in senior leadership. In short, the current minimum standards are of little value to improving the state of gender equality in Australian workplaces and need to be amended. The requirement to have a policy or strategy in place to address gender equality objectives, while necessary, is not sufficient to achieve change.

WGEA goes on to recommend in their submission (*WGEA Recommendation 27*³⁰) amendments to the Minimum Standards that would require employer action, including reporting to the Board/Governing Body on the Executive Summary report and Industry Benchmark report provided to employers by the Agency.

This was a view echoed by several DCA respondents throughout our survey:

[I would like to see] greater emphasis on companies taking action, closing gaps, disclosure and evidence-based.

DCA's research also shows that for organisational D&I change to be effective (such as gender equality initiatives), the change must be integrated into an organisation's business strategy, and that the organisation should ensure that key metrics are included in regular Board reports. Therefore, we support WGEA's Recommendation 27.

Recommendation 17. DCA Supports WGEA's recommendation that the *Workplace Gender Equality (Minimum Standards) Instrument 2014* (Minimum Standards) require employer action and progress on gender equality. This

includes reporting to the Board/Governing Body on the Executive Summary report and Industry Benchmark report provided to employers by the Agency.

Additional DCA Member comments

DCA Members also provided several other comments relevant to improving the *Minimum Standards*, including one respondent who noted that they were currently unaware of how to use WGEA's reports and resources more effectively in their organisation:

At present I use this as an awareness tool. Am not sure how to convert this into more action at present.

Another respondent suggested that additional support could be provided by the Agency, for example working with individual organisations:

I'd like to see WGEA approach employers to present findings and working with them on target areas.

While one respondent also suggested that WGEA's role was better as a thought leader:

There's also an opportunity for WGEA to play more of a thought leadership role and provide organisations with best practice solutions on how to address the areas for improvement identified through the reporting.

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 asked respondents if they had any additional comments or feedback on the reporting process; and if they had any other comments about how to improve gender equality in workplaces?

Feedback on the reporting process

Overall, DCA respondents felt that WGEA does a good job, and were supportive of the Agency's work.

Support the WGEA! So important.

But there were differing views of the impact that reporting to WGEA could have. For example, one respondent felt that by being tied to procurement, the Agency could have a significant impact:

I work in a procurement space. As this is a requirement of many procurements it helps drive change and awareness amongst companies, and creates the incentive for them to do better.

While another felt that the impact of reporting was limited:

There is no real teeth to the reporting process. Organisations can take their eye off the ball but then have two years to get things back on track.

Several respondents suggested that improvements could be made to the website and portal for reporting, as highlighted in the following quotes:

It would be great if WGEA could modernise their templates, and make them more user-friendly. Having more than 1 login for the portal with different access points would be extremely helpful.

There always seem to be issues with the system which makes reporting more difficult than it should be.

Two respondents suggested that it could be beneficial if WGEA worked closely with organisations at an industry or organisational level:

I would love to have a WGEA representative attend my workplace and sit in on a gender equity meeting.

Each industry should have a dedicated advisor to ensure organisations are receiving the same advice from WGEA.

Respondent suggestions to improve gender equality in workplaces

DCA members had a range of suggestions about how to improve gender equality in workplaces.

More than anything else, our respondents highlighted gender equal parental leave and the importance of normalising gender-equal caring in families. Unpaid care work is a significant driver of the gender pay gap, with our research³¹ showing that the combined impact of years not working due to interruptions, part-time employment and unpaid work contributed to 39% of the gender pay gap.

When we encourage (and culturally normalise) men choosing to care for their children, we free up women to choose to return to work (if that is what they want to do). The benefits of equality are not just in the months immediately following the birth, but flow on for many years.

I feel strongly that we need to break through the cultural barrier of the perception that women will take max mat leave and return part time. It needs to be enabled that men have the same opportunity for that and it needs to be supported by removing the financial aspect of that decision making for families. i.e. - equal pay, equal opportunity for parental leave, equal opportunity for flexible working, all need to be there to shift the overall barrier women face of perhaps missing out on job opportunities, missing out on payments to the super through reduced hours etc.

Continue to encourage men to play an increased role in childcare - continue to build on flexibility including job shares, part time and hours.

I would like to see more focus on support for women returning to work. As a working mother, I found it impossible at the time to find a part-time role and financially just covered costs being back at work (and now question why I bothered when I could have had more time with my kids). Things have improved in the past 10 years but this is not good for the economy when many educated potential workers are not in the workforce. This comes down to quality childcare (including Nanny reimbursement given most professionals struggle with the daycare hours), education of employers around parttime/flexibility and how to make it work, superannuation concessions to 'make up' lost super due to time out of the workforce and educating our men to breakdown traditional views of home duties. It is also about finding ways for women to transition back to the workforce when they have lost confidence/feel their skills are outdated/can't work out how to manage a job alongside school pick up.

However, one respondent highlighted that they felt alienated by the conversation being focussed around (assumptions of) motherhood, and that there needs to also be a focus on gender equality that is not related to care of children.

As a child-free woman, I do not feel included in the gender equality discussion, and do not feel that laws protecting mothers protect me in any way at all.

This is also a view that has been powerfully articulated recently by a guest contributor to the DCA website: [Childlessness – the unspoken workplace inclusion issue](#).

Several respondents recognised the importance of broader societal conversations and education about gender equality, starting before people enter the workforce:

Education on gender inequality in society in general will help inform those who have never engaged in the subject understand how it affects every facet of life including workplace relations and gender inequality in workplaces

Gender inequality begins before children get to Prep/Foundation. If every Aust jurisdiction had a genuine, well-researched respectful relationships program in schools from Prep to year 12 and if teachers were appropriately trained to teach the program/s you would be staggered how quickly the culture of schools (and in turn, of society) changes for the better. If we can improve gender inequality in primary school; before long there are vast improvements in workplaces & the broader community. Our Watch has done some great work on this.

Tackling the issue in schools to degender career opportunities.

A number of respondents suggested that targets would have an impact, particularly for public boards:

Gender quotas at executive and senior manager level.

Regulatory requirements seem to move the dial. Enforce gender targets on Boards and on Executive teams (at least for publicly listed companies and government departments).

Respondents also highlighted that any substantive work must be appropriately resourced and supported:

Consideration could be given to incentivising organisations toward greater gender equality by providing scholarships, and/or funding for learning and development on the basis of performance in gender equality key indicators.

Overall we need to improve access to opportunities for all. This needs not only data, but also adequate resources to support programs, monitoring long-term impact of policies and innovative ways to implement policies into daily practices.

In terms of interpreting and using data in a way that motivates change:

Conversation, context - statistics can become overwhelming and people can become fatigued, organisations need to know how to be able to turn those stats into a story and take genuine accountability for them.

V. CONCLUSION & RECOMMENDATIONS

Overwhelmingly, DCA's members who responded to this survey felt that WGEA was valuable, and the reporting process was useful to understand the state of gender equality.

But they also told us that while data collection is useful for employers understanding the state of gender inequality in their workforce and starting the conversation about gender equality, they need assistance to use their data to make real and sustained progress on gender equality.

Furthermore, given the extensive data collected by WGEA on many of these areas, we believe there is an opportunity for Government to use WGEA's dataset more effectively when designing gender equality policy initiatives. DCA believes that WGEA should use the dataset to take a more active role in setting the agenda and advocating for policy development in this space.

Therefore, we are making the following recommendations:

Recommendation 1. While DCA supports the existing objects of the Act, we believe that consideration should be given to adding to the Objects of the Act a specific object about generating solutions to gender inequalities.

Recommendation 2. Given the importance of gender equality, DCA recommends that there should be further targeted consultation with both employers and specialist organisations.

Recommendation 3. DCA broadly supports the inclusion of sexual harassment as a Gender Equality Indicator. We believe additional data should be informed by the recommendations from the *Respect@Work Report* and by the Respect@Work Council. However, before any changes are introduced, we would strongly recommend consultation with employers on the specific measures.

Recommendation 4. DCA recommends that the significant economic benefits of improving gender equality should be taken into account when considering resourcing for the WGEA.

Recommendation 5. DCA recommends that the Agency's resources and functions are expanded to include a greater focus on industry benchmarking, and more guidance for employers on how to take effective action based on the WGEA data.

Recommendation 6. DCA recommends that WGEA be supported to develop materials to assist organisations interpret and utilise their data more effectively to make change across their organisations.

Recommendation 7. DCA recommends that WGEA should use their dataset to take a more active role in setting the agenda and advocating for policy development in gender equality.

Recommendation 8. DCA recommends that the definition of 'relevant employer' should be expanded, with consideration given to including government and public sector agencies. However, we emphasise that no changes should be introduced without extensive consultation with employers who would be impacted.

Recommendation 9. DCA recommends that WGEA should collect data on men, women, and non-binary people. We further recommend that the WGEA should consult with peak bodies that represent non-binary and gender diverse people on appropriate measures to collect this data.

Recommendation 10. DCA recommends that WGEA should collect data on cultural diversity using the principles outlined in DCA's Counting Culture 2021 tool.

Recommendation 11. DCA recommends that WGEA should consult with peak bodies that represent people with disability on an appropriate measure to allow for the collection of relevant data on disability status.

Recommendation 12. DCA recommends that WGEA collect data on age.

Recommendation 13. DCA recommends that WGEA collect data on Aboriginal and/or Torres Strait Islander identity.

Recommendation 14. DCA recommends that WGEA produces resources to educate employers on why collecting data on location of primary workforce is important for gender equality before considering making such data collection mandatory.

Recommendation 15. DCA recommends extensive consultation with employers before any additional mandatory diversity data collection requirements are introduced.

Recommendation 16. DCA recommends that consideration be given to more transparent data about organisational pay gaps being published.

Recommendation 17. DCA Supports WGEA's recommendation that the *Workplace Gender Equality (Minimum Standards) Instrument 2014* (Minimum Standards) require employer action and progress on gender equality. This includes reporting to the Board/Governing Body on the Executive Summary report and Industry Benchmark report provided to employers by the Agency.

VI. DCA RESEARCH ON GENDER EQUALITY

DCA's research on gender equality:

[Gari Yala \(Speak the Truth\) Gendered Insights](#)

[In 2020, Do We Still Really Need Workplace Gender Equality?](#)

[She's Price\(d\)less - 2019 update report](#)

[Let's Share the Care](#)

[Myth Busting Sexual Harassment at Work](#)

[Cracking the Glass-Cultural Ceiling](#)

[Engaging men on gender equality](#)

[Capitalising on Culture and Gender in ASX leadership](#)

[The Economics of the Gender Pay Gap](#)

[Older Women Matter](#)

[Men Get Flexible!](#)

VII. ENDNOTES

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²⁹ Workplace Gender Equality Agency (WGEA), November 2021, *Submission to the Review of the Workplace Gender Equality Act 2012*.

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