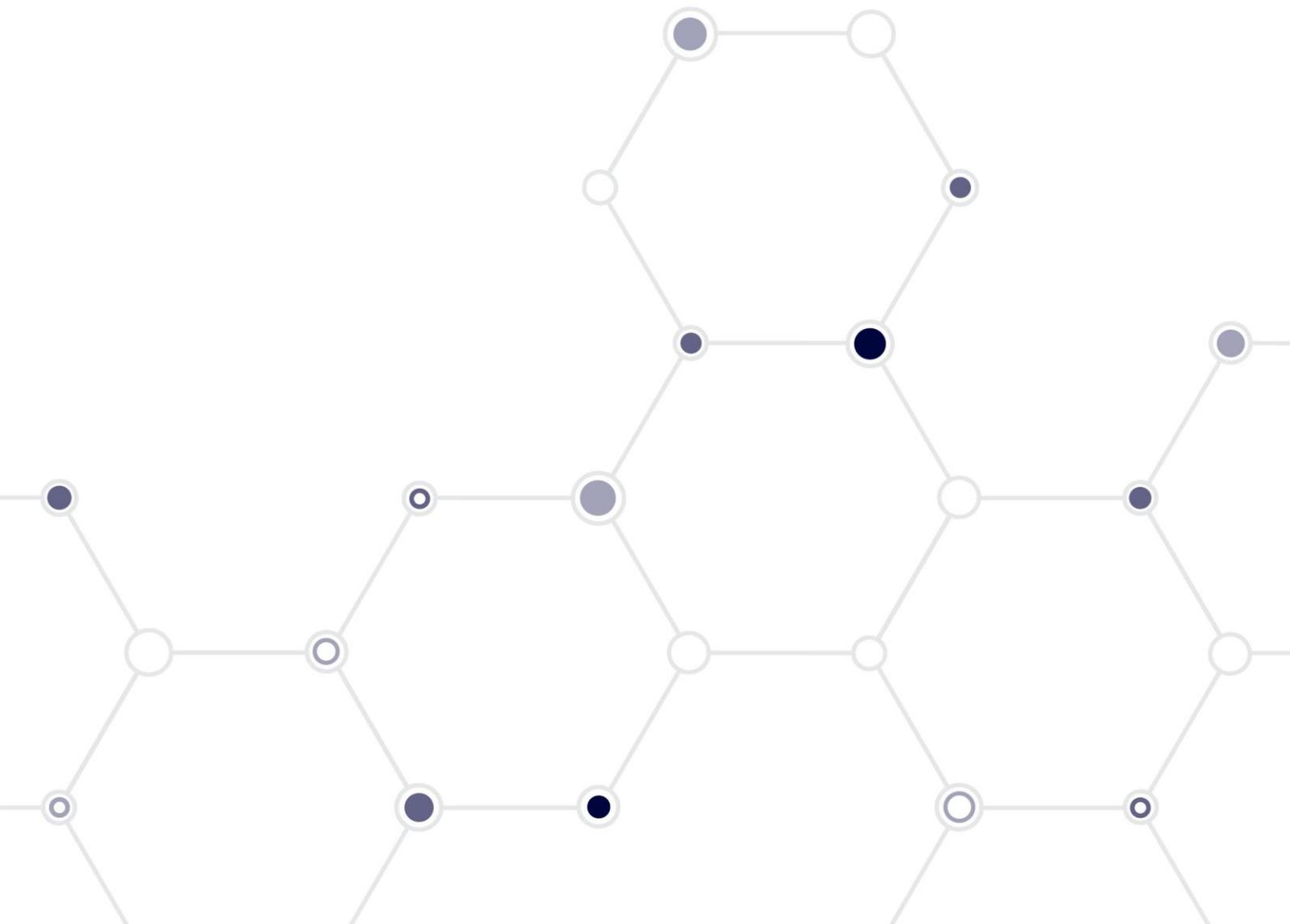


Review of the Workplace Gender Equality Act 2012

Submission to the Department of the Prime Minister
and Cabinet

24 NOVEMBER 2021



ABOUT AMMA

AMMA is Australia's resources and energy industry group and has provided a unified voice for employers on workforce and other industry matters for more than 102 years.

AMMA's membership spans the entire resources and energy industry supply chain, including exploration, construction, commercial blasting, mining, hydrocarbons, maritime, smelting and refining, transport and energy, as well as suppliers to these sectors.

AMMA works to ensure Australia's resources and energy industry is an attractive and competitive place to invest and do business, employ people and contribute to our national well-being and living standards.

AMMA members across the resources and energy industry are responsible for a significant level of Australian employment, with an estimated 10% of our national workforce, or 1.1 million Australians, employed directly and indirectly as a result of the resources industry.

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Table of Contents

ABOUT AMMA	2
Table of Contents.....	3
1. Introduction	4
2. Data Collection	4
3. Communication and Consultation Requirements	6
Appendix A - AMMA's Work in Equity, Diversity and Inclusion	7



1. Introduction

1. Australian Resources and Energy Group AMMA provides the following submission to the Department of the Prime Minister and Cabinet in relation to the *Review of the Workplace Gender Equality Act 2012* (WGE Act).
2. AMMA welcomes the review and maintains that addressing inequality in all Australian workplaces is critical. AMMA is actively working to improve diversity, inclusion and equity in the resources and energy industry, as well as aiding its members in becoming preferred employers. Appendix A is an overview of AMMA's objectives and projects in this area.
3. AMMA commends the Prime Minister and Cabinet for reviewing the WGE Act in cooperation with employers and other social partners, to ensure the legislation and the regulator – the Workplace Gender Equality Agency (WGEA) – are working effectively and efficiently to promote diverse, inclusive, and discrimination-free workplaces in all Australian enterprises, including the resources and energy sector.
4. This submission raises selected points about matters of efficiency in data entry and collection, to ensure employer experiences with the WGE Act and WGEA are as positive and efficient as possible.

2. Data Collection

5. AMMA acknowledges that raising comprehensive statistics on workplace gender equality is imperative. Recording a baseline and monitoring the trajectory of how the industry improves allows pinpointing areas of weakness to focus further improvement efforts on.
6. Data collection is a complex issue that requires significant commitment from employers. AMMA is aware that some large employers have spent a full employee work month on preparing and lodging data in accordance with the WGE Act. It is, therefore, important to design the data collection system in such a way as to alleviate unnecessary complexity.

Change Management

7. In 2019 WGEA conducted a user survey on how to improve the reporting portal and has been implementing many of the requested changes since. AMMA acknowledges and commends this effort of the regulator to improve data reporting systems in line with user suggestions.
8. AMMA has heard from members that a significant amount of the time spent on WGE Act reporting has been devoted to reclassifying and re-analysing data to keep up with rolling changes to the WGE Act reporting system and requirements. For instance, there were recent changes to the ANZSCO and ANZSIC classification systems and to the annual salary reporting. For some employers this meant manually updating the classifications for their whole workforce, often comprising thousands of records.
9. Industry would greatly benefit from year-to-year consistency of the reporting requirements, clear time-horizons for methodology changes and consultation regarding changes. Where significant changes are unavoidable, dedicated change management with sufficient timelines, as is customary in other areas of government, would be very welcome. Planning for, commissioning and implementing significant alterations to employers' backend systems is not trivial and can take in excess of 12 months.
10. AMMA members noted that this year's reporting portal output appeared to indicate there was still ongoing work and more significant changes to the portal might be expected next year. This is creating understandable anxiety amongst member companies' staff members who are tasked with WGE Act data entry and management. More transparency regarding upcoming



changes with far-reaching time-horizons would allow employers to better manage the transition process and prevent unnecessary anxiety amongst staff.

Definitions

11. Some employers also noted that the definitions and classifications involved in WGE Act reporting were incompatible with data classifications used for their own day-to-day activities. Unfortunately, as a result of this, the efforts expended by employers on collecting and preparing the data for WGE Act reporting was largely wasted, as any insights from this data do not easily lend itself to further use by the employer.
12. AMMA recommends WGEA work with employers to collect data in a way that better aligns with standard internal classifications, to allow for WGE Act reporting to have wider application in human resources strategies, gender benchmarking and general business planning.
13. Members further noted that the methodologies underlying the WGEA Act reporting system are not sufficiently transparent. Summary reports produced by the web interface from the data supplied by the employer sometimes do not match the employer's internal summary results for no apparent reason. This then necessitates further time spent trying to fix the discrepancy in trial-and-error fashion to get matching outputs.
14. A specific discrepancy noted by some AMMA members, pertains to the definition of "manager" and "supervisor" roles. Supervisors in industry frequently have personnel leadership duties, and they are often considered part of the ongoing leadership pipeline. Employers in the resources and energy sector are expending significant efforts to increase female participation in the leadership pipeline, starting with supervisor roles. Unfortunately, due to the current classifications, these efforts may not be reflected sufficiently in the consolidated WGE Act reporting. It is suggested to review how classifications could be updated to better recognise employers' efforts in this regard.
15. Discussions with AMMA members also raised questions about collating data across different industrial instruments. The point raised was some differentiating should be considered between employees engaged under common law contracts and others who are employed under an enterprise agreement, given there is far less scope for gender-based discrepancies under the latter.

Process Quality

16. AMMA heard from its members that the support received from WGEA regarding queries about the reporting portal has been exemplary. Support staff were quick to reply, knowledgeable, friendly and helpful. This has been instrumental in ameliorating the impacts of some of the issues outlined above. AMMA acknowledges and commend these efforts by the WGE Agency.
17. There have been reports that the support documents and website are difficult to navigate and are challenging to support the process. AMMA recognises that designing support documents and websites that fulfil the requirements of a broad user base is difficult. However, we believe it would be a worthwhile effort, not only to make data entry less onerous for employers, but also to take some workload of WGEA's support staff.
18. AMMA also members noted that the follow up of Employer of Choice submission is especially difficult to navigate and submit. Data collection is very rigid and doesn't allow for industry nuances.
19. In regard to the *Employer of Choice for Gender Equality* citation generally, AMMA members feel the current requirements reflect an "all or nothing" approach, making the citation unattainable if even one of the many requirements are not met. It may be beneficial to have some form of a tiered approach, whereby organisations may still be recognised or commended for making progress or working towards a particular requirement.



3. Communication and Consultation Requirements

20. It was noted by some of AMMA's members that they did not understand the requirement to report the consolidated WGE Act reporting data to various stakeholders, including relevant unions, after filing it.
21. With the reported data being publicly available via the WGEA portal, this appears to be unnecessary duplicated effort.
22. WGEA should consider if there are better way to ensure are involved parties are informed that presents less obligation on employers to work out which (or many) stakeholders to the business must be informed and provided opportunity to comment on their reporting.

4. Conclusion

23. Overall, AMMA acknowledges that collecting data on workplace gender equality is important and worthwhile, and that WGEA has made commendable efforts in improving the process of data collection.
24. Further solving the issues detailed in this submission would help make the WGE Act reporting process less onerous and save employers significant amounts of time. This is time that could be spent focusing on proactive initiatives to workplaces to champion gender equality.



Appendix A - AMMA's Work in Equity, Diversity and Inclusion

25. AMMA is deeply involved in improving diversity, inclusion and equity in the resources and energy sector and helping our members become employers of choice.
26. One of the leading national initiatives working to support increased female representation in the resources and energy industry is the Australian Women in Resources Alliance (AWRA).
27. AWRA was formed by AMMA in 2011, bringing together leading experts and practitioners from across the sector. Its charter is to assist employers on their gender diversity journey, with the overarching goal to increase women's participation in the resources, allied and related construction sectors. Over time this charter has expanded to include diversity campaigns in relation to other demographics including employees from the LGBTQIA+ community.
28. AWRA facilitates programs and provides support and guidance materials that help employers attract, retain and develop female talent, build their gender diversity capability, become an employer of choice for women and realise the advantages of a diverse and inclusive workforce.
29. Examples of these programs and support initiatives include:
 - a) Release of a comprehensive report into workplace gender diversity, *Gender Diversity in the Australian Resources Industry – Leading, Lagging or Losing Out?*¹ The report covers the five main areas of gender diversity as they relate to employers: workforce participation, cultural change, women in leadership, pay equity and workplace flexibility.

All aspects of the report are critical to improving female representation, however the area of 'cultural change' is most directly relevant in the context of workplace sexual harassment.
 - b) Delivery of the Bright Future STEM Primary Schools Program – a national program that engages 9-12 year-old schoolkids in STEM energy and resource industry experiences.

The program provides exposure to female STEM professionals, encourages an interest in STEM careers and gives insights into future STEM employment in the Australian resources and energy industry.
 - c) Monthly diversity and inclusion webinars, featuring guest speakers from within the industry. These webinars are catered to executive leaders, human resources managers and diversity and inclusion practitioners, with learning including how to foster more diverse and inclusive workplaces and how to tap into new talent pools.
 - d) Publication of other resources, such as the *AWRA Guide to Flexible Work*, in addition to case studies, strategy documents and guides for employee engagement and cultural change.
 - e) Delivery of Inclusive Safety Audits in member workplaces, measuring all potential psychosocial risks for employees including females.
 - f) Delivery of "Appropriate Workplace Behaviours" training in member workplaces, with specific modules on education and prevention of workplace sexual harassment and related undesirable behaviour.
30. The suite of projects and initiatives delivered under the AWRA banner are developed and guided by the "AWRA Advisory Board" – a dedicated committee comprising senior and experienced human resources practitioners drawn from AMMA member and non-member organisations in diverse sectors of the resource and energy industry.

¹ https://www.amma.org.au/wp-content/uploads/2020/07/AWRA_Gender_Diversity_Leading_lagging_losing2.pdf

