



# Review of the Workplace Gender Equality Act

## AHEIA SUBMISSION

The Australian Higher Education Industrial Association is the registered employer association for the higher education sector and has 32 member universities, all of whom are covered by the reporting requirements of the Act. We have recently consulted with our members, and we would like to draw attention to the following issues of concern to universities:

### Data used for benchmarking

Universities are very supportive of the objectives of establishing gender equality and doing so with the assistance of appropriate benchmarking supported by reliable data. Unfortunately, the Australia-wide workforce categorisations being used by WGEA, for which data is reported, do not fit well with categories used by universities. Of particular concern is the need for universities to subjectively attempt to align their academic classification levels with the categories used by WGEA. When analysed against the WGEA categories, the academic classifications of Levels A to E, that are common to the modern award applying to academic staff and all university enterprise agreements, produce artificial results and reports that provide no helpful information for universities to work with for internal analysis, strategy development, or gender equality plans. It would be much more beneficial for universities if the reports produced enabled them to meaningfully benchmark against each other and potentially against universities in regions such as the UK and North America, given the similarities in university work categories, with like categories in other kindred jurisdictions.

Some universities have also experienced difficulties with the digital interface used for reporting purposes and with erroneous pay gap analysis data, with one university citing a case of a “100% pay gap” reported by WGEA for a cohort comprising three males from a total staffing population of nearly 5,000 employees.

### Reducing the administrative burden - harmonisation of reporting

A major frustration for universities is the multiplicity of differing reporting requirements and timelines for federal and State agencies. Ideally, universities should be able to provide a single set of data that can be utilised by WGEA, State gender equality agencies, and for the SAGE Athena Swan program.

### HEAD OFFICE

Level 6  
303 Collins Street  
Melbourne  
VIC 3000

**Email:**  
[aheia@aheia.edu.au](mailto:aheia@aheia.edu.au)  
**Web:**  
[www.aheia.edu.au](http://www.aheia.edu.au)

### Differential between minimum standards and best practice

The current minimum standards are clearly not driving improved gender equality outcomes, with Australia's global ranking on gender equality continuing to decline. Higher and more impactful minimum standards need to be set and meaningful sanctions applied and enforced where these standards are not met. The existing binary approach involves either (i) the need for bare compliance at the bottom end with one or more minimum criteria or (ii) employer of choice citation at the top end. This approach offers no encouragement or recognition for those many organisations who are aiming to achieve very good practice and outcomes, but who do not qualify for the best practice citation for one reason or another. The introduction of a graduated rating system is likely to achieve far better outcomes, particularly if good practices - including work in progress - can be appropriately recognised. It is also considered essential that accountability exists where organisations fail to meet legislated minimum standards, including exclusion for tendering for government projects, which does not appear to be occurring at the present time.

### Employer of Choice citation criteria

There are 12 universities and an associated entity who currently hold the Employer of Choice citation, with a number of these universities having held the citation for many years. Unfortunately, there are some universities who have not sought renewal of the status for the period 2021-23 because of the rigidity of the criteria that have recently been introduced, such as the need to have no qualifying period for paid parental leave, irrespective of how generous those paid entitlements are, or the requirement for all managers, including recently appointed managers, to have undertaken training at a particular point in time.

Universities would also welcome an opportunity to engage with WGEA with respect to the above concerns to identify possible solutions for the betterment of gender equality outcomes for the higher education sector.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Andrews', with a stylized flourish at the end.

Stuart Andrews  
**Executive Director**

24 November 2021