

# Workplace gender audit 2021

Guidance for defined entities

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# Introduction

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**Workplace gender audits are an essential part of helping your defined entity understand how it is performing in relation to the systems, structures, policies and practices that promote workplace gender equality.**

An initial workplace gender audit will establish baseline organisational data on gender equality from which your defined entity can:

- ▶ Identify any critical gaps, areas for improvement and challenges to address in its [Gender Equality Action Plan](#)
- ▶ Monitor and assess progress made in relation to workplace gender equality including whether strategies and measures are effective.

This document contains guidance for conducting workplace gender audits under the *Gender Equality Act 2020* (the Act). This guidance is issued under section 47 of the Act. This means defined entities must have regard to this guidance when complying with their obligations under the Act.

This guidance sets out how to conduct a workplace gender audit, and the data measures to include in your entity's workplace gender audit.

The guidance should be read in conjunction with the **workforce reporting template in Excel format**.



## Tip

**Definitions and instructions** to support this guide are included in [Appendix 1](#).

There are two categories of data for your workplace gender audit - **workforce** data and **employee experience** data. The **workforce** data should be extracted from your internal data collection systems. **Employee experience** data will complement your workforce data to help you better understand gender inequality in your defined entity.



# Obligations relating to workplace gender auditing for defined entities

Under the Act, a defined entity must use the workplace gender audit to assess the state and nature of gender inequality in its workplace as at 30 June in the Gender Equality Action Plan reporting year (s11). The first reporting year is 2021.

The Act states that defined entities are required to undertake a workplace gender audit having regard to the following (s11(2)):

- ▶ The workplace gender equality indicators, namely:
  - Gender composition of all levels of the workforce
  - Gender composition of governing bodies
  - Equal remuneration for work of equal or comparable value across all levels of the workforce, irrespective of gender
  - Sexual harassment in the workplace
  - Recruitment and promotion practices in the workplace
  - Availability and utilisation of terms, conditions and practices relating to family violence leave, flexible working arrangements and working arrangements supporting workers with family or caring responsibilities
  - Gendered segregation within the workplace
- ▶ Any prescribed gender equality targets or gender equality quotas in relation to the entity<sup>1</sup>
- ▶ The compounded disadvantage or discrimination a person may experience based on Aboriginality; age; disability; ethnicity; gender identity; race; religion; or sexual orientation, in addition to gender
- ▶ Any other matters that the defined entity considers relevant
- ▶ Any other prescribed matters<sup>2</sup>

Your defined entity's first workplace gender audit must be based on gender-disaggregated data as at 30 June 2021 (s11(3)(a)). If available, the workplace gender audit must also be based on data about Aboriginality, age, disability, ethnicity, gender identity, race, religion and sexual orientation (s11(3)(b)).

## Intersectional gender inequality

Section 6(8) of the Act outlines that gender inequality may be compounded by other forms of disadvantage or discrimination that a person may experience based on Aboriginality, age, disability, ethnicity, gender identity, race, religion, sexual orientation and other attributes. For the purposes of this guidance, the Commission refers to this concept as "**intersectional gender inequality**".

The results of a workplace gender audit must be included in your Gender Equality Action Plan (GEAP) (s10(1)(a)). For further details on how to include the results of your workplace gender audit in your GEAP, see the GEAP guidance on [our website](#).

Before publishing the GEAP, including workplace gender audit data, a defined entity must remove any personal information<sup>3</sup> (s51(1)).

It is important to ensure the privacy and confidentiality of your workforce are maintained throughout the workplace gender audit process. Information provided to the Commission for Gender Equality in the Public Sector will be managed in line with relevant privacy laws. Defined entities are responsible for their own compliance with relevant privacy laws, including the *Privacy and Data Protection Act 2014* (Vic) (PDP Act). The Information Principles (IPPs) that are contained in Schedule 1 of the PDP Act set out the minimum standards for how Victorian public sector bodies should manage personal information.

<sup>1</sup> There are no targets or quotas prescribed in regulations under s17(1) of the Act at this stage.

<sup>2</sup> There are no prescribed matters under the Act at this stage.

<sup>3</sup> Personal information has the same meaning as it has in section 3 of the *Privacy and Data Protection Act 2014*: personal information means information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the *Health Records Act 2001* applies.

## Other relevant Victorian and Commonwealth laws

When conducting a workplace gender audit, defined entities must have regard to their legal obligations under relevant Commonwealth and State legislation and industrial instruments, including but not limited to:

- ▶ *The Fair Work Act 2009* (Cth) and other Commonwealth workplace relations legislation
- ▶ *The Equal Opportunity Act 2010* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic)
- ▶ *The Sex Discrimination Act 1984* (Cth) and the *Workplace Gender Equality Act 2012* (Cth)
- ▶ *The Occupational Health and Safety Act 2004* (Vic) (OHS Act)
- ▶ *The Privacy and Data Protection Act 2014* (Vic)
- ▶ Enterprise agreements, workplace determinations and modern awards



## Gender-disaggregated and intersectional data

**Gender-disaggregated data** is data that is separated for people of different genders, for example, women, men and people of self-described gender<sup>4</sup>

Your workplace gender audit must be based on gender-disaggregated data (s11(3)(a)), as this data is critical to assess the state and nature of gender inequality in the workplace and to develop evidence-based strategies and measures to address gender inequality.

**Intersectional data** (in this context) is data that is separated by gender as well as attributes other than gender, such as Aboriginality; age; disability; ethnicity; gender identity; race; religion; or sexual orientation.

Looking at data in this way is important. It helps us understand how someone's experience of gender inequality might be compounded by the discrimination or disadvantage they may experience based on other attributes.

This concept, referred to in this guide as **intersectional gender inequality**, recognises

that the experiences of an employee who is, for example, an Aboriginal woman, may differ from a non-Aboriginal woman or a woman with disability. Similarly, the experiences of an Aboriginal woman with disability, may differ from a non-Aboriginal woman without disability.

If available, **intersectional data** must also be used for your workplace gender audit (s11(3)(b)). If this data is not yet available, you should consider how you can collect this in the future and include this as an action in your Gender Equality Action Plan (GEAP).

Collecting and analysing this information in your workplace gender audit will help you prepare your GEAP in a way that considers the different systemic barriers that exist in your defined entity.

In collecting, analysing and reporting this data, your defined entity will need to be sensitive to employee safety, [privacy considerations](#) and allow employees the discretion to self-identify.

4 See Appendix 1 for further information on 'self-described gender'.

# Preparing for data collection

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Conducting a workplace gender audit requires working closely with data custodians to gather data from various systems or parts of your defined entity. For example, HR data, recruitment data and payroll data may all have separate processes to extract the required information for the workplace gender audit. We recommend engaging the teams or people across your defined entity who will be able to assist you with data collection as early as possible.

It is important that everyone involved in the data collection process is aware of the sensitivities of collecting gender-disaggregated and intersectional data. For more information on how to maintain your employees' privacy, please visit [our website](#).

We recommend allocating at least 16-20 working days<sup>5</sup> to conduct a workplace gender audit.



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<sup>5</sup> Estimated guide only. The time required to undertake a workplace gender audit may be longer for your particular organisational context. This timeframe is based on the estimated time commitment indicated by participants in the Gender Equality Act Implementation Pilot run by the Department of Premier and Cabinet (DPC) in 2019-20.



# Workplace gender auditing process

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We recommend the following process is undertaken to complete your workplace gender audit.

## Stage 1 – Preparatory stage

1. Nominate a responsible gender equality audit data custodian within your defined entity and ensure you have appropriate filing systems and data security for storing the data in advance of uploading it to the Commission's reporting platform.
2. Communicate with your workforce about why you are undertaking a workplace gender audit process, how you will be going about it and anticipated timeframes. Also explain that you will be undertaking a consultation process following the audit to help inform the development of your GEAP.<sup>6</sup>
3. Using the table of data measures below, map each data measure with an associated data source from across your defined entity<sup>7</sup> (suggested time commitment: 3 days). Where data is unavailable, consider whether you can establish a new method of collecting that data ahead of the audit data capture date of 30 June 2021. If not, consider including this as an action in your GEAP.
4. Speak with the people or teams who can help extract data from relevant systems or files, to establish a process and timeline for data collection (suggested time commitment: 2 days). This may include workforce data, recruitment data, training data, payroll data and employee experience survey data.
5. Identify any risks or challenges with collecting workplace gender audit data, and work with colleagues to resolve issues where possible (suggested time commitment: 1 day)

## Stage 2 – Data collection and analysis stage

6. After 30 June 2021, work with the relevant people and teams (identified in the preparatory stage above) to collect and/or extract data (table of data measures set out below) for your workplace gender audit. Your data extract should be using data as at the last pay run immediately prior to 30 June 2021. (suggested time commitment: 3 days).
7. Perform data quality assurance, such as checking for duplicates or abnormal figures, to ensure that the data is as accurate as possible (suggested time commitment: 2 days).<sup>8</sup>
8. Analyse your data to assess the state and nature of gender inequality in your workplace (suggested time commitment: 4 days)<sup>8</sup>
9. Finalise the results of your workplace gender audit and use this information as the basis for consultations<sup>9</sup> for your GEAP development (suggested time commitment: 3 days not including consultation)

For information on how to develop your GEAP, including conducting meaningful consultation, please refer to the GEAP guidance on [our website](#).

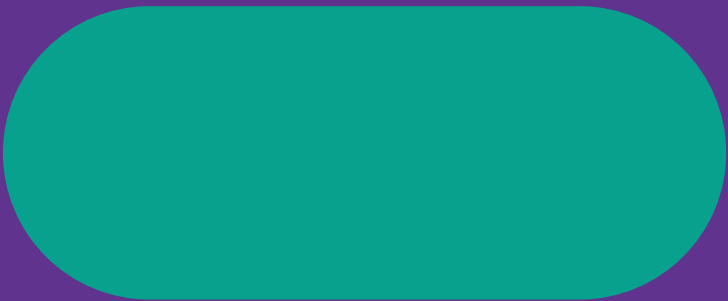
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<sup>6</sup> Further guidance about how to engage and communicate with your workforce about your obligations under the *Gender Equality Act 2020* is available on [our website](#).

<sup>7</sup> You may identify existing gender auditing mechanisms in your workplace, which will complement the results of your workplace gender audit in your GEAP development process. For example, this may include Workplace Equality and Respect self-assessments, Athena SWAN or Workplace Gender Equality Agency related information.

<sup>8</sup> The Commission will publish further guidance on data analysis.

<sup>9</sup> Guidance on how to undertake meaningful consultation is included in the Gender Equality Action Plan guidance available on [our website](#).



# Workplace gender audit data measures

There are two categories of data for your workplace gender audit, **workforce data** and **employee experience data**. The **workforce data** should be extracted from your internal data collection systems. **Employee experience data** will complement your workforce data to help you better understand gender inequality in your defined entity.

## For defined entities that participate in the Victorian Public Sector Commission's (VPSC) People Matter Survey 2021

The relevant questions for your workplace gender audit have been incorporated into the People Matter Survey. The VPSC will provide you with the relevant employee experience data for your workplace gender audit by August 2021.

The Commission has worked with the VPSC to provide local councils with access to an abridged version of the People Matter Survey in 2021. The Commission will provide participating councils with the relevant employee experience data for their workplace gender audit by August 2021.

Defined entities who participate in the People Matter Survey 2021 will not be required to submit their survey results to the Commission, as the VPSC will be providing the deidentified data directly to the Commission.

## For defined entities that do not participate in the VPSC's People Matter Survey 2021

For defined entities who choose to administer the survey in-house (not recommended) or through a third-party provider, the survey questions and guidance on collecting employee experience data (including associated victim safety, organisational response and referral protocols) are available on [our website](#).

These defined entities will be asked to submit their data to the Commission using the Employee Experience Reporting Template available on [our website](#).

## Data measures

The table below is a summary of all the **workforce data** required for your workplace gender audit. The data measures are categorised according to the workplace gender equality indicators in the Act. The data relating to intersectional gender inequality **coloured in green** should be included where available<sup>10</sup>, and where the group size is large enough to protect anonymity. The employee experience data measures, which will complement the workforce data, are available on [our website](#).

The **Workforce Reporting Template** can be downloaded from our website. This template will allow you to submit your workforce data to the Commission when you submit your GEAP through the Commission's Reporting Platform.

You may wish to collect and analyse additional workforce data to inform your GEAP, beyond the data measures below. However, only the measures below will be able to be entered into the template.<sup>11</sup>



### Tip

Check Appendix 1 for definitions and further explanations of underlined terms.

<sup>10</sup> If you do not currently collect data relating to intersectional gender inequality, please consider including a strategy or measure in your GEAP that focuses on building this data collection capacity.

<sup>11</sup> Based on feedback from defined entities during the first audit and GEAP development process in 2021, the Commission may expand its reporting platform to include optional additional audit measures for subsequent reporting periods.

# Workplace gender audit measures 2021

## 1 Gender composition of all levels of the workforce



### WORKFORCE DATA MEASURES

Gender composition at each *classification* by *employment basis* as at 30 June 2021<sup>12</sup> (Table 1.1)

Gender composition at each classification by employment basis, and by Aboriginality, age, disability, ethnicity and race, religion and sexual orientation as at 30 June 2021 (Sheet 1a)

### EMPLOYEE EXPERIENCE QUESTIONS ('preferred order' number)

23-28, 61-71, 73-76, 78-82

## 2 Gender composition of governing bodies



### WORKFORCE DATA MEASURES

Gender composition of the *governing body* as at 30 June 2021 (Table 2.1)

Gender composition of the governing body by Aboriginality, age, disability, ethnicity and race, religion and sexual orientation as at 30 June 2021 (Sheet 2a)

### EMPLOYEE EXPERIENCE QUESTIONS ('preferred order' number)

None

## 3 Equal remuneration for work of equal or comparable value across all levels of the workforce, irrespective of gender



### WORKFORCE DATA MEASURES

The average (mean and median) annualised full-time equivalent salary gap between genders (for both *annualised base salary* and *total remuneration*) by *classification* and *employment basis* across the whole defined entity, for the last pay period before 30 June 2021. (Table 3.1)

The average (mean and median) annualised full-time equivalent salary gap between genders (for both *annualised base salary* and *total remuneration*) by *classification* and *employment basis* across the whole defined entity, and by Aboriginality, age, disability, ethnicity and race, religion and sexual orientation, for the last pay period before 30 June 2021. (Sheet 3a)

### EMPLOYEE EXPERIENCE QUESTIONS ('preferred order' number)

None

## 4 Sexual harassment in the workplace



### WORKFORCE DATA MEASURES

Total number of sexual harassment complaints from 1 July 2020 to 30 June 2021 (Table 4.1)

The number of sexual harassment complainants from 1 July 2020 to 30 June 2021, by gender and type of complainant (Table 4.2).

The number of sexual harassment complainants from 1 July 2020 to 30 June 2021, by gender and relationship to incident (Table 4.3).

The number of sexual harassment complainants from 1 July 2020 to 30 June 2021, by gender and Aboriginality, age, disability, ethnicity and race, religion and sexual orientation (Sheet 4a).

The number of respondents to sexual harassment complaints from 1 July 2020 to 30 June 2021, by gender and workplace relationship to complainant (Table 4.4).

The outcomes of any sexual harassment complaints including any settlement and/or non-disclosure agreements from 1 July 2020 to 30 June 2021 by gender of complainant (Table 4.5)

Actions your organisation has taken to prevent future incidents of sexual harassment in the workplace from 1 July 2020 to 30 June 2021 (Table 4.6)

The number of sexual harassment complaints that were handled internally, externally or both from 1 July 2020 to 30 June 2021, by gender of complainant (Table 4.7).

What was the overall level of complainant satisfaction with the outcomes of each complaint from 1 July 2020 to 30 June 2021, by gender of complainant? (Table 4.8)

### EMPLOYEE EXPERIENCE QUESTIONS ('preferred order' number)

4, 7, 9, 36, 37, 55-60

## 5 Recruitment and promotion practices in the workplace



### WORKFORCE DATA MEASURES

Gender composition of people *recruited* from 1 July 2020 to 30 June 2021, by *classification* and *employment basis* (Table 5.1)

Gender composition of *employees* who have had a permanent *promotion* from 1 July 2020 to 30 June 2021, by *classification* (Table 5.2)

Number of people who participated in *career development training opportunities* from 1 July 2020 to 30 June 2021, by gender and classification (Table 5.3)

Gender composition of employees who have been awarded *higher duties* from 1 July 2020 to 30 June 2021, by classification and employment basis (Table 5.4)

Gender composition of employees who have been awarded internal *secondments* at the same level from 1 July 2020 to 30 June 2021, by classification and employment basis (Table 5.5)

Gender composition of employees who have exited the defined entity from 1 July 2020 to 30 June 2021, by classification and employment basis (Table 5.6)

**Gender composition of recruitment and promotion data by Aboriginality, age, disability, ethnicity and race, religion and sexual orientation, from 1 July 2020 to 30 June 2021 (Sheet 5a)**

### EMPLOYEE EXPERIENCE QUESTIONS ('preferred order' number)

1, 2, 6, 8, 29-35, 38, 39

## 6 Availability and utilisation of terms, conditions and practices relating to family violence leave, flexible working arrangements and working arrangements supporting workers with family or caring responsibilities



### WORKFORCE DATA MEASURES

Proportion of employees with formal *flexible work* arrangements, by gender, *classification* and *employment basis*, as at 30 June 2021 (Table 6.1)

Number of *senior leaders* working with *flexible work* arrangements, by gender and type of flexible work arrangement, as at 30 June 2021 (Table 6.2)

Number of people who have taken *parental leave* from 1 July 2020 to 30 June 2021, by gender, *classification*, length of leave and by type of leave (paid or unpaid) (Table 6.3)

Number of people who exited the defined entity during parental leave from 1 July 2020 to 30 June 2021, by gender (Table 6.4)

Number of people accessing *family violence leave* from 1 July 2020 to 30 June 2021, by gender (Table 6.5)

Number of people accessing *carers leave* from 1 July 2020 to 30 June 2021, by gender (Table 6.6)

### EMPLOYEE EXPERIENCE QUESTIONS ('preferred order' number)

10, 14-22, 72, 78

## 7 Gendered segregation within the workplace



### WORKFORCE DATA MEASURES

Gender composition of employees by occupation per ANZSCO codes as at 30 June 2021 (Table 7.1).

### EMPLOYEE EXPERIENCE QUESTIONS ('preferred order' number)

3, 5, 11, 12, 13\*, 40-52, 53\*, 54\*

\* Free text employee experience survey responses are not being collected by the Commission.

# Appendix 1: Definitions and instructions

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This resource describes the data definitions to be applied when doing a workplace gender audit under the Gender Equality Act.

## Definitions

### ANZSCO codes

ANZSCO codes are drawn from the *Australian and New Zealand Standard Classification of Occupations (ANZSCO) First Edition Revision 1.3*.

Guidance on ANZSCO coding for public sector entities is available through the ANZSCO Coding Guides on the [VPSC website](#). The Commission has developed specific guidance for local councils on ANZSCO coding which is available on [our website](#).

ANZSCO codes should be provided as 6-digit codes where possible; however, the workforce reporting template will also accept 4-digit codes. The template will convert 4-digit ANZSCO codes (e.g. 1112 – General Managers) to the appropriate 6-digit equivalent (e.g. 111200 – General Managers, not further defined).

Please ensure you click the “Populate data measures” button to ensure your ANZSCO data is processed correctly.

ANZSCO codes are a mandatory field in 2021. If you are not able to map certain employees to ANZSCO codes in 2021, please use the code 099888 (Response inadequately described).

### Career development training opportunities

Career development training opportunities assist staff to progress their careers by building on their capacity and skills through specific training. This may include training opportunities that are specifically designed for preparing staff for career progression or promotion within your defined entity.

The Commission recommends that defined entities use their knowledge of their organisational context to determine which learning and development opportunities are likely to lead to further career opportunities or promotions in the future. The Commission acknowledges that in the first cycle of reporting there may be some inconsistency of reporting for some data measures including information around career development.

Count each person only once in your dataset for any number of career development related measures they have completed during the reporting period (e.g. if one person has completed two leadership training courses in the reporting period, include them only once).

### Classification (level)

The classification is the grade or level of the employee within the defined entity. For the purposes of this reporting, classification should be separated by reporting levels from the most senior level in your defined entity, for example CEO or equivalent. This means that someone who reports directly to the CEO is classified as level -1, someone who is two reporting levels from the CEO is level -2 and so on.

If your defined entity has an existing Enterprise Bargaining Agreement which incorporates a classification structure which sets out levels of the defined entity, it may be appropriate to use the existing classification structure as a basis for your reporting levels to CEO, to avoid duplicative work.

The classification framework should be applied as appropriate to your organisation, which may be a combination of seniority, level of responsibility, reporting lines, and other factors. Your defined entity may determine it is more appropriate to

reclassify employees at a different level to CEO due to their placement in the organisational structure and nature of the work they perform. This means you don't have to work backwards from the CEO in a linear fashion for all parts of the organisation and occupation types, and may skip certain levels if it is more appropriate for certain employees.

## Complaint/Complainant (Sexual harassment)

A complainant is an employee, member of the governing body, or member of the public who makes a formal complaint of sexual harassment in a workplace or work-related setting. The complaint may be made internally with an employer or with an external agency.<sup>13</sup> The complaint must have arisen in your workplace or as part of external workplace activities. Refer to the Victorian Equal Opportunity and Human Rights Commission Guideline '[Preventing and Responding to Workplace Sexual Harassment](#)' for guidance on the definition of a 'workplace'.

For the purposes of workplace gender audits, please include information relating to the complainant of sexual harassment.

## Cultural identity

Cultural identity is the group to which a person feels they belong. This might be based on ancestry, tradition, language, geography and/or individual experience.

Where possible, multiple responses should be collected for this data item to ensure respondents are able to list all groups that they identify with. Please refer to the data specification in the Workforce Reporting Template on how to include multi-select responses in your workforce data.

## Intersectional gender inequality

Section 6(8) of the Act outlines that gender inequality may be compounded by other forms of disadvantage or discrimination that a person may experience based on Aboriginality, age, disability, ethnicity, gender identity, race, religion, sexual orientation and other attributes. For the purposes of this guidance, the Commission refers to this concept as "**intersectional gender inequality**".

The concept of intersectional disadvantage or discrimination is sometimes called *intersectionality*. Intersectionality explains how people may experience overlapping forms of discrimination or disadvantage based on social characteristics such as (but not limited to) sex, gender identity, sexual orientation, ethnicity, language, religion, class, socioeconomic status, gender identity, ability or age.

To learn more about intersectional gender inequality and intersectionality, please refer to the [Leading practice resources](#) page on our website.

## Defined entities

The Act applies to defined entities that have 50 or more employees, including: public service bodies, public entities, special bodies, local councils, universities, Court Services Victoria and the Office of Public Prosecutions (s5(1)). A list of defined entities is available at [genderequalitycommission.vic.gov.au/list-defined-entities](http://genderequalitycommission.vic.gov.au/list-defined-entities).

## Employee

Section 3 of the Act defines an employee as follows:

an employee, of a defined entity, means a person employed by the defined entity on a full-time, part-time, casual or fixed term basis (including an apprentice or trainee) but does *not* include:

- (a) a contractor or subcontractor; or
- (b) an outworker; or
- (c) a person on a vocational placement; or
- (d) a student gaining work experience; or
- (e) a volunteer.

Your unit level data should only include people who meet the Act's definition of an employee. Governing body members (including those who are not employees of the defined entity) should be included in workforce data for Indicator 2 and Indicator 4.

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<sup>13</sup> Defined entities should provide information relating to external complaints where it is already available internally, for example if the employer is a party to a complaint. We acknowledge this may mean that complaints which have not been communicated to employers may not be captured.

## Employment basis

Whether a person is employed on a full-time, part-time, casual, ongoing/permanent or fixed term/contract basis (including an apprentice or trainee).

The Workforce Reporting Template uses the following codes to indicate the employment basis of each employee:

- ▶ **FTO** - full-time ongoing / permanent employees
- ▶ **FTT** - full-time fixed term employees
- ▶ **PTO** - part-time ongoing / permanent employees
- ▶ **PTT** - part-time fixed term employees
- ▶ **C** - Casual employees

## Flexible working

Flexible working is defined as access to one or more of the following arrangements, as chosen by the employee.

- ▶ Working more hours over fewer days
- ▶ Flexible start and finish times
- ▶ Working remotely (negotiated by the employee – i.e. not as a requirement under COVID-19 restrictions)
- ▶ Working part-time (negotiated by the employee only)
- ▶ Shift swap
- ▶ Job sharing
- ▶ Study leave
- ▶ Purchased leave
- ▶ Using leave to work flexible hours

Note that **part-time or remote working arrangements that are mandated or instigated by an employer and/or by government requirements relating to COVID-19 restrictions are not considered flexible working**. There may be other definitions and requirements relating to flexible working in industrial instruments relevant to your defined entity.

## Full time equivalent (FTE)

The proportion of a full-time week that the employee is normally contracted to work, excluding overtime.

This should be a number with up to two decimal places that is greater than 0 and less than or equal to 1.

A full working week equals 1 FTE. (e.g. 38 hours in a 38-hour week or 40 hours in a 40-hour week).

A part-time working week is less than 1 FTE. (e.g. 4 days in working week [30.2 hours in a 38-hour week] is an FTE of 0.8).

The FTE for casuals should be based on the number of hours worked in the last pay cycle of the reporting period.

A full-time staff member with a purchased leave arrangement is 1 FTE.

See Remuneration definition below for information on when to convert remuneration to full time equivalent.

## Gender Equality Action Plan (GEAP)

A GEAP is a key requirement under the Act which includes strategies and measures that promote gender equality in the workplace of a defined entity, based on the results of a workplace gender audit. For more information on GEAPs, please visit [our website](#).

## Gender pay gap

The gender pay gap is the difference between women's or people of self-described gender's and men's average full-time base annualised salary earnings, expressed as a percentage of men's earnings. For the purposes of your workplace gender audit, analysis is focused on the pay gap for each classification.

The formula for the gender pay gap (percentage) is expressed as follows:

$$\left( \frac{\text{Salary received by men} - \text{Salary received by women}}{\text{Salary received by men}} \right) \times 100$$

$$\left( \frac{\text{Salary received by men} - \text{Salary received by people of self-described gender}}{\text{Salary received by men}} \right) \times 100$$

A gender pay gap that is positive (i.e. >0) means that the average annualised full-time salaries of men are greater than women or people of self-described gender, while a gender pay gap that is negative (i.e. <0) means that the average annualised full-time salaries of women or people of self-described gender are greater than men.

The above formulas are embedded within the Workforce Reporting Template and will automatically calculate when the 'Populate data measures' button is clicked. There is no need to



write any formulae into the reporting template if you are providing unit level data.

The reporting template will calculate the gender pay gap for each classification based on both mean (average) and median.

The mean (or average) salary is calculated by summing the salaries of individuals within a classification band and dividing the sum by the number of people at that classification. It is the most commonly used measure, but it can be skewed by one or more individuals who have extremely high or extremely low salaries, especially if there is a low number of number of people for that classification. In such cases, the mean (average) salary may be a less useful measure.

The median salary is the middle salary from a list of salaries arranged in ascending or descending order. It may be more useful than the mean (average) when there are extreme values in the dataset as it is not affected by extreme values.

By looking at both the mean and median salary for each classification by gender, you will be able to gain a better understanding of the gender pay gap in your defined entity.

## Governing body

A governing body is the most senior group of people governing the operations of a defined entity, such as the board, council (for local government), or executive committee of management. If there are multiple boards or sub-committees of management, choose the most senior governing body for the purposes of this reporting (although you may wish to separately analyse the gender composition of the others as well).

For local government, the governing body of your defined entity will be the elected Councillors of your local government area.

Not all defined entities have a governing body.

## Higher duties

Higher duties assignments refer to temporary internal arrangements where an employee moves into a higher classification for a period of more than two weeks.

## Parental leave

Parental leave refers to both paid and unpaid parental leave, which may be classified as Primary Carers/Maternity/Birth Parent Leave or Partner/

Secondary Carers Parental Leave. This also includes adoption or surrogacy related leave.

Include all people who have taken any type of parental leave during the reporting period, and how many weeks of paid and unpaid leave they have taken. The number of weeks of parental leave taken should be calculated based on the standard working week hours for the relevant employees (e.g. if someone takes 24 hours of parental leave during a week, and their standard working week is 24 hours per week, that would count as 1 week of parental leave). Leave taken at half pay should be divided appropriately into paid and unpaid weeks (e.g. if someone takes 12 weeks at half pay this should be counted as 6 weeks of paid leave and 6 weeks of unpaid leave).

## Promotion

Promotion refers to an existing employee being appointed to a role at a classification higher than their previous role. This includes promotions awarded through competitive recruitment processes as well as promotions awarded after a fixed period. It does not include lateral transfers (at the same classification) or temporary higher duties opportunities.

## Recruitment

Recruitment refers to people who have been newly appointed to a role from both internal (roles filled by employees within the defined entity) and external (roles filled by people from outside of the defined entity) recruitment processes. It does not include people who have been promoted.

## Remuneration

Remuneration is being collected using three key categories: Base salary, Fixed remuneration, and Total remuneration.

**Base Salary** is the full time equivalent annualised salary specified in the relevant employee agreement for the individual.

- ▶ Include: Salary payments, any packaged or salary sacrificed component, annual leave, leave loading, long service leave, workers compensation payments, penalty rates (if part of an employee's usual working hours)
- ▶ Exclude: employer contribution to superannuation, fixed remuneration (see below)
- ▶ Annualise base salary for a complete pay year, and convert to 1 FTE.

- For example, if a person is hired to a position where the FTE is \$80,000 per annum, regardless of the actual time worked (whether part-time/full-time or over 6- or 12-month period), the annual base salary should be recorded as \$80,000.

**Fixed remuneration** is the compensation that an employee receives as a fixed payment regardless of the number of hours they work. This may include bonuses or other payment types that are not associated with the number of hours worked, and outside of base salary. Fixed remuneration payments should be reported as actual amounts. Do not annualise or convert these to a full-time equivalent amount. This field should be recorded as 0 if there are no fixed payments being made to an employee.

- ▶ Include: Fixed allowances (eg first aid, clothing, accommodation, study), fixed bonuses, fixed discretionary pay, overtime (including penalty rates where not part of an employee's usual working hours)
- ▶ Exclude: Any amounts already included in base salary
- ▶ Do not annualise fixed remuneration for a complete pay year, and do not convert to full time equivalent. Only include actual amounts paid.

**Total remuneration** is equal to the total of base salary (as described above) plus fixed remuneration (as described above) plus any non-fixed remuneration amount.

Non-fixed remuneration amounts include any amounts paid that are not already included in base salary or fixed salary, such as superannuation, travel or meal allowances.

Total remuneration should exclude any amount paid under the government-funded paid parental leave scheme.

Components of total remuneration that are paid on a pro-rata basis (salary, superannuation and non-fixed payments) should be converted to annualised and full-time equivalent amounts. For payments made as fixed amounts (non-pro-rata), report the actual amount paid.

## Respondent (sexual harassment)

A respondent is an employee or a member of the public who has been alleged to have sexually harassed others in your workplace. Employers may be a party or respondent to a complaint but should be excluded from the definition of respondent for workplace gender audits. The complaint must have

arisen in your workplace or as part of external workplace activities. For the purposes of the workforce component of workplace gender audits, please include information relating to the alleged perpetrator of sexual harassment.

## Secondments

Secondments refer to temporary internal arrangements where an employee moves into another role at the same classification for a period of more than two weeks. This should only include internal secondments, and should not include secondments external to your defined entity.

## Self-described gender

For the purposes of your workplace gender audit, we will be collecting data within three categories – women, men and self-described gender.

Gender is part of how someone understands who they are and how they interact with other people. Many people identify their gender as being “woman” or “man”. Some people understand their gender as a combination of these or neither. Gender can be expressed in different ways, such as through behaviour or physical appearance. A person's gender does not necessarily mean they have particular sex characteristics or a particular sexuality, or vice versa.

The Commission recommends allowing an option for self-described gender with a free text option, in addition to “woman” and “man” when collecting gender data. For those people who identify with a self-described gender, their gender should be recorded in relevant systems using the term(s) provided by the employee. An individual with a self-described gender may identify as non-binary, trans, gender diverse, agender, genderqueer, genderfluid or using any other term.

For more information on gender-inclusive language, please refer to: [vic.gov.au/inclusive-language-guide](https://vic.gov.au/inclusive-language-guide).

## Senior leaders

Senior leaders are executive staff who have significant management responsibility, that is, their primary role is to provide leadership and strategic direction for other staff members. This could include the Chief Executive Officer, Directors and Group Managers. Defined entities may select who to define as senior leaders for the purposes of a workplace gender audit, as appropriate to their organisational context.

## Sexual harassment

Sexual harassment is non-consensual or unwelcome sexual behaviour that could reasonably be expected to make a person feel offended, humiliated or intimidated. Sexual harassment may be physical, spoken or written (including through online spaces and social media platforms) and can be directed at, and perpetrated by, persons of any sex or gender. A single incident can constitute sexual harassment, as can a broader pattern of behaviour.

With many workplaces operating more online or remotely, experiences of sexism and sexual harassment in the workplace, and actions taken in response, are also changing.<sup>14</sup> Sexual harassment still occurs when working remotely, and can take place through different behaviours such as comments, jokes or put-downs via email, instant messenger or social media among other platforms.

Below is a detailed list of behaviours that can be classified as sexually harassing behaviours. We encourage you to use these behaviours when talking about, collecting data, and developing strategies to address sexual harassment as part of your Gender Equality Action Plan.

### Sexual harassment behaviours

- ▶ Sexually suggestive behaviour, such as leering or staring or offensive gestures of a sexual nature that makes someone feel intimidated or uncomfortable.
- ▶ Sexual comments or jokes that makes someone feel uncomfortable or offended, including about their body and/or clothes, or the angle of their camera in a video meeting.
- ▶ Intrusive or offensive questions of a sexual nature about someone's private life or physical appearance that makes them feel uncomfortable.
- ▶ Unwelcome physical contact - e.g. brushing up against someone, touching, fondling, hugging, kissing, or blocking someone's way.
- ▶ Pressuring or pestering someone to go out on a date.
- ▶ Making unwelcome sexual requests or pressure to engage in sexual activity.
- ▶ Sharing personal images of a sexual nature on social media without the person's consent
- ▶ Displaying sexually offensive screen savers, photos, calendars or objects.

- ▶ Sending unwanted sexually explicit content or images by email, text or social media and/or posting on social networking sites.
- ▶ Cat calling, wolf whistling or making other provocative sounds towards someone that make them feel uncomfortable.
- ▶ Unwanted displays or declarations of affection.
- ▶ Making unwelcome requests to share sexual images of themselves or someone else and/or requests to talk about sex.
- ▶ Sexual assault, indecent exposure, rape and stalking of a sexual nature (which are also criminal offences.)
- ▶ Actions or comments of a sexual nature in a person's presence (even if not directed at that person.)

For more information on the legal definition of sexual harassment and your obligations under the *Equal Opportunity Act 2010*, refer to the Victorian Equal Opportunity and Human Rights Commission Guideline '[Preventing and Responding to Workplace Sexual Harassment](#)'<sup>15</sup> For an example of a sexual harassment prevention policy, please refer to the Victorian Public Sector Commission's '[Model Policy for the Prevention of Sexual Harassment in the Workplace](#)'.

## Workforce group

In 2021 the Commission will require entities to submit all workforce groups in one workforce template. We recognise that for some organisations this may result in comparison across workforce groups that may not be considered equivalent for various reasons, including occupational segregation.

To help capture the nuances between distinct workforce groups, the Commission has included an optional "workforce group" column in the Workforce Reporting Template. This is a free text field which is not mandatory, and for the purposes of automatic calculation, will not impact on output tables. However, it may inform how the Commission analyses information that has been submitted.

**More information to support your workplace gender audit process is available on the [Commission's website](#).**

<sup>14</sup> The Victorian Health Promotion Foundation and The Behavioural Insights Team (2021) '[Victorians' experiences of sexism and sexual harassment while working remotely due to the coronavirus – Report findings](#)'.

<sup>15</sup> The Victorian Equal Opportunity and Human Rights Commission has a range of support and response tools to prevent and respond to sexual harassment at work. One of those tools includes an interactive chat that provides pathways for information if a worker has experienced sexual harassment at work, seen or overheard behaviour that might be sexual harassment, or someone has disclosed that they have experienced sexual harassment. The response tool can help workers to understand when something at work crosses the line into sexual harassment, response options as well as a director of support service options.

