

# Review of the Workplace Gender Equality Act

Based on international law and international standards

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## Introduction

This submission is focused on providing a review of the *Workplace Gender Equality Act* (WGEA) against international standards. I am writing this submission as a Women's Leadership Institute Australia Research Fellow, a Senior Lecturer at the University of Technology Sydney and as an academic with 10 years of practical experience as a women's human rights lawyer who has worked in local and international non-government and inter-governmental organisations. I have published three books and over 30 articles on issues of gender equality, gender-responsive legislation and international women's rights law.<sup>1</sup> I am also the chief architect behind the Gender Legislative Index. This submission draws upon an evaluation of WGEA conducted by the [Gender Legislative Index](#),<sup>2</sup> which measures the gender-responsiveness of legislation using international law.

The **WGEA was assessed by the GLI as global good practice**, when measured against international women's rights standards (see Figure 1). Nonetheless, despite the law's good performance when measured for its gender-responsiveness against global benchmarks, this **submission offers four key suggestions** to improve underdeveloped aspects of the law.

These recommendations speak to the persistent gender pay gap in Australia, despite the law's operation. They also reflect the tendency for WGEA and the data collected pursuant to the law to address women as a singular group, with insufficient attention to relevant socioeconomic demographic characteristics that directly informs women's experiences of workplace inequality, such as race, disability, nationality/country of origin, migration status and gender identity. While the Workplace Gender Equality Agency has the potential to bring notable visibility to workplace practices in need of detrimental reform, the WGEA's approach to naming and shaming non-compliant employers is at best weak and undermines the current law's potential to bring about reform.

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<sup>1</sup> This includes Ramona Vijeyarasa, 'Making the Law Work for Women: Standard-Setting through a New Gender Legislative Index' (2019) 44(4) *Alternative Law Journal* 275; Ramona Vijeyarasa, 'In Pursuit of Gender-Responsive Legislation: Transforming Women's Lives through the Law' in Ramona Vijeyarasa (ed), *International Women's Rights Law and Gender Equality: Making the Law Work for Women* (Routledge, Taylor and Francis, 2021); Ramona Vijeyarasa, 'Quantifying CEDAW: Concrete Tools for Enhancing Accountability for Women's Human Rights' (2021) 34(1) *Harvard Human Rights Journal* 37. For more, see <https://profiles.uts.edu.au/Ramona.Vijeyarasa>. I can be contacted at [ramona.vijeyarasa@uts.edu.au](mailto:ramona.vijeyarasa@uts.edu.au).

<sup>2</sup> Ramona Vijeyarasa, 'Evaluation: Equal Opportunity for Women in the Workplace Amendment Act 2012', *Evaluation: Equal Opportunity for Women in the Workplace Amendment Act 2012* (June 2020) <<https://www.genderlawindex.org/laws/b8b197ad-f13f-456c-befc-e13c0ce3bc8f>>.

## Overall assessment of the WGEA using the Gender Legislative Index

The [Gender Legislative Index](#) (GLI) is a tool to rank and score legislation against global standards for women’s rights. The GLI facilitates a comparison of laws addressing the same issues, or of legislation across different areas of the law, or comparisons across countries.

The Gender Legislative Index is aimed at helping legislators, activists and advocates to build a body of legislation that works better for women. It uses human evaluators and machine learning to evaluate the individual provisions of legislation against international benchmarks and determines an overall score for a law. As seen in Figure 1, the WGEA performs very high on the GLI, considered by evaluators, almost universally, to meet international standards and determined overall as a global good practice piece of legislation. This is arguably as a result of the law’s intention to put into effect Australia’s international commitments, with WGEA explicitly acknowledging these commitments from a range of international treaties (see WGEA, Art. 5(9)). As such, the law is aiding Australia fulfill several significant international obligations made vis-à-vis women’s rights at work.

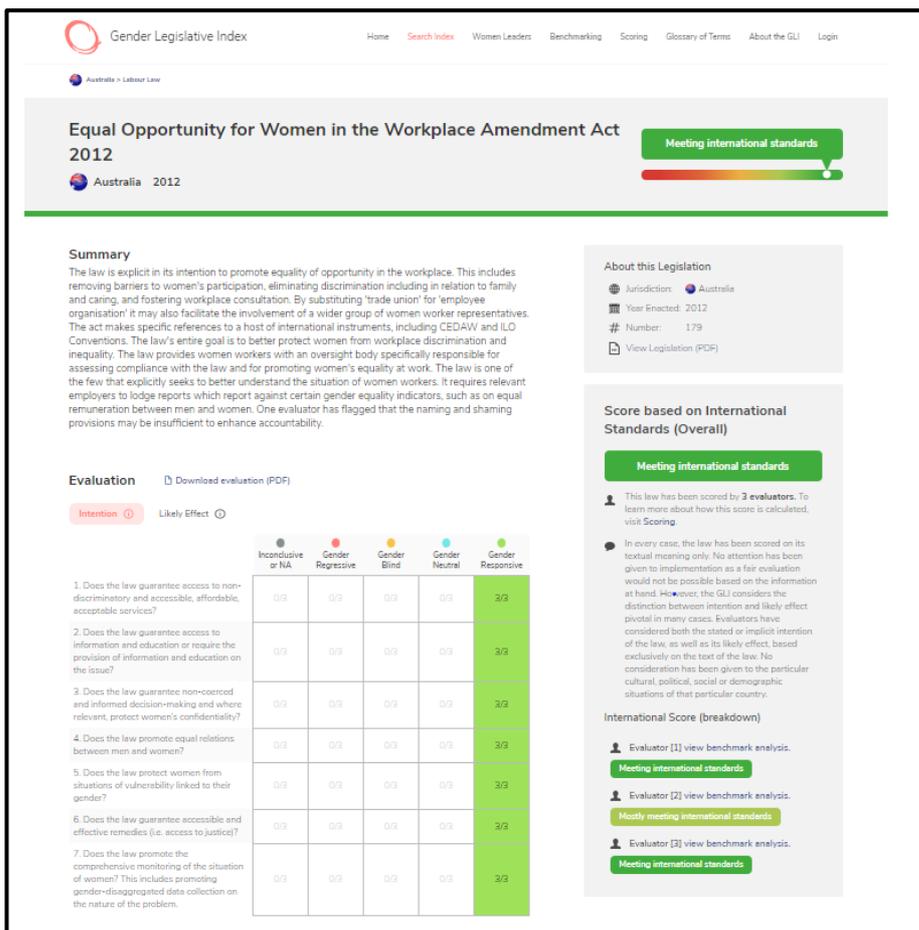


Figure 1: [Review of WGEA by the Gender Legislative Index](#) (Gender Legislative Index, 2020)

## Opportunities for improvement

However, the law could be improved further. As noted above I propose four concrete modifications of the law, which address four questions listed in the consultation.

### Recommended amendments to law

1. Expand the list of gender equality indicators to encompass a wider set of international standards and norms (WGEA, Sec. 3, 13 and 19) **(Q4)**
2. Require data to be provided by employers that is disaggregated by multiple identities, going beyond sex to include age, race, nationality/country of origin, migration status, disability and gender identity (WGEA, Sec. 3, 13 and 19) **(Q5)**
3. Amend the objects of the act to include the elimination of Australia's gender-pay gap (moving beyond the existing goal of 'promote and improve') as a priority for employers to address and the Workplace Gender Equality Agency to monitor and report on (WGEA, Sec. 2A(a)). **(Q8)**
4. Reform the existing accountability mechanisms and penalties for lack of compliance, moving away from soft law 'naming and shaming' provisions, by empowering the Minister and Workplace Gender Equality Agency to respond to non-compliant employers and to impose penalties that are likely to have a deterrent effect (Sec. 19D and 19E). **(Q9)**

### Background of recommendations in response to questions:

**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?*

The WGEA's indicators have been reviewed against the international and regional law benchmarks provided in Annex 1. While an acceptable set of indicators, a revised law may include the following additional indicators. It is recommended that the definition of 'general indicators' under **WGEA Sec. 3** is amended to include the following:

1. **Equal selection criteria, for example, with respect to promotion**<sup>3</sup>
2. **Availability and visibility of explicit prohibitions on violence and harassment against women**, including physical, sexual, psychological and economic violence and harassment in the world of work.<sup>4</sup>

<sup>3</sup> See ([Convention on the Elimination of Discrimination against Women, Art. 11\(1\)\(b\)](#)).

<sup>4</sup> See ([Beijing Declaration and Platform for Action, 1995, para. \[180\]\(c\)](#); [CEDAW Committee, General Recommendation No. 35 on Gender-based Violence against Women, 2007, para 30\(f\)](#); [ILO Domestic](#)

3. **Availability and visibility of explicit prohibitions on direct and indirect gender discrimination in the labour market**, including on the grounds of marriage, maternity/family status, pregnancy, and paid maternity leave.<sup>5</sup> This right to equality and non-discrimination encompasses older women workers, domestic, migrant and informal women workers.<sup>6</sup>
4. **Availability and visibility of explicit protections for the rights of workers with dependents in need of care to negotiate flexible schedules to accommodate care needs with their employer.**<sup>7</sup>
5. **Availability and visibility of access to justice** in cases of non-compliance with the prohibition on direct and indirect discrimination on grounds of sex, including by reference to marital or family status, in relation to access to employment, conditions of employment, including training, promotion, health and safety, as well as termination of employment and social security of workers, including legal protection against sexual and racial harassment.<sup>8</sup>
6. The establishment and development of mechanisms to aid **child-care.**<sup>9</sup>
7. The promotion **of information and education to engender the public's understanding of the principle of equality of opportunity** and treatment for men and women workers and of the problems of workers with family responsibilities, as well as helping to create a climate of opinion conducive to overcoming such problems.<sup>10</sup>

**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?*

In as early as 1989, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) made a recommendation to all States parties that called for comprehensive data collection:

States parties should make every effort to ensure that their national statistical services responsible for planning national censuses and other social and economic surveys formulate their questionnaires in such a way that data can be disaggregated according to gender, with regard to both absolute

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[Workers Convention No. 189, 2011, Art. 5; Committee on the Rights of Migrant Workers, General Comment No. 2 on migrant workers in an irregular situation, paras. 21 and 22\).](#)

<sup>5</sup> See ([Beijing Declaration and Platform for Action, 1995, para. 165\(b\)](#)); [ILO Discrimination \(Employment and Occupation\) Convention, 1958, Art. 2](#); [ILO Discrimination \(Employment and Occupation\) Recommendation No. 111, Art. 2](#)).

<sup>6</sup> See ([International Convention on Rights of Migrant Workers, art 7](#); [ILO Domestic Workers Convention No. 189, 2011, Arts. 6 and 7](#); [Sustainable Development Goal 8.8](#)).

<sup>7</sup> See ([ILO Workers with Family Responsibilities Recommendation, No. 165, 1981, Art. 18](#)).

<sup>8</sup> See ([Beijing Declaration and Platform for Action, 1995, para. 178\(b\)](#)).

<sup>9</sup> See ([Convention on the Elimination of Discrimination against Women, Art. 11\(2\)\(c\)](#)); ([ILO Convention Concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, No. 156, 1981, Art. 5\(b\)](#)).

<sup>10</sup> See ([ILO Convention Concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, No. 156, 1981, Art. 6](#)

numbers and percentages, so that interested users can easily obtain information on the situation of women in the particular sector in which they are interested.<sup>11</sup>

International law however has progressed significantly and recognises women as a non-monolithic category. By contrast, the *WGEA* treats women as a single identifying group. This ignores important differences in how women in Australia society and in Australian workplaces identify.

**Data should be collected on a mandatory basis to better enable the Workplace Gender Equality Agency and employers identify those individuals being left behind as Australian workplaces become more equal;** who is most likely to be affected by gender pay gaps and discrimination in the workplace. At a minimum, data should be disaggregated by sex but also age, race, nationality/country of origin, migration status, disability and gender identity, reflecting, among other things the cultural and linguistic diversity (CALD) highly relevant in Australian society.

**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?*

Gender pay gaps in Australia remain a notable challenge. In non-public sector organisations with 100 or more employees, the gender pay gap for full-time annualised base salary was 16.2%, and 21.3% for full-time annualised total remuneration as of March 2020.<sup>12</sup>

The *WGEA* requires employers to provide data on gender pay gaps. The first limitation with the law as drafted is the expectation to only make ‘improvements’ in this area rather than to eliminate the notable, persistent and highly problematic gender pay gaps that remain in Australia despite the law’s information. The objects of *WGEA* need to be amended to seek the elimination of gender pay gaps altogether.

The second issue is the cases where progress is held back as a result of the employer failure to report. For employers unwilling or unable to report, it is important to highlight that the requirement to provide data on pay is not an onerous burden on the employer. Much of this data already exists and the **Workplace Gender Equality Agency can liaise, if needed, directly with external providers of payroll systems, so this reporting is mainly automatised**, without new regulatory burdens. This will allow for the law’s obligations to extend to smaller employers (e.g., over 100 employees). If effective, systematic and sustained change is going to occur, particularly with regard to gender-pay gaps, minimum standards must be universally applied.

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<sup>11</sup> CEDAW Committee, General Recommendation No. 9: Statistical Data Concerning the Situation of Women.

<sup>12</sup> Measure for Measure, *supra* note 10 at 41.

Finally, part of the challenge with addressing pay gaps in Australia requires an additional and more comprehensive role for the Workplace Gender Equality Agency. Other factors appear to be driving gaps in Australia. Research suggests that lifetime gender equality gaps are in large part driven by the lack of career advancement for women and the higher proportion of women in part-time work.<sup>13</sup> The Workplace Gender Equality Agency should be supported to lead a broader conversation nationally around these underlying drivers of such gaps within the next two years.

**Question 9:** *Are the compliance mechanisms in the Workplace Gender Equality Act, and consequences for non-compliance, effective to promote and improve gender equality? If not, how could they be improved?*

The law's 'naming and shaming' provisions is arguably its greatest weakness.<sup>14</sup> Research has shown that professional associations and private industries in Australia can enact reforms that advance women's rights, sometimes at a faster pace than government-led reforms.<sup>15</sup> However, the dependency of WGEA on employer-led reforms will hinder the pace of change. **Either the Minister and/or the Agency needs to be better empowered to respond to a failure by an employer to comply with the Act.** Prohibiting non-complying employers from competing for Commonwealth contracts is only likely to act as an incentive to a marginal number of employers.

Greater evidence is needed, therefore, on the extent to which existing accountability mechanisms in the WGEA are a deterrent effect and much more rigorous attention to penalties for non-compliance. For instance, where employers fail to provide a report with the required data against the stated indicators, **the Workplace Gender Equality Agency could request access to such data from other sources** (e.g. the ATO) and the employer provides a **'compensation fee' (e.g. AUD50/employee)** in return.

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<sup>13</sup> *Id.* at 41.

<sup>14</sup> Ramona Vijayarasa, *Evaluation: Equal Opportunity for Women in the Workplace Amendment Act 2012*, EVALUATION: EQUAL OPPORTUNITY FOR WOMEN IN THE WORKPLACE AMENDMENT ACT 2012 (2020), <https://www.genderlawindex.org/laws/b8b197ad-f13f-456c-befc-e13c0ce3bc8f>.

<sup>15</sup> For instance, in Australia, many large corporations offer paid parental leave schemes, for both partners, with greater options for flexibility, in addition to the government-funded paid parental leave scheme. See Natasha Boddy, *Best workplaces for new dads revealed*, AUSTRALIAN FINANCIAL REVIEW, December 14, 2020, <https://www.afr.com/work-and-careers/workplace/best-workplaces-for-new-dads-revealed-20201214-p56nd1> (last visited Nov 5, 2021). Nonetheless, cumulatively, the Australian scheme remains the subject of much critique, with a 2021 study showing only modest steps towards greater gender equality given that these schemes collectively create and reinforce a normative standard for fathers as 'supporters' rather than primary carers. See Marian Baird, Myra Hamilton & Andreea Constantin, *Gender equality and paid parental leave in Australia: A decade of giant leaps or baby steps?*, 63 J. IND. RELAT. 546–567, 562 (2021).

## Annex 1: International law benchmarks for legislation in the field of labour law

This submission and the evaluation of the WGEA Act is based on a series of benchmarks set out in international law. They are provided here below and can also be access on the Gender Legislative Index website: in searchable format: <https://www.genderlawindex.org/benchmarks>

### Good practice benchmarks: Labour law

Criteria	Global standard
<b>1. Does the law guarantee access to non-discriminatory and accessible, affordable, acceptable services?</b>	The law promotes and supports women's self-employment and the development of small enterprises, including by strengthening women's access to credit and capital on appropriate terms equal to those of men through the scaling-up of institutions dedicated to promoting women's entrepreneurship ( <a href="#">Beijing Declaration and Platform for Action, 1995, para. [166](a)</a> ).
	The law guarantees women the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training ( <a href="#">Convention on the Elimination of Discrimination against Women, Art. 11(1)(c)</a> )
	The law specifically ensures access to vocational training to enable workers with family responsibilities to become and remain integrated in the workforce and to re-enter the labour force after an absence due to those responsibilities ( <a href="#">ILO Convention Concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, No. 156, 1981, Art. 7</a> )
	The law provides for social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities ( <a href="#">Convention on the Elimination of Discrimination against Women, Art. 11(2)(c)</a> ); ( <a href="#">ILO Convention Concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, No. 156, 1981, Art. 5(b)</a> )
	The law guarantees women access to maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances ( <a href="#">Convention on the Elimination of Discrimination against Women, Art. 11(2)(b)</a> ). The period of maternity leave shall be not less than 14 weeks and include a period of compulsory leave after confinement of no less than 6 weeks ( <a href="#">ILO Maternity Protection Convention No. 103, 1952, Art. 3(2); Art. 3(3)</a> ).
	The law recognises and values unpaid care and domestic work through the provision of public services and infrastructure and social protection policies ( <a href="#">Sustainable Development Goals, Goal 5.4</a> )
<b>2. Does the law guarantee access to information and education or require the provision of information and education?</b>	The law promotes information and education to engender the public's understanding of the principle of equality of opportunity and treatment for men and women workers and of the problems of workers with family responsibilities, as well as helping to create a climate of opinion conducive to overcoming such problems ( <a href="#">ILO Convention Concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, No. 156, 1981, Art. 6</a> )
	The law provides for appropriate education and awareness-raising programmes for migrant women workers. This includes free or affordable gender- and rights-based pre-departure information and training programmes that raise prospective women migrant workers' awareness of potential exploitation, procedures for invoking redress mechanisms and emergency response ( <a href="#">Convention on the Elimination of Discrimination against Women, General Recommendation No. 26 on women migrant workers, para. 24(b)(i)</a> ; <a href="#">International Convention on the Rights of Migrant Workers, General Comment 1 on Migrant Domestic Workers, paras. 28, 29 and 30</a> ).
<b>3. Does the law guarantee non-coerced and informed decision-making of women and where relevant, protect women's confidentiality?</b>	The law guarantees domestic workers who reside in the household access to decent living conditions that respect their privacy ( <a href="#">ILO Domestic Workers Convention, No. 189, 2011, Art. 6</a> )
	The law requires that domestic workers are informed of their terms and conditions of employment in an appropriate, verifiable and easily understandable manner and preferably, where possible, through written contracts in accordance with national laws, regulations or collective agreements ( <a href="#">ILO Domestic Workers Convention, No. 189, 2011, Art. 7</a> )

<b>4. Does the law promote equality between men and women?</b>	The law guarantees men and women the same employment opportunities, the application of the same selection criteria ( <a href="#">Convention on the Elimination of Discrimination against Women, Art. 11(1)(b)</a> ), the right to free choice of profession and employment and the right to promotion, job security, vocational training and retraining ( <a href="#">Convention on the Elimination of Discrimination against Women, Art. 11(1)(c)</a> ).
	The law guarantees women equal remuneration, including benefits and equal treatment in respect of equal work and equal treatment in respect to the evaluation of the quality of the work ( <a href="#">Convention on the Elimination of Discrimination against Women, Art. 11(1)(d)</a> ) ( <a href="#">ILO Equal Remuneration Convention No. 100, 1953, Art 2(1)</a> )
	The law promotes the election of women trade union officials and ensures that trade union officials elected to represent women are given job protection and physical security in connection with the discharge of their functions ( <a href="#">Beijing Declaration and Platform for Action, 1995, para. 178(i)</a> ).
	The law recognises unionisation and collective bargaining as a right and an important mechanism for eliminating wage inequality for women and to improve working conditions ( <a href="#">Beijing Declaration and Platform for Action, 1995, para. 178(h)</a> ). These rights apply to domestic and informal workers ( <a href="#">ILO Domestic Workers Convention, No. 189, 2011, Art. 3</a> ; <a href="#">Committee on the Rights of Migrant Workers, General Comment 1, 2011, Art. 45</a> ).
	The law promotes shared responsibility within the house and family as nationally appropriate ( <a href="#">Sustainable Development Goals, Goal 5.4</a> ).
<b>5. Does the law protect women from situations of vulnerability linked to their gender?</b>	The law prohibits violence and harassment against women, including physical, sexual, psychological and economic violence and harassment in the world of work. This legislation should explicitly extend protection to domestic and migrant workers and those at risk of forced and exploitative labour ( <a href="#">Beijing Declaration and Platform for Action, 1995, para. [180](c)</a> ; <a href="#">CEDAW Committee, General Recommendation No. 35 on Gender-based Violence against Women, 2007, para 30(f)</a> ; <a href="#">ILO Domestic Workers Convention No. 189, 2011, Art. 5</a> ; <a href="#">Committee on the Rights of Migrant Workers, General Comment No. 2 on migrant workers in an irregular situation, paras. 21 and 22</a> ).
	The law recognises own-account, informal, migrant and domestic workers and ensures they enjoy full labour rights and equality of treatment with other workers and safe working conditions. This includes effective enforcement mechanisms to ensure employers' compliance and workers' access to remedies ( <a href="#">ILO Employment Policy (Supplementary Provisions) Recommendation, 1984, No. 169</a> ; <a href="#">International Convention on the Rights of Migrant Workers, Art. 7</a> ; <a href="#">Committee on the Rights of Migrant Workers, General Comment 1, 2010, paras. 4 and 37</a> ; <a href="#">ILO Domestic Workers Convention No. 189, 2011, Art. 3(1)</a> ) and particular protections for migrant women workers ( <a href="#">Sustainable Development Goal 8.8</a> ).
	The law prohibits direct and indirect gender discrimination in the labour market, including on the grounds of marriage, maternity/family status, pregnancy, paid maternity leave ( <a href="#">Beijing Declaration and Platform for Action, 1995, para. 165(b)</a> ); <a href="#">ILO Discrimination (Employment and Occupation) Convention, 1958, Art. 2</a> ; <a href="#">ILO Discrimination (Employment and Occupation) Recommendation No. 111, Art. 2</a> ). This right to equality and non-discrimination encompasses older women workers, domestic, migrant and informal women workers ( <a href="#">International Convention on Rights of Migrant Workers, art 7</a> ; <a href="#">ILO Domestic Workers Convention No. 189, 2011, Arts. 6 and 7</a> ; <a href="#">Sustainable Development Goal 8.8</a> ).
	The law guarantees women access to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid lead ( <a href="#">Convention on the Elimination of Discrimination against Women, Art. 11(1)(c)</a> )
	The law extends social protection coverage to migrant domestic and care workers and ensures cross-border portability ( <a href="#">Committee on the Rights of Migrant Workers, General Comment 1, 2010, paras. 38 and 39</a> ).
	The law specifically creates mechanisms to guarantee pay, social security and social benefits for women who work without such benefits in enterprises owned by a family ( <a href="#">Committee on the Elimination of Discrimination against Women, General Recommendation No. 16, Unpaid Women Workers in Rural and Urban Family Enterprises, 1991, para. (c)</a> ).
	The law prohibits the imposition of sanctions, dismissal on the grounds of pregnancy or maternity leave or on the basis of marital status ( <a href="#">Convention on the Elimination of Discrimination against Women, Art. 11(2)(a)</a> ) or on the basis of family responsibilities ( <a href="#">ILO Convention Concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, No. 156, 1981, Art. 8</a> ). This includes prohibiting dismissal due to breastfeeding, or requiring proof of contraceptive use ( <a href="#">Beijing Declaration and Platform for Action, 1995, para. 165(c)</a> ).
	The law shall provide for additional leave before confinement or additional leave after confinement in the event of pregnancy-related illness or confinement-related illness ( <a href="#">ILO Maternity Protection Convention No. 83, 2000, 3, 1952, Art. 4</a> ).
	The law provides special protection to women during pregnancy in types of work proved to be harmful to them ( <a href="#">Convention on the Elimination of Discrimination against Women, Art. 12(2)(d)</a> ).

	<p>The law protects the rights of workers with dependents in need of care to negotiate flexible schedules to accommodate care needs with their employer (<a href="#">ILO Workers with Family Responsibilities Recommendation, No. 165, 1981, Art. 18</a>).</p> <p>The law in countries of destination ensures specific protections for women migrant workers, including ensuring that their contracts are legally valid, that their freedom of movement is protected, including non-confiscation of travel or identity documents for women migrant workers and establishes non-discriminatory residency regulations, such as allowing for legal stay of women migrant workers who flee abusive employment situations (<a href="#">Committee on the Elimination of Discrimination against Women, General Recommendation No. 26, Women Migrant Workers, Art. 26</a>).</p> <p>The law in countries of origin requires recruiting agencies to participate in awareness-raising and training programmes and sensitizes them on the rights of women migrant workers, the forms of sex- and gender-based discrimination, the exploitation women could experience and responsibilities of agencies towards the women (<a href="#">Committee on the Elimination of Discrimination against Women, General Recommendation No. 26, Women Migrant Workers, Art. 24(b)(iv)</a>).</p>
	<p>The law establishes monitoring systems to ensure that recruiting agencies respect the rights of all women migrant workers (<a href="#">Committee on the Elimination of Discrimination against Women, General Recommendation No. 26, Women Migrant Workers, Art. 24(c)(i)</a>).</p>
<p><b>6. Does the law guarantee accessible and effective remedies (i.e. access to justice)?</b></p>	<p>The law ensures all women workers have access to judicial and quasi-judicial mechanisms and remedies (<a href="#">Beijing Declaration and Platform for Action, 1995, para. [165](r)</a>), specifically in relation to labour relations, including equal remuneration, social security entitlements, equal opportunities to be hired and promoted, and equal remuneration for civil servants (<a href="#">Committee on the Elimination of Discrimination against Women, General Recommendation No. 33 on women's access to justice, 2015, Art. 52</a>).</p>
	<p>The law establishes mechanisms for redress and access to justice in cases of non-compliance with the prohibition on direct and indirect discrimination on grounds of sex, including by reference to marital or family status, in relation to access to employment, conditions of employment, including training, promotion, health and safety, as well as termination of employment and social security of workers, including legal protection against sexual and racial harassment (<a href="#">Beijing Declaration and Platform for Action, 1995, para. 178(b)</a>).</p>
	<p>The law should incentivise the private sector to adopt protocols and procedures addressing all forms of gender-based violence that may occur in the workplace or affect women workers, including effective and accessible internal complaints procedures, the use of which should not exclude recourse to law enforcement authorities, and should also address workplace entitlements for victims/survivors (<a href="#">CEDAW Committee, General Recommendation No. 35 on Gender-based Violence against Women, 2007, para 30(f)</a>).</p>
	<p>The law allows for independent review in accordance with international standards by all decisions of administrative bodies, ensures that a decision rejecting an application is reasoned and the claimant is able to appeal it to be a competent body (<a href="#">Committee on the Elimination of Discrimination against Women, General Recommendation No. 33 on women's access to justice, 2015, Art. 53</a>).</p>
<p><b>7. Does the law promote comprehensive monitoring of the situation of women? This includes promoting gender-disaggregated data collection on the nature of the problem?</b></p>	<p>The law provides for the development and adoption of job evaluations systems based on gender-neutral criteria that facilitates the comparison of the value of those jobs of a different nature, in which women presently dominate, with those jobs in which men presently predominate (<a href="#">Committee on the Elimination of Discrimination against Women, General Recommendation 13, Equal Remuneration for Work of Equal Value, 1993, Art. 2</a>).</p>
	<p>The law provides for the collection of statistical data on women who work without payment, social security and social benefits in enterprises owned by a family member (<a href="#">Committee on the Elimination of Discrimination against Women, General Recommendation 16, Unpaid Women Workers in Rural and Urban Family Enterprises, 1991, (b)</a>).</p>
	<p>The law provides for research and experimental studies to measure and value the unremunerated domestic activities of women, for example, by conducting time-use surveys as part of their national household survey programmes and by collecting statistics disaggregated by gender on time spent on activities both in the household and on the labour market (<a href="#">Committee on the Elimination of Discrimination against Women, General Recommendation No. 17, Measurement and Quantification of the Unremunerated Domestic Activities of Women and their Recognition in the Gross National Product, 1991, (a)</a>).</p>