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**Building Equality Policy Implementation Evaluation 2023**

*Prepared by Sarah Holdsworth, Michelle Turner, and Orana Sandri*

*School of Property Construction and Project Management*

*RMIT University*

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**Authors**

Sarah Holdsworth, Michelle Turner, and Orana Sandri

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**Correspondence**

Professor Sarah Holdsworth: [sarah.holdsworth@rmit.edu.au](mailto:sarah.holdsworth@rmit.edu.au)

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# Contents

[Contents 3](#_Toc167780424)

[Table of Figures and Tables 5](#_Toc167780425)

[Table of Acronyms 7](#_Toc167780426)

[1 Introduction 8](#_Toc167780427)

[1.1 Background 8](#_Toc167780428)

[1.2 Aim 9](#_Toc167780429)

[1.3 Data 9](#_Toc167780430)

[1.4 Summary of findings 10](#_Toc167780431)

[1.4.1 Mapping BEP governance 10](#_Toc167780432)

[1.4.2 Interview and focus group findings 10](#_Toc167780433)

[1.4.3 Secondary data analysis: Women working and entering into the construction industry 14](#_Toc167780434)

[1.4.4 Modelling FTE positions on government-funded projects to meet BEP targets 15](#_Toc167780435)

[1.5 Recommendations 15](#_Toc167780436)

[1.6 Report structure 16](#_Toc167780437)

[2 Building Equality Policy (BEP) 17](#_Toc167780438)

[2.1 Policy context informing the BEP 17](#_Toc167780439)

[2.1.1 Victorian Government procurement and industry participation policies 17](#_Toc167780440)

[2.1.2 Commonwealth Government WGEA Gender Equality Reporting 18](#_Toc167780441)

[2.1.3 Victorian Women in Construction (WIC) Strategy 18](#_Toc167780442)

[2.2 BEP scope 19](#_Toc167780443)

[2.2.1 Focus and application 19](#_Toc167780444)

[2.2.2 Calculation of BEP Action 1 target 19](#_Toc167780445)

[2.2.3 Calculation of BEP Action 2 target 20](#_Toc167780446)

[2.3 Construction project phases and BEP requirements 20](#_Toc167780447)

[2.3.1 BEP in the project plan and tender phases 21](#_Toc167780448)

[2.3.2 BEP in project delivery phase 22](#_Toc167780449)

[2.3.3 Reporting against BEP actions 28](#_Toc167780450)

[2.4 Compliance 28](#_Toc167780451)

[3 Research method 29](#_Toc167780452)

[3.1 Research approach 29](#_Toc167780453)

[3.2 Policy mapping 30](#_Toc167780454)

[3.3 Interviews and focus groups with stakeholders 30](#_Toc167780455)

[3.3.1 Data collection 30](#_Toc167780456)

[3.3.2 Data analysis 31](#_Toc167780457)

[3.4 Data on women in the construction industry 31](#_Toc167780458)

[3.5 Modelling BEP labour requirements for Government projects: School and Road 31](#_Toc167780459)

[4 Mapping BEP governance 32](#_Toc167780460)

[4.1 Background 32](#_Toc167780461)

[4.2 Industrial Relations Victoria (IRV) 32](#_Toc167780462)

[4.3 Department of Government Services (DGS) 32](#_Toc167780463)

[4.4 Industry Capability Network (ICN) 34](#_Toc167780464)

[4.5 Government buyers 34](#_Toc167780465)

[4.6 BEP Governance framework 34](#_Toc167780466)

[5 Stakeholder perspectives 37](#_Toc167780467)

[5.1 Participant demographics 37](#_Toc167780468)

[5.2 Awareness and perceptions of the BEP 39](#_Toc167780469)

[5.2.1 Awareness of the BEP 39](#_Toc167780470)

[5.2.2 Intent of the BEP 41](#_Toc167780471)

[5.3 Policy design and location 43](#_Toc167780472)

[5.3.1 Policy Location: Local Jobs First 43](#_Toc167780473)

[5.3.2 Project value: $20 million 44](#_Toc167780474)

[5.3.3 Targets 46](#_Toc167780475)

[5.3.4 Occupations or aggregate categories 52](#_Toc167780476)

[5.3.5 Understanding of the target percentage rationale 55](#_Toc167780477)

[5.3.6 Compliance framework 56](#_Toc167780478)

[5.3.7 External accreditation 63](#_Toc167780479)

[5.3.8 Definition of women 64](#_Toc167780480)

[5.4 Policy implementation 65](#_Toc167780481)

[5.4.1 Accessing information about the BEP 65](#_Toc167780482)

[5.4.2 Tendering and contracts 68](#_Toc167780483)

[5.4.3 Weighting of the BEP 74](#_Toc167780484)

[5.4.4 Managing Action 1 target requirements 75](#_Toc167780485)

[5.4.5 Managing Action 2 target requirements 78](#_Toc167780486)

[5.4.6 Initiatives to address Action 1 and 2 82](#_Toc167780487)

[5.4.7 Reporting against Action 1 and 2 86](#_Toc167780488)

[5.4.8 Experience and perceptions of Action 3 (GEAPs) 91](#_Toc167780489)

[5.5 BEP impacts 100](#_Toc167780490)

[5.5.1 Increased demand for women 100](#_Toc167780491)

[5.5.2 Loss of contractors and subcontractors 104](#_Toc167780492)

[5.5.3 Cost associated with meeting gender targets 105](#_Toc167780493)

[5.5.4 Poaching and the premium for women’s labour 107](#_Toc167780494)

[5.5.5 Potential inequality across organisations emerging from BEP implementation 109](#_Toc167780495)

[5.5.6 Targets, tokenism, backlash and resentment 111](#_Toc167780496)

[5.6 Supporting adoption of the BEP 113](#_Toc167780497)

[5.6.1 Government led initiatives to directly support BEP implementation. 113](#_Toc167780498)

[5.6.2 Government-led initiatives beyond the scope of the BEP 116](#_Toc167780499)

[6 Examining the pipeline of women in construction 119](#_Toc167780500)

[6.1 Gender composition in the Australian construction workforce 119](#_Toc167780501)

[6.2 Gender composition in Victorian construction workforce 120](#_Toc167780502)

[6.3 Gender composition in VET enrolments, apprenticeships and traineeships 122](#_Toc167780503)

[6.3.1 NCVER total VET students and courses data collection 123](#_Toc167780504)

[6.3.2 NCVER Apprentices and Trainees (A&T) collection 128](#_Toc167780505)

[6.4 Gender composition of Victorian construction related degree programs 130](#_Toc167780506)

[6.5 2022 work destinations of Victorian School leavers 132](#_Toc167780507)

[6.6 Example Workforce size on example government-funded construction projects 132](#_Toc167780508)

[6.6.1 Road project 132](#_Toc167780509)

[6.6.2 School project 137](#_Toc167780510)

[6.7 Summary of data on women working and entering into the construction industry 141](#_Toc167780511)

[7 Discussion 143](#_Toc167780512)

[7.1 Support for the intent of the BEP 143](#_Toc167780513)

[7.2 Implementation can be improved 144](#_Toc167780514)

[7.3 Implementation cost 144](#_Toc167780515)

[7.4 Gender Equality Action Plans (GEAPs) 145](#_Toc167780516)

[7.5 Compliance 145](#_Toc167780517)

[7.6 Supporting the attraction of women into construction 146](#_Toc167780518)

[8 Recommendations 147](#_Toc167780519)

[8.1 Location of BEP and alignment with other policies 147](#_Toc167780520)

[8.2 Policy Amendments and implementation improvements 147](#_Toc167780521)

[8.2.1 Action 1 and Action 2 targets 147](#_Toc167780522)

[8.2.2 Action 1: Managerial, specialist and supervisory definition 148](#_Toc167780523)

[8.2.3 Action 3 – Gender Equality Action Plans (GEAPs) 148](#_Toc167780524)

[8.3 Compliance 149](#_Toc167780525)

[8.4 Consultation prior to BEP modification 149](#_Toc167780526)

[8.5 Guidance and feedback on BEP requirements 150](#_Toc167780527)

[8.6 BEP education and awareness 151](#_Toc167780528)

[8.7 Supporting the pipeline of women into construction 151](#_Toc167780529)

[8.8 Further research 152](#_Toc167780530)

[9 Appendices 153](#_Toc167780531)

[9.1 Policy Updates 153](#_Toc167780532)

[9.2 Interview questions 154](#_Toc167780533)

[9.2.1 Principal Contactors (with BEP projects) 154](#_Toc167780534)

[9.2.2 Principal contractors (no BEP projects) 156](#_Toc167780535)

[9.2.3 Labour hire 156](#_Toc167780536)

[9.2.4 Subcontractors 157](#_Toc167780537)

[9.2.5 Industry support services 158](#_Toc167780538)

[9.2.6 Government buyers 160](#_Toc167780539)

[9.3 Thematic summary of 2022 stakeholder feedback documents 161](#_Toc167780540)

[9.4 DTF workforce shortages analysis 171](#_Toc167780542)

[10 References 173](#_Toc167780543)

# Table of Figures and Tables

[Figure 1 Construction project phases and BEP requirements 21](#_Toc167780544)

[Figure 2 Theory informing policy evaluation 29](#_Toc167780545)

[Figure 3 Representation of the responsibilities for BEP implementation as of 1 January 2023 35](#_Toc167780546)

[Figure 4 BEP Governance and policy context 36](#_Toc167780547)

[Figure 5 Female completions in Construction, Plumbing and Services and Electrotechnology training packages combined in Victoria 126](#_Toc167780548)

[Figure 6 Number of bachelor enrolments in Architecture and Building (Victoria) 131](#_Toc167780549)

[Figure 7 Number of bachelor enrolments in Engineering and Related Technologies (Victoria) 131](#_Toc167780550)

[Figure 8 Victorian On Track Survey data: 2022 work destinations upon leaving high school 132](#_Toc167780551)

[Figure 9 Total annual FTE positions required for the top 10 occupations for an example road project 133](#_Toc167780552)

[Figure 10 Total FTE positions categorised using BEP Action 1 targets for an example road project 136](#_Toc167780553)

[Figure 11 Labour demand generated by a five year road project 137](#_Toc167780554)

[Figure 12 Total annual FTE positions required for the top 10 occupations for an example school project 137](#_Toc167780555)

[Figure 13 Total FTE positions categorised using BEP Action 1 targets for an example school project 140](#_Toc167780556)

[Figure 14 Labour demand over the construction phase generated by an example school project 141](#_Toc167780557)

[Table 1 Focus areas and mandatory actions included in the GEAP templates 25](#_Toc167780558)

[Table 2 Description of stakeholder groups and number of participants 38](#_Toc167780559)

[Table 3 Participant codes 39](#_Toc167780560)

[Table 4 Number and percentage of women employed in WGEA reporting construction organisations in Australia 119](#_Toc167780561)

[Table 5 Number of females working in all occupations in the Victorian Construction Industry 120](#_Toc167780562)

[Table 6 Percentage of total females and males working in the construction industry as their main occupation 121](#_Toc167780563)

[Table 7 Number of males and females working as Technicians and Trade Workers in the Victorian construction industry between 2014 and 2022 121](#_Toc167780564)

[Table 8 Percentage of males and females working as Technicians and Trade Workers in the Victorian construction industry between 2014 and 2022 121](#_Toc167780565)

[Table 9 Number of males and females working as Labourers in the Victorian construction industry between 2014 and 2022 122](#_Toc167780566)

[Table 10 Number of males and females working as Managers in the Victorian construction industry between 2014 and 2022 122](#_Toc167780567)

[Table 11 Number of males and females working as Professionals in the Victorian construction industry between 2014 and 2022 122](#_Toc167780568)

[Table 12 Number of total enrolments in Victoria in Construction, Plumbing and Services training packages 123](#_Toc167780569)

[Table 13 Number of total enrolments in Victoria in Electrotechnology training packages 123](#_Toc167780570)

[Table 14 Percentage of male and female enrolments in Victoria in Construction, Plumbing and Services and Electrotechnology training packages combined 123](#_Toc167780571)

[Table 15 Number of female enrolments in Construction, Plumbing and Services programs in Victoria 124](#_Toc167780572)

[Table 16 Number of female enrolments in Electrotechnology programs in Victoria 125](#_Toc167780573)

[Table 17 Number of qualification completions in Victoria by training package (Females and Males) 126](#_Toc167780574)

[Table 18 Percentage of female completions in Victoria by training package 126](#_Toc167780575)

[Table 19 Number of completions by females in Victoria by certificate: Construction, Plumbing and Services 127](#_Toc167780576)

[Table 20 Number of completions by females in Victoria by certificate: Electrotechnology 127](#_Toc167780577)

[Table 21 Number of qualification completions by females in Victoria by certificate level 128](#_Toc167780578)

[Table 22 Number of qualification completions by females in Victoria undertaking apprenticeships and traineeships by certificate level 128](#_Toc167780579)

[Table 23 Number of female apprenticeship and traineeship completions in Victoria by training package 129](#_Toc167780580)

[Table 24 Number of female apprenticeship and traineeship commencements in Victoria by training package 129](#_Toc167780581)

[Table 25 Number of female apprenticeship and traineeship withdrawals/cancelations in Victoria by training package 129](#_Toc167780582)

[Table 26 Percentage of female apprenticeship and traineeship commencements, completions and withdrawals in Victoria in Construction, Plumbing and Services and Electrotechnology training packages 130](#_Toc167780583)

[Table 27 Percentage of bachelor enrolments in Architecture and Building (Victoria) by male, female and non-binary persons 130](#_Toc167780584)

[Table 28 Percentage of bachelor enrolments in Engineering and Related Technologies (Victoria) by male, female and non-binary persons 131](#_Toc167780585)

[Table 29 Estimated number of FTE positions required by an example five year road project 133](#_Toc167780586)

[Table 30 Total FTE positions required on an example road project aligned with the BEP Action 1 targets 136](#_Toc167780587)

[Table 31 Estimated number of all FTE positions required by an example school project 138](#_Toc167780588)

[Table 32 Total FTE positions required on an example school project aligned with the BEP Action 1 targets 140](#_Toc167780589)

# Table of Acronyms

|  |  |
| --- | --- |
| ABS | Australian Bureau of Statistics |
| ANZSCO | Australian and New Zealand Standard Classification of Occupations |
| BEP | Building Equality Policy |
| BICC | Building Industry Consultative Council |
| CGEPS | Commission for Gender Equality in the Public Sector |
| DGS | Department of Government Services |
| DJPR | Department of Jobs, Skills, Industry and Regions |
| DTF | Department of Treasury and Finance |
| EEIM | Estimating Employment Impacts Model |
| GEAP | Gender Equality Action Plan |
| GEI | Gender Equality Indicators |
| GTO | Group Training Organisation |
| HE | Higher Education |
| ICN | Industry Capability Network |
| IRV | Industrial Relations Victoria |
| LJF | Local Jobs First |
| LIDP | Local Industry Development Plan |
| MoU | Memorandum of Understanding |
| MPSG | Major Projects Skills Guarantee |
| NCVER | National Centre for Vocational Education Research |
| RFT | Request for Tender |
| SPF | Social Procurement Framework |
| VET | Vocational Education and Training |
| VIPP | Victorian Industry Participation Policy |
| VMC | Victorian Management Centre |
| WGA | Workplace Gender Audit |
| WGEA | Workplace Gender Equality Agency |

# Introduction

## Background

Women are significantly under-represented in the Australian construction industry. Despite multiple gender equality initiatives and regulations at all levels of the Australian government over the last 35 years, the proportion of women employed in the construction industry has steadily declined. In 2006, women occupied 17 percent of the construction workforce ([Australian Bureau of Statistics, 2006](#_ENREF_2)), dropping to 12 percent in 2016 ([Australian Bureau of Statistics, 2016](#_ENREF_3)), and decreasing further to 11 percent in 2020 ([Master Builders Association, 2020](#_ENREF_22)). While this figure is low, the proportion of women employed in trades is even lower. In 2020, women made up only one percent of the trades and technician positions in the Australian construction industry ([Master Builders Association, 2020](#_ENREF_22)). Organisations with over 100 employees employ slightly more women who make up 3.1 percent of their trade workforce ([Workplace Gender Equality Agency, 2020](#_ENREF_42)).

It is important to acknowledge that the experience of gender inequality can vary for women in construction and may differ according to role type, organisation, and construction site. A recent study of women's experiences in trades-based roles in the Victorian construction industry identified that a system-wide approach is needed to address inequality, including culture change within organisations and on construction sites, supported by effective management and appropriate policies, auditing and reporting mechanisms ([Holdsworth et al., 2020](#_ENREF_19)).

The Victorian Government has implemented several policies and initiatives to increase gender equality in the construction industry to promote cultural change, recognising that cultural change will take successive generations and governments to fully achieve. The focus on gender equality is accompanied by other policies that aim to improve social (and environmental) outcomes in the construction industry. One Victorian policy focussed explicitly on the attraction, recruitment and retention of women in the sector is the Victorian Building Equality Policy (BEP).

The Victorian BEP was introduced on 1 January 2022 to support a gender inclusive industry and change existing gender stereotypes, norms and roles in the construction sector (<https://www.vic.gov.au/building-equality-policy>). The BEP focuses specifically on women as they comprise a very small portion of the construction workforce. The policy intends to provide opportunities for women as a minority group along with increasing the number of women working in construction. Through the BEP, the Government set gender equality targets and requirements for contractors on government-funded projects valued at $20 million or more.

The BEP sits within a group of procurement policies that aim to achieve a range of social outcomes using government procurement as a lever for change. The BEP is grounded in an evidence-based position that to increase women's participation in the construction industry, policy is needed that requires industry to a) recruit women and b) undertake initiatives to drive culture change that supports a more inclusive and diverse workforce. The BEP intends to signal to the industry that it must change to include women.

In December 2023, the BEP was updated in response to stakeholder feedback collected during an evaluation of the policy. The evaluation took place between May 2023 and November 2023 and the final findings of the evaluation are presented in this report. The research team periodically informed the BEP owner of findings as the evaluation progressed and these findings have been used to directly inform the changes made to the BEP in 2023 prior to the end of the transition period.

The evaluation of the BEP provides an understanding of industry experiences and perspectives during its first phase of implementation, and provides the rationale for the policy update in December 2023. Subsequent changes to the updated policy are noted in green text throughout this report, and a description of all policy changes made in December 2023 are presented in Appendix 9.1.

The BEP is comprised of three actions that seek to address the structural and cultural barriers women face in construction. According to the BEP, suppliers are required to:

* Action 1 – meet project specific gender equality targets.
* Action 2 – engage women as apprentices and trainees.
* Action 3 – implement Gender Equality Action Plans (GEAPs).

Action 1 and 2 of the BEP seek to motivate the industry to engage with the broader community and increase awareness of construction as a viable career pathway for women. These actions will ensure women have access to meaningful employment across all occupations associated with the disciplines involved across the construction project lifecycle. Action 3 seeks to create a cultural shift within organisations and project sites by establishing career pathways, equal opportunity, and safe and respectful workplaces for women. Through contractual relationships, the government can require principal contractors to meet government procurement policies. Under these contractual agreements, principal contractors have a contractual obligation to ensure all subcontracting under the principal contract are contributing to the BEP requirements. The BEP requires contractors delivering government projects to meet gender targets and develop gender-inclusive strategies to attract and retain women across all organisational and project level positions within the Victorian construction sector.

Gender targets (also referred to as quotas in the report) have been used globally over the past five decades to improve the representation of women across industries and sectors, however to date this has only very recently included the construction industry. Gender targets require specified percentages of women to be in particular roles in which they are underrepresented. The aim of targets is usually to generate a critical mass of women. Historically, gender targets have focused on leadership and political roles ([Furtado et al., 2021](#_ENREF_17)). Research, however, has found that in some circumstances, targets can produce effects that counter their intended outcomes. For example, creating a stigma against women and a belief that women are in roles due to gender rather than merit ([Furtado et al., 2021](#_ENREF_17)). Over the last three decades, research has revealed various views towards using workplace targets ([Furtado et al., 2021](#_ENREF_17)). The positive and negative outcomes of using targets mean that policies employing such an approach must be carefully evaluated to determine the policy effects.

Along with targets, the BEP also requires an organisational audit and the development of GEAPs to improve the representation of women in the Victorian construction industry and change culture at organisation and project site levels. Such an approach acknowledges that targets alone are insufficient to ensure construction workplaces support and meet women's needs. Based on the organisational context, various strategies are required to increase the number of women in construction and improve their workplace experience.

## Aim

The Department of Premier and Cabinet engaged RMIT University to evaluate the BEP during the initial stages of its implementation. This phase of the research aims to understand how the BEP has been implemented and its influence on the experience of key stakeholders in construction.

## Data

Data has been collected using the following approaches:

1. Examined secondary data to understand the policy intent and directives of the BEP.
2. Conducted interviews and focus groups with BEP stakeholders.
3. Examined secondary data to explore the pipeline of women across the construction industry.
4. Modelling to determine the number of women required as prescribed by the BEP on an example school and road project.

## Summary of findings

### Mapping BEP governance

The Department of Treasury and Finance (DTF) owns the BEP and oversees its evaluation and any modifications. The BEP is implemented by a team of BEP implementers from the Department of Government Services (DGS). DGS BEP implementers are responsible for supporting government buyers and suppliers across the lifecycle of a project, including monitoring, feedback and compliance. Part of this role involves supporting government buyers (those procuring government-funded construction works) and suppliers (referred to as principal contractors in this report) by developing and providing guidance materials, templates and training and information events. In this latter capacity, DGS has contracted the Industry Capability Network (ICN) to support suppliers in developing BEP-compliant project tenders and GEAPs and managing and upgrading the Victorian Management Centre (VMC). As a government contractor, ICN reports to and obtains its policy guidance from the DGS BEP implementers.

Government buyers have a responsibility for ensuring BEP requirements in the Project Contract on BEP applicable projects. As such, the responsibilities for BEP implementation are currently shared between DGS, the buying agencies, and the principal contractors, with ICN providing support to contractors as required.

### Interview and focus group findings

###### Support of the BEP

Despite the challenges in the attraction and retention of women, contractors recognised the aspirational nature of the gender equality targets and all research participants supported the BEP. Participants acknowledged that policies such as the BEP are required to facilitate meaningful employment for women and challenge the existing workplace culture.

Participants identified that the BEP had increased demand for women and improved consideration and processes associated with their employment. Action 2 of the BEP has driven a surge of activity to attract and recruit women into trades. Organisational GEAPs were noted to have improved contractor policies and processes, leading to more equitable outcomes for women.

Participants raised concerns that the BEP has placed additional pressure on subcontractors which has resulted in some subcontractors avoiding or being tentative about tendering for government work. The BEP had also led to an increase in project costs due to the additional work associated with implementing the BEP (through activities such as recruiting women, educating the supply chain, reporting). Participants were also concerned about emerging inequality within the sector, where government would preference those who can meet Action 1 and 2 targets, leading to labour poaching and women employed to make up numbers rather than placing them in roles with genuine career paths.

###### Awareness of BEP

Participant groups had mixed levels of awareness of the BEP prior to its launch. There was a concern that the BEP was designed primarily on the work practices of the commercial building sector, which posed challenges for its application in the civil sector such as: the alignment of position titles with those listed in the VMC, greater use of off-site manufacturing, significantly lower numbers of licensed trade roles, and how hours are calculated and recorded. Civil contractor participants perceived lack of consultation prior to implementation of the BEP.

###### Action 1. Gender Equality Targets

Despite recognising that the gender equality targets are aspirational and challenging to meet, 95 percent of participants felt the targets should remain the same. There was a view that lowering or removing targets would undermine the BEP intent and send a message that they are not achievable. Lowering targets would also disregard the significant financial investment already undertaken to implement the BEP.

Confusion exists within the sector regarding the implementation of targets in projects because of a lack of clarity and inconsistent information about how targets apply to projects. Some contractors believe they must meet targets across all positions regardless of project works. Meeting management labour requirements was viewed as problematic given that the current policy definition requires a woman to be dedicated to one project for 80 percent**[[1]](#footnote-2)**. In practice, managers often work across multiple projects and rarely spend 80 percent of their time on one project. While specialist and trade supervisory and position-based targets are difficult to meet, they are providing opportunities for women to enter the industry and enable the collection of data not currently captured.

Contractors were concerned that they hold the responsibility for meeting Action 1 (and 2) but do not self-perform, thereby have limited ability to influence the hiring practices of subcontractors. This concern was compounded because of the view that subcontractors have limited understanding of the BEP and capability to meet the BEP targets.

###### Action 2. Require suppliers to engage women apprentices or trainees to perform building and construction work[[2]](#footnote-3)

Contractors are now thinking about taking on women in training positions; however, participants recognised that there are not enough women currently undertaking apprenticeships to meet the targets. Unintended and negative consequences of Action 2 emerged:

* Increased working hours of apprentices and trainees.
* Work that does not align with training requirements, resulting in poor training outcomes and failure to meet training requirements.
* Potential psychological impacts for the apprentice being frequently moved from project to project:
  + Thought of as simply a number
  + Lack of consistency in work crews, inhibiting the development of respectful working relationships
  + Concerns about job security and retention for apprentices and trainees once government work has concluded.

In addition, there exists confusion on the calculation of four percent of hours and alignment with Local Jobs First (LJF) Major Projects Skills Guarantee (MPSG) requirements. The majority (86 percent) of participants felt that cadets should be included in Action 2**[[3]](#footnote-4)**.

###### Action 3. Gender Equality Action Plans

Organisational GEAPs require significant time and money to develop. Large principal contractors with structures, policies, and procedures already in place found that reviewing these as part of the development of the organisational GEAP improved their organisational systems. Smaller principal contractors who do not have established systems in place were required to establish these, adding additional time, work and cost to the development of an organisational GEAP. In national organisations, the organisational GEAPs have informed company-wide national initiatives or national initiatives were used to develop the GEAP.

Very few organisations have developed and/or implemented a project GEAP at this stage which is predominantly due to project timelines and the early stages of the BEP. However, some are building them into their site management systems, i.e. site induction or safety programs. There was the perception that Project GEAPs could be augmented to enable more targeted cultural change programs as they appear to replicate the organisation GEAP.

###### Tendering and contract requirements

Contractors noted that the advice and requirements associated with the BEP actions from buying agencies were different across buying agencies. Inconsistent advice provided by buying agencies and the policy implementers confused the tendering process, resulting in inconsistencies across final project requirements. This had led to frustration across the sector. This was a result of the communication of BEP requirements to buyers by the policy implementers and by buyers to contractors, rather than the policy itself.

All participants felt $20M is the right project threshold for the BEP.

###### Compliance

Participants felt the transitional period was too short and should be extended by a year[[4]](#footnote-5) due to: the time it will take to change the current culture of the industry, increase the supply of women, and the potential for penalties to be applied at the end of the transitional period in cases of non-compliance. Contractors were confused about the approach to non-compliance given that targets were currently hard to achieve, and preferred that an incentivisation framework be taken that was aligned with the intent of the BEP. A staged approach to non-compliance was supported by all participants[[5]](#footnote-6) so long as:

* Contractors who could meet targets were not given preference at the tender stage over those identifying alternative actions.
* There was a rigorous framework in place articulating what constituted a meaningful alternative action.
* There was an established recognition and reward system in place.
* Targets continue to drive an increase in the number of women entering the industry and in training.

It was suggested by many that the government establish a set of initiatives that the principal contractors could contribute to if they did not have the means to implement their own initiatives. Key areas identified are:

* Working on the attraction with the Education Department.
* Cultural change programs that could be rolled out to a site.

Financial penalties were required if a contractor consistently failed to increase their percentages of women and solely relied on alternative actions.

###### Reporting

Reporting was identified as an area that requires improvement. Many government buyers and contractors experienced confusion over what data should be reported and how target data was calculated. Adding to the confusion was that buying agencies had applied the BEP inconsistently and conveyed different requirements to their principal contractors due to: inconsistent or limited information provided by the policy implementers, and a perception amongst the policy implementers and some buyers themselves that the policy requirements can be adapted to suit the project contexts.

Contractors noted a number of limitations with the VMC portal including its difficult interface, potential for inaccurate data collection, lack of oversight or auditing of this data, and lack of integration between the different reporting requirements for the social procurement policies. Work titles in the VMC do not align with those used in industry, particularly in civil construction. Consequently, principal contractors have had to develop systems to collect data in a way that addresses these VMC limitations which they then use to input into the VMC. There was also limited ability to report on the data entered into the system.

There were some key issues noted in relation to reporting and feedback on the GEAPs. In particular, contractors identified the lack of meaningful feedback associated with the reporting process. There was also the perception by principal contractors that GEAPs are not being reviewed by government and the data is not being used. This indicated a disconnect between the intended governance of the BEP, the formal responsibilities established in the Memorandum of Understanding (MoU) and how the policy is being implemented. In the MoU (refer to Section 4), DGS BEP implementers are required to provide oversight of: the GEP implementation, collection of the data through the VMC, and provide advice to principal contractors and buyers to help them understand BEP requirements and ensure they are actioned through the RFT and contract. Policy implementers questioned the value of GEAPs due to the lack of oversight, the complexity, and lack of feedback provided to contractors.

Handling of sensitive data reported in GEAPs alongside requirements to comply with privacy laws was noted as a key issue by contractors and industry support services. Principal contractors highlighted that some employees may not to disclose their gender. In addition, the requirement to report incidences of bullying/discrimination of women may disincentivise women and contractors from reporting due to a belief that incidences may negatively influence tender decisions. Contractors were also concerned about their capacity to address gender pay inequity when they did not directly employ all project team members. Concerns were also raised that projects with short time frames were less able to implement cultural change originating from initiatives outlined in GEAPs. Participants also noted that subcontractors are finding it difficult to complete gender audits because they do not have the capacity and some items do not translate into their business activities.

Participants felt that a more centralised approval and feedback process is needed to avoid problems with inconsistent feedback from different agencies and stakeholders.

###### Policy location

The majority of participants (70 percent) who responded to a question about the location of the BEP within procurement policies believed that the BEP should be moved from the Social Procurement Framework (SPF) to LJF. Participants consider that the move will provide a better alignment between the policies and situate the BEP as an industrial relations policy, rather than support for disadvantaged cohorts within the community as the SPF aims to do. Additionally, the LJF reporting and feedback processes were clearer and more effective than what participants had experienced with the BEP thus far. It was also considered that LJF would provide more certainty of policy continuation should there be a change of government that could threaten the BEP’s continuation. Only a small number (6 percent) of those that responded to the question felt that the BEP should remain in the SPF, while 22 percent were not sure or did not have a view on where the policy is best situated.

###### Government support

Participants from all stakeholder groups commented on initiatives that the government could undertake to better support the industry in implementing the BEP. These included:

* Promote construction as a viable career option for women.
* Educate secondary school career advisors.
* Funding to offset the low wages of apprentices.
* Fund support training pathways such as formal education and awareness raising events.
* Increase funding and services connecting women to employment opportunities.
* Connect subcontractors with the pipeline of women.

### Secondary data analysis: Women working and entering into the construction industry

Analysis of datasets from Workplace Gender Equality Agency (WGEA), Australian Bureau of Statistics (ABS), National Centre for Vocational Education Research (NCVER), Commonwealth Government Higher Education Student Data Collection, and the Victorian On Track Survey were undertaken to explore pipeline trends. The analysis indicated that the number of women working and entering the Victorian construction industry is increasing.

ABS data on women working in the Victorian construction industry is limited and must be read with caution. This data nonetheless shows that the percentage of females[[6]](#footnote-7) in the Victorian construction industry increased from 10.5 percent in 2014 to 12.3 percent in 2022. Notably, in the context of the BEP, women working in trade-based roles increased between 2019 and 2020 from 1.2 percent to 3.4 percent.

There is a clear trend of increased participation of women in Vocational Education and Training (VET). NCVER data shows an increase in female enrolments across many construction-based trade training and pathway programs between 2018 and 2022. Training packages for trade-based construction roles[[7]](#footnote-8) have seen an increase in enrolments from women over this time from 4.3 percent in 2018 to 5.7 percent in 2022 for all certificate levels. Overall completions by females in these two packages in Victoria have risen by 190 completions (65 percent) since December 2018. There has also been a 69 percent increase in female apprenticeship completions for the two construction training packages (Construction, Plumbing and Services and Electrotechnology) over this period.

Female commencements of apprenticeships and traineeships associated with the construction-based training packages have risen in Victoria in the 2020 to 2022 period from 280 in 2020 to 415 in 2021 and 610 in 2022. This increase in apprenticeship commencements aligns with the BEP implementation.

VET training and apprenticeships are seeing an increased uptake in Victoria from women. In contrast, the percentage of women undertaking construction-based degree programs[[8]](#footnote-9) has generally remained similar between 2017 and 2021.

Data from the Victorian On Track Survey indicates that the construction industry is the leading employer for Victorian Year 12 non-completing students, and as such indicates an opportunity to target women in early Secondary Years to promote the construction industry as a viable career pathway should they wish to pursue training in the VET sector.

### Modelling FTE positions on government-funded projects to meet BEP targets

It is difficult to estimate the total workforce working across government-funded construction projects due to limited availability of project workforce data. However, using the Estimating Employment Impacts Model, the new Infrastructure Division of the DTF has generated workforce modelling data for two theoretical, but realistic example infrastructure projects to determine the number of women required to meet BEP targets. The projects were: a five-year, $177m road project and a three-year, $19m school project. Using the FTE positions required for each example project, the report maps the number of women that would be needed on each project type to meet Action 1 BEP targets (based on ANZSCO occupation groupings).

For the example road project, the 825 FTE positions required comprise 45 percent in management/supervisory and specialist roles, 31 percent in non-trade labour roles, and 15 percent in trade labour roles. To meet BEP targets on an example road project such as this, 3.8 trade labour FTE positions, 17.6 non-trade labour FTE positions, and 129.9 management/supervisory and specialist labour FTE positions should be occupied by women over the five years.

For the example school project, the workforce size is much smaller and the labour required across ANZSCO occupation groupings differs substantially from the road project. For the example school project, 83.3 FTE positions are required, comprising 64 percent of trade labour positions, 25 percent are management, supervisory and specialist positions, and nine percent are non-trade labour positions. To meet BEP targets on an example school project such as this, 1.6 trade labour FTE positions, 0.5 non-trade labour FTE positions, and 7.4 management/supervisory and specialist labour FTE positions should be occupied by women over the three years.

## Recommendations

Specific recommendations are made in seven areas:

* *Policy Location:* Related to the location of the BEP.
* *Policy amendments*: Related to BEP targets and GEAPs.
* *Compliance: Related to the determination of a BEP compliance framework.*
* *Consultation with stakeholders prior to BEP modification*: Stakeholders have now invested considerably in setting up systems to enable BEP implementation. Stakeholders must be consulted on all proposed changes to the policy and systems supporting the policy.
* *Guidance and feedback on BEP requirements:*  Related to additional guidance required by contractors and buyers to support them in meeting BEP requirements.
* *BEP education and awareness*: While this has been occurring to a certain extent, more work is required to raise awareness and understanding of the BEP across the construction industry and with related stakeholders.
* *Supporting the pipeline for women into construction*: A proactive and coordinated approach is required so that initiatives are not duplicated, activities are well resourced, and subcontractors and principal contractors are supported.

The full recommendations are presented in Section 8.

## Report structure

This report is structured as follows:

|  |  |
| --- | --- |
| **Section** | **Focus** |
| 1 | **Introduction**  The aim of the research is outlined, along with the datasets used in the study, an outline of key findings, recommendations, and report structure. |
| 2 | **Building Equality Policy (BEP)**  A description of how the BEP is positioned in relation to Victorian and Commonwealth policy. A description of the BEP is outlined. |
| 3 | **Research method**  The research approach and method are outlined. The research has been undertaken in three phases and draws on both primary and secondary data. |
| 4 | **Mapping BEP Governance**  Secondary data is examined to develop an overview of the BEP governance framework. |
| 5 | **Stakeholder perspectives**  The finding of interviews and focus groups undertaken with stakeholders are presented which comprise: awareness and perceptions of the BEP, policy design and location, policy implementation, BEP impacts, and supporting adoption of the BEP. |
| 6 | **Examining the pipeline of women in construction**  Analysis of secondary data is presented which outlines gender composition of construction-based roles. Trends are shown according to various occupations and segments of new entrants. Modelling FTE positions on government-funded projects to meet BEP targets is presented. |
| 7 | **Discussion**  Findings of the evaluation are reviewed in relation to the meeting the policy intent of the BEP. |
| 8 | **Recommendations**  Recommendations are outlined according to policy amendments, consultation prior to modification, guidance and feedback, education and awareness, and supporting women’s entry into construction. |
| 9 | **Appendices** |
| 10 | **References** |

# Building Equality Policy (BEP)

## Policy context informing the BEP

Before exploring the directives of the BEP in detail, it is important to understand the policy landscape in which the BEP has been introduced, including government strategies for increasing women in the construction industry more broadly (beyond government-funded projects), action to achieve social outcomes through government procurement (including and outside of construction projects), and initiatives to increase employment of indigenous and early career practitioners and professionals in government-funded construction projects. There are also national level gender reporting requirements for larger organisations. This context is essential to understand because the BEP intends to integrate and align with these initiatives that existed before the BEP's implementation. This section of the report provides the background and context for the BEP before exploring the BEP design in detail.

### Victorian Government procurement and industry participation policies

The Victorian Government is the state’s largest procurer of goods, services and construction works. Several procurement policies leverage the government's purchasing power to deliver social (and environmental) objectives. Various procurement and industry participation policies aim to use the government’s purchasing power to deliver broader policy objectives including:

1. SPF
2. LJF - Victorian Industry Participation Policy and MPSG
3. Major Transport Infrastructure Authority projects have a target of 2.5 percent Aboriginal employment hours as a proportion of total hours, which is mandated through contractual provisions.

###### Social Procurement Framework (SPF)

The SPF applies to departments and agencies (Victorian Government buyers) that procure goods, services, and construction. It has seven social and three environmental objectives, one of which includes improving gender equality. The BEP, the focus of this report, is implemented through the SPF and aligns with the following Victorian Government's social procurement objectives:

|  |  |
| --- | --- |
| **Women's equality and safety** | * Adoption of family violence leave by Victorian Government suppliers * Gender equality within Victorian Government suppliers |
| **Supporting safe and fair workplaces** | * Purchasing from suppliers that comply with industrial relations laws and promote secure employment |

###### Local Jobs First (LJF) - Victorian Industry Participation Policy (VIPP) - Major Projects Skills Guarantee (MPSG)

The *Local Jobs First Act 2003* enables the Victorian Government to provide opportunities for local businesses and workers to supply into government projects. The LJF comprises:

* Victorian Industry Participation Policy (VIPP); and
* MPSG

The LJF Policy ensures that small and medium size enterprises are given a full and fair opportunity to compete for both large and small government contracts through the VIPP, and help to create job opportunities, including for apprentices, trainees and cadets through the MPSG.

LJFemphasises the importance of jobs and business growth and commits all Victorian Government departments and agencies to comply with LJF. The LJF MPSG policy requires all construction projects valued at or over $20 million to use Victorian apprentices, trainees or cadets for at least 10 percent of the total estimated labour hours. All bids for LJF projects are required to provide a Local Industry Development Plan (LIDP) which clearly identifies local content, job commitments, including opportunities for apprentices, trainees, cadets within the project. Projects are registered with ICN VMC and ICN reviews the project specifications. Reporting information, including project details, commitments and outcomes, are submitted using VMC. It is important to note that reporting is required at the beginning and completion of a project and may also be required periodically during project delivery to monitor the outcomes of higher value projects. Projects worth $20 million or more need to report against commitments every six months throughout the project.

### Commonwealth Government WGEA Gender Equality Reporting

The Commonwealth Government requires under the *Workplace Gender Equality Act 2012*that Australian private sector employers with 100 or more employees report to the federal WGEA on six Gender Equality Indicators (GEI) annually which include:

1. GEI 1 – gender composition of the workforce
2. GEI 2 – gender composition of governing bodies of relevant employers
3. GEI 3 – equal remuneration between women and men
4. GEI 4 – availability and utility of employment terms, conditions and practices relating to flexible working arrangements for employees and to working arrangements supporting employees with family or caring responsibilities
5. GEI 5 – consultation with employees on issues concerning gender equality in the workplace
6. GEI 6 – sexual harassment, harassment on the ground of sex or discrimination.

([Commonwealth Government of Australia, 2023](#_ENREF_11)).

Many large commercial and civil construction companies, therefore, must report on gender equality within their organisations to comply with Commonwealth legislation.

### Victorian Women in Construction (WIC) Strategy

The first *Women in Construction Strategy 2019-2022* (WIC Strategy) was developed by the Victorian Government in conjunction with the Building Industry Consultative Council (BICC). The BICC is a forum for dialogue between government, employers, industry associations, and unions on significant economic and industrial relations issues in the building and construction industry (Victorian Government, 2020). The WIC Strategy focused on women in trades and semi-skilled roles working in the commercial building sector of the industry. The WIC Strategy was based on three key themes:

* Attract: Women need to be aware that construction is an attractive and viable career option.
* Recruit: Women must be proactively recruited and have access to strong career pathways.
* Retain: Workplaces must be inclusive and adaptive to ensure women want to stay.

As part of the first WIC Strategy, the government committed $500,000 to diversify the male-dominated construction industry.

As part of the WIC Strategy, initiatives undertaken included:

* Development of the Respect Code – Building and Construction Industry ([State Government of Victoria, 2023d](#_ENREF_33)).
* Building Futures website that comprises online job support for women, information about the industry, workplace inclusivity tools for employers, careers counsellor resources, recruitment and employment standards ([State Government of Victoria, no date-a](#_ENREF_38)).
* Respectful relationships onsite training program.
* Research by RMIT University into the barriers and supportive enablers of women's wellbeing in construction workplaces ([Holdsworth et al., 2020](#_ENREF_19)) and how high school-aged girls and women are attracted to and experience apprenticeships and training in construction-based trades in Victoria ([Holdsworth and Turner, 2022](#_ENREF_20)).
* An evaluation of the strategy led by the University of Melbourne ([Francis et al., 2021](#_ENREF_16)).

The WIC Strategy included a requirement for government to consider how it could use its purchasing power to create training and employment opportunities for women. To give effect to this, the government implemented Victoria’s first **BEP**, which came into effect on 1 January 2022 [through the WIC Strategy's Work Plan item 4.1 that provides for the use of procurement practices to promote gender equality].

## BEP scope

### Focus and application

The BEP applies to Victorian government-funded construction projects valued at $20 million or more (excluding GST). The BEP applies to projects meeting the threshold requirements regardless of procurement model, including projects delivered using the following models:

1. Construct-only
2. Design and Construct
3. Collaborative Design and Construct
4. Partnerships Victoria agreements
5. Alliance
6. Incentivised Target Cost
7. Managing Contractor
8. Other bundled models

The BEP applies to construction projects (incorporating early works and construction phases), including individual projects, public private partnerships, alliance contracts, market-led proposals and joint ventures.

Construction projects include commercial and civil construction and, therefore, can encompass a range of works, including housing projects, health and education facilities, and major transport infrastructure such as roads and bridges. The BEP is being implemented through the Victorian Government's SPF, aligning with the SPF's *Women's equality and safety* and *Supporting safe and fair workplaces* objectives.

The BEP was introduced in January 2022 with a two-year transitional compliance period and only applies to projects commenced after the BEP's introduction.

The BEP sets out three actions that place requirements on principal contractors to meet gender workforce targets and develop strategies to increase the recruitment, retention and experience of women working on BEP applicable construction projects. The three actions outlined in the BEP include:

* Action 1: Meet project specific gender equality targets
* Action 2: Engage women as apprentices and trainees
* Action 3: Implement GEAPs

### Calculation of BEP Action 1 target

Information was sourced from government during this evaluation to provide information on how BEP targets were developed for Action 1. Through the BICC, industry was consulted and had input into decisions regarding the final targets set in the BEP. The BEP intended that principal contractors report on reasons for not being able to meet targets, which will inform future actions to address structural and cultural barriers to women’s participation in the industry.

In setting BEP targets for Action 1, consideration was given to the current low numbers of women participating in onsite roles. It was also noted that while targets are modest, achieving them will move the construction industry in the right direction.

Targets for women in **trade roles** were set at a lower benchmark because it takes three to four years through an apprenticeship training pathway to become a qualified tradesperson, with further training required for the licensed trades.

Data from NCVER and WGEA were used to inform trade-based targets. For example, NVCER data retrieved in May 2021 showed that the completion rate of women across construction-based trades was between zero and seven percent. WGEA data showed that women comprised 2.2 to 3.1 percent of the technician and trade-based workforce from 2015 to 2020. Therefore, it was estimated that across the industry women occupy between two to three percent of all trade roles and that a target of three percent was achievable.

Targets for women in **non-trade roles** were set at a higher benchmark as there is a lower barrier to entry as licences and tickets can be obtained in a shorter timeframe than a Certificate III or university degree.

Data from NCVER and WGEA were used to inform non-trade-based targets. For example, NVCER data retrieved in May 2021 showed that the completion rate of training for women in non-trade-based construction roles was between 4.5 and 12.9 percent. WGEA data showed that women comprised 10.8 to 15.3 percent of non-trade roles. Therefore, it was considered that a target of seven percent was achievable.

Targets for women in **onsite management/supervisory and specialist roles** are set at a higher benchmark as principal contractors and larger subcontractors actively engage women for these roles. Some principal contractors already have 50 percent participation of women at this level on some projects, however this is not currently universal. Therefore, it was considered that a target of 35 percent was achievable.

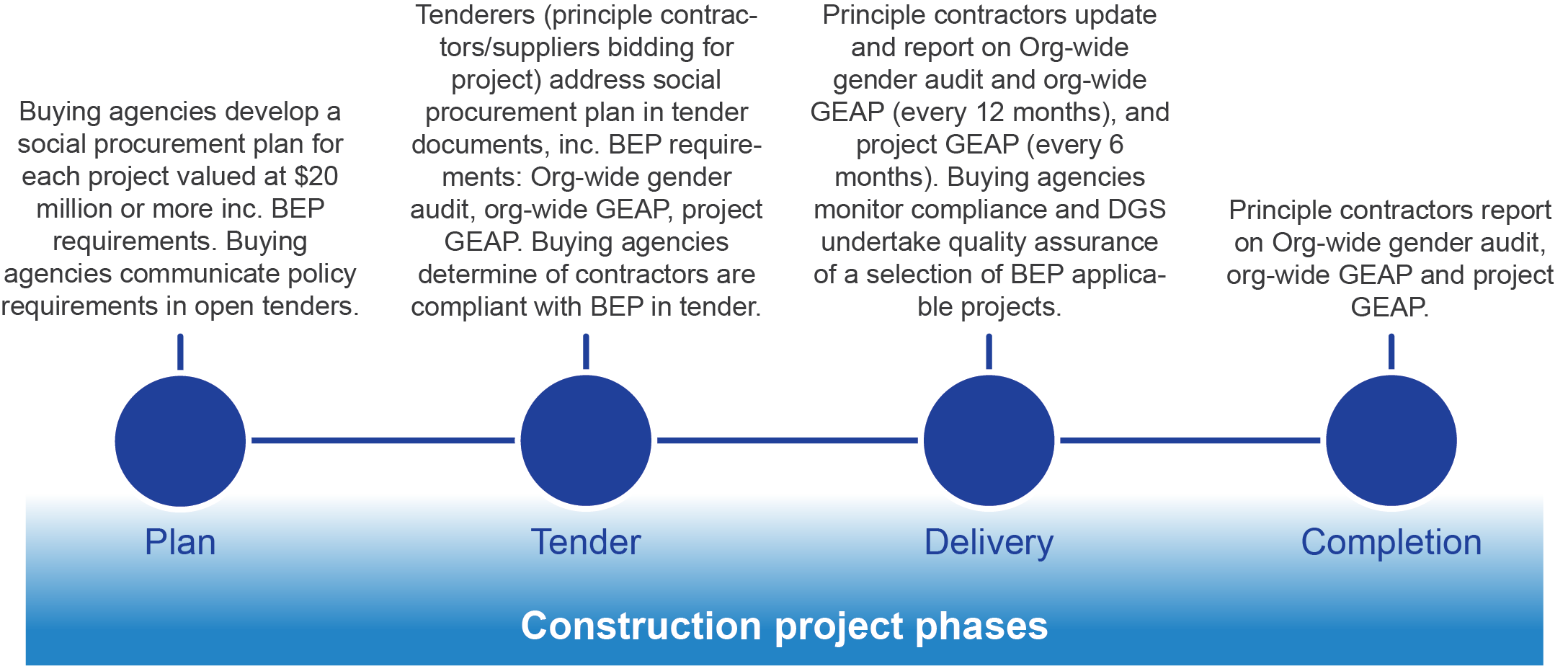
### Calculation of BEP Action 2 target

Communication with government during this evaluation indicated that in setting BEP targets for Action 2, consideration was given to the lower participation rate of women in apprenticeship/traineeships. NCVER data was used to inform the Action 2 **apprenticeships and traineeships** target. NVCER data retrieved in May 2021 showed that commencement of women in construction-based trades training was between 4.4 and 13.3 percent. Therefore, it was considered that a target of four percent was achievable.

## Construction project phases and BEP requirements

The research team (authors of this report) developed Figure 1 to illustrate the construction project phases and BEP requirements. Of the four construction project phases, each has a particular requirement under the BEP.

Figure 1 Construction project phases and BEP requirements



The following section describes the plan, tender, and delivery project phases and BEP requirements in more detail.

### BEP in the project plan and tender phases

Victorian Government agencies or departments funding projects (also referred to as ‘government buyers’ or ‘buyers’) must develop a social procurement plan for each project valued at $20 million or more. The plan is required to address the relevant procurement policies. Plans for BEP applicable construction projects must include:

* BEP requirements
* Social Procurement Framework requirements
* Other policies that apply

While requirements of the SPF, discussed above, can be negotiated by the buyers and principal contractor based on project needs and contexts, BEP targets and requirements cannot[[9]](#footnote-10).

Agencies and departments funding projects must notify potential tenderers (principal contractors offering to deliver the project) what policies apply, and tenderers must demonstrate how they will meet these in their project tender documentation. Government-funded construction projects include commercial and civil engineering projects typically led by one principal contractor who tenders for a project. In some cases, principal contractors can form consortiums to tender and deliver projects, with each principal contractor responsible for a specific phase or aspect of project delivery. This is often the case in delivering large civil infrastructure projects such as major roads.

During the tendering phase principal contractors tendering for a project must show how they will meet or exceed BEP targets during the contract term. Part of the tender process for BEP-applicable projects include submitting three documents required under Action 3 of the BEP (described further below). The documents include:

* an organisational Workplace Gender Audit (WGA)
* an organisational GEAP
* a project-specific GEAP.

The government buyer assesses the submitted tenders against various criteria, including BEP and other applicable procurement policies. The minimum weighting recommended for BEP requirements is five percent, with each of the three BEP actions given equal weighting. The recommended minimum weighting for SPF objectives is five to 10 percent in addition to the five percent BEP weighting. The SPF weighting, however, reflects the social procurement plan and identified objectives developed by the government buyers (agencies or departments).

Once the buyer has awarded the tender and engaged with the contractor, compliance with the BEP is added as a clause in project contracts negotiated between the buyer and the principal contractor.

### BEP in project delivery phase

The responsibility for meeting BEP requirements in project delivery lies with the principal contractor (also referred to as contractor or supplier). Typically, in construction projects, a principal contractor engages a number of subcontractors to deliver various aspects of the project. Principal contractors have a contractual obligation to ensure all subcontracting under the principal contract is contributing to the overall BEP related project targets and requirements across the project. In addition, principal contractors must also meet these requirements in their own project-based workforce.

The following section explains the three actions under the BEP and associated requirements in further detail.

#### Action 1: Targets - Women in trade, non-trade and management/specialist positions

Action 1 requires principal contractors to meet specific gender targets across the project workforce. The percentage-based gender targets are calculated using the total hours worked for each position under the following three categories. To meet the targets, projects must have women working in:

* 3 percent of trade hours for each trade position
* 7 percent of non-trade labour hours for each non-trade labour position
* 35 percent of management and specialist labour hours for each position in this category. Note that staff must spend 80 percent of their time on the project to count towards this target ([State Government of Victoria, 2022c](#_ENREF_29))[[10]](#footnote-11).

Position-based targets are intended to create opportunities for women to enter any construction industry role they choose and encourage women into positions beyond those that already have a relatively high proportion of women. For example, there are a relatively high proportion of women in electrical trades, plumbing trades and traffic management.

To calculate the total hours for each position under these three categories, the principal contractor must collect data on the total hours worked for each position by everyone employed on a project, including those employed by the principal contractor directly and those employed by the subcontractors. Once the total hours for each position are determined, then the percentage of hours worked by women in each position can be determined.

The government provides the following examples for calculating hours against these targets:

* **Trade role target (3 percent):** If the total estimated labour hours for carpenters in a project is 10,000 hours, then at least 300 estimated labour hours must be performed by women.
* **Non-Trade role target (7 percent):** If the total estimated labour hours for concreters in a project is 15,000 hours, then at least 1050 estimated labour hours must be performed by women.
* **Management and specialist labour target (35 percent):** If the total estimated labour hours for surveyors in a project is 7,000 hours, then at least 2,450 estimated labour hours must be performed by women ([State Government of Victoria, 2023b](#_ENREF_31)).

Management/supervisory and specialist labour must be onsite**[[11]](#footnote-12)** for their hours to count towards the BEP. Onsite is defined in the BEP as:

Onsite managerial, specialist and supervisory: people that spend 80 percent of their time dedicated to a specific project, they may be engaged by the Principal Contractors or subcontracted to perform the work. Backoffice workers, managers and other professionals who are not onsite project-based workers of Principal Contractors or subcontractors are not to be counted towards the targets.

State Government of Victoria, 2022a

#### Action 2: Targets - Women in apprenticeships and traineeships

Action 2 requires principal contractors to engage women as apprentices and trainees[[12]](#footnote-13) in four percent of total hours worked on a project. Note that this percentage is calculated based on total labour hours for an entire project, rather than for each position, as seen in Action 1.

The government provides the following example for calculating hours against this target:

* If the total estimated labour hours for a project is 373,929 hours, then four percent of these hours, which is 14,957 hours, must be undertaken by women apprentices or trainees.

The hours spent working on the project can be counted towards the project's building equality targets as well off-site training and education hours. The calculation method used for this target aligns with the Major Project Skills Guarantee formula (described above). The calculation method is intended to align with the MPSG to provide consistency in approaches across similar policies.

#### Action 3: Gender Equality Action Plans (GEAPs) and Workplace Gender Audits

Action 3 involves completing the following documents in three steps:

* Completion of an Organisation Wide WGA
* Completion of an Organisation Wide GEAP
* Completion of a Project Specific GEAP

These documents are part of meeting BEP requirements at the tendering stage and in project delivery. The principal contractor is responsible for the completion of all three documents.

To promote consistency with the reporting requirements across the public and private sectors, the GEAP requirements broadly align with existing reporting obligations under the Gender Equality Act 2020 (GE Act) and the Commonwealth Workplace Gender Equality Act 2012.

###### Workplace Gender Audit

The first step to address Action 3 is completing an organisation-wide WGA. The audit focuses on the principal contractor's organisation. and reports on data against the following six gender equality indicators[[13]](#footnote-14):

1. Workplace prevention and responses
2. Inclusive and respectful workplace
3. Flexible and empowering workplace
4. Diverse and representative workforce
5. Improve leadership, representation and accountability
6. Collect and report data about gender equality and the gender pay gap ([State Government of Victoria, 2022c](#_ENREF_29))

The results of the workplace audit are intended to show what the tenderer/principal contractor organisation can improve on for each of the six indicators. The audit must be completed before the organisation-wide GEAP so that the results can inform the organisation-wide GEAP. Under the BEP requirements, principal contractors must continue to update and report on the audit data every 12 months and at project completion. For organisations with 100 or more employees reporting under the Commonwealth WGEA Reporting Program, WGEA data can be used to report against some indicators in the BEP Workplace Gender Audit.

###### Gender Equality Action Plan (GEAP)

A GEAP is a document that outlines strategies to improve gender equality in the workplace. Two different GEAPs must be developed and updated as part of each project. An *organisation-wide* GEAP and a *project-specific* GEAP. These must be submitted by the principal contractor with the tender document and reported on at specified intervals during project delivery and completion.

The GEAP is completed using a template provided by the government. The GEAP template contains mandatory actions grouped under focus areas that align with the BEP's workplace gender equality indicators (see Table 1). To address each mandatory action, the principal contractor must design an organisational strategy, assign responsibility for the strategy, and report on progress at regularly specified intervals. The principal contractor must provide at least one strategy to address each mandatory action. The mandatory actions fall under six focus areas that align with the gender equality indicators.

The organisation-wide GEAP focuses only on the principal contractor organisation and intends to support culture change and initiatives to support the attraction and retention of women within the principal contractor organisation. Progress against the organisation-wide GEAP, along with updated WGA data, must be reported by the principal contractor to the buyer every 12 months.

A project GEAP must also be completed by the principal contractor. However, it focuses on the specific BEP applicable project managed by the principal contractor, including the project's subcontractors and initiatives implemented on the project site/s. Unlike the organisation-wide GEAP, a WGA is not required as part of its completion. For the project GEAPs, BEP requires that principal contractors report on their implementation of the mandatory actions required.

The principal contractor must report progress against the project GEAP to the buyer every six months and at practical completion of the project. At practical completion a project specific WGA is also required. The project specific GEAP template includes mandatory actions under the same focus areas of the organisation wide GEAP (see Table 1).

Table 1 Focus areas and mandatory actions included in the GEAP templates

| Focus area | Mandatory Actions | |
| --- | --- | --- |
| Org-Wide GEAP[[14]](#footnote-15) | Project specific GEAP[[15]](#footnote-16) |
| 1. Collect and report data about gender equality and gender pay gap. *This focus area relates to indicator 1: Gender Pay Equity found within the Workplace Gender Audit.* | * Collect, monitor, and analyse gender disaggregated payroll data to determine the gender pay gap * Set targets and allocate a specific budget to resolve pay discrepancies with the aim of eliminating the gender pay gap. * Integrate gender equality data into reports to the leadership team. | * Collect and analyse onsite gender disaggregated data of the project team including from subcontractor Organisations to determine the gender pay gap. * Head contractor and subcontractors to set targets and allocate a specific budget to resolve pay discrepancies with the aim of eliminating the gender pay gap. * Integrate gender equality data into project reports to the leadership team |
| 2. Improve leadership, representation, and accountability.  *This focus area relates to Indicator 3: Gender Composition of governing bodies found within the Workplace Gender Audit.* | * Set targets and create a strategy for equal representation of women on governing bodies and in leadership roles based on the results of the Workplace Gender Audit * Review job requirements for all leadership roles to identify and remove any barriers to women * Increase the visibility of women in leadership roles, management meetings, staff interactions and with external stakeholders | * Set targets and create a strategy for equal representation of women in senior management and in leadership roles on site. * Review job requirements for all leadership roles to identify and remove any current barriers to women. * Increase the visibility of women in leadership roles, management meetings, toolboxes, staff interactions and with external stakeholders. |
| 3. Strengthen workplace prevention and responses to sexual harassment, family violence and other forms of gendered violence.  *This focus area relates to Indicator 4: Workplace Sexual Harassment found within the Workplace Gender Audit.* | * Promote the Respect Code – Building and Construction Industry across the organisation to embed a strong stance against workplace sexual harassment, family violence and other forms of gendered violence. * Promote the organisation's sexual harassment and family violence policies to ensure all employees are aware of their leave entitlements and legal rights, including reporting options both within and outside of the organisation. * Ensure family violence leave policies and processes are victim-centric and in line with best practice, noting enterprise bargaining agreements may contain processes relating to leave and flexible working arrangements. * Establish a zero-tolerance approach to sexual harassment with reference to the positive obligations in the Occupational Health and Safety Act 2004 and any health and safety obligations in enterprise agreements. Refer to WorkSafe's Workplace gendered violence guidance for employers for information on how to satisfy the positive duty https://www.worksafe.vic.gov.au/resources/work-related-gendered-violence-sexual-harassment * Commit to reporting sexual harassment complaints to the governing body as a standing workplace health and safety agenda item. * Implement a complaints process that provides a victim-centric approach to the management of sexual harassment complaints, including establishing workplace contact officer roles for workers to discuss experiences and concerns confidentially. Ensure workers are aware of the process and trust it as being impartial. Refer to Victorian Equal Opportunity and Human Rights Commission guidelines for employers on sexual harassment for how to adopt a victim-centric approach https://www.humanrights.vic.gov.au/static/8070e6b04cd51969490ccdecddff0c00/Resource-Guidelines-Workplace\_sexual\_harassment-Aug20.pdf (pg. 69 onwards) * Update internal policies and procedures to ensure workers receive referrals for where they can get further advice support and information outside the organisation regarding sexual harassment. * Complete WorkSafe's culture scan checklist to identify any risk factors for sexual harassment: https://content.api.worksafe.vic.gov.au/sites/default/files/2020-03/ISBN-Work-related-gendered-violence-including-sexual-harassment-2020-03.pdf (pg. 10 for checklist) | * Promote the [Respect Code Building and Construction Industry | Victorian Government (www.vic.gov.au)](https://www.vic.gov.au/respect-code-building-and-construction-industry) across the organisation to embed a strong stance against workplace sexual harassment, family violence and other forms of gendered violence. * Deliver safe and respectful workplace training to all workers throughout the subcontracting supply chain. This could be an agenda item at meetings chaired by the Contractor including the Safety Committee meetings. * Promote sexual harassment and family violence prevention and response policies to ensure all workers on site are aware of their leave entitlements and legal rights. * Ensure family violence leave policies and processes are victim-centric and in line with best practice, noting enterprise bargaining agreements may contain processes relating to leave and flexible working arrangements. * Establish a zero-tolerance approach to sexual harassment with reference to the positive obligations in the Occupational Health and Safety Act 2004 and any health and safety obligations in enterprise agreements. Refer to WorkSafe's Workplace gendered violence guidance for employers for information on how to satisfy the positive duty <https://www.worksafe.vic.gov.au/resources/work-related-gendered-violence-sexual-harassment> * Commit to reporting sexual harassment complaints to on site senior management as a standing workplace health and safety agenda item. * Implement an onsite complaints process that provides a victim-centric approach to the management of sexual harassment complaints, including establishing workplace contact officer roles for workers to discuss experiences and concerns confidentially. Ensure workers are aware of the process and trust it as being impartial. * Refer to Victorian Equal Opportunity and Human Rights Commission guidelines for employers on sexual harassment for how to adopt a victim-centric approach - <https://www.humanrights.vic.gov.au/static/8070e6b04cd51969490ccdecddff0c00/Resource-Guidelines-Workplace_sexual_harassment-Aug20.pdf> (pg. 69 onwards) * Update procedures to ensure workers receive referrals for where they can get further advice support and information outside the organisation. * Complete WorkSafe's culture scan checklist to identify any risk factors for sexual harassment <https://content.api.worksafe.vic.gov.au/sites/default/files/2020-03/ISBN-Work-related-gendered-violence-including-sexual-harassment-2020-03.pdf> (pg. 10 for checklist) |
| 4. Diverse, gender balanced and representative workforce. *This focus area relates to Indicator 2: Gender Composition of all levels of the workforce found within the Workplace Gender Audit*. | * Use the Building Equality - Recruitment Standards and Practices https://womeninconstruction.com.au/employer/employer-overview to address gender issues in the recruitment of women. * Ensure leadership and middle management complete unconscious bias training to equip them with the skills to recognise and understand their own biases and to take steps to overcome them. | * Use the Building Equality - Recruitment Standards and Practices <https://womeninconstruction.com.au/employer/employer-overview> to address gender issues in the recruitment of women. * Ensure leadership and middle management complete unconscious bias training to equip them with the skills to recognise and understand their own biases and to take steps to overcome them. |
| 5. Flexible and empowering workplace.  *This focus area refers to indicator 7: Leave and flexibility found within the Workplace Gender Audit.* | * Review employment policies, procedures, and practices to encourage a flexible and supportive workplace that provides all workers with access to different types of flexible work arrangements. * Promote the uptake of flexible working by men with caring responsibilities as men and women should have equal opportunity to share caring responsibilities. * Ensure women have equal access to secure employment and overtime hours. * Ensure flexible work arrangements are in place to allow women to equally participate and perform when opportunities are made available. | * Review employment policies, procedures, and practices to encourage a flexible and supportive workplace that provides all workers with access to different types of flexible work arrangements. * Promote the uptake of flexible working by men on site with caring responsibilities as men and women should have equal opportunity to share caring responsibilities. * Ensure women on site have equal access to secure employment and overtime hours. * Ensure flexible work arrangements are in place on site to allow women to equally participate and perform when opportunities are made available. |
| 6. Inclusive and respectful workplace.  *This focus area relates to indicator 5: Recruitment and Promotion found within the Workplace Gender Audit.* | * Include [Respect Code – Building and Construction Industry](https://www.vic.gov.au/sites/default/files/2022-04/Final%20Code%20of%20Respect.pdf) for new employees as part of the induction process. * Implement an awareness campaign to promote diversity of thinking by challenging the status quo and educating workers about unconscious bias, gendered segregation, and the impact of gender stereotypes on decision making. | * Include [Respect Code – Building and Construction Industry](https://www.vic.gov.au/sites/default/files/2022-04/Final%20Code%20of%20Respect.pdf) for new employees as part of the site induction process. * Implement the WorkSafe Compliance Code Facilities in Construction to ensure amenities and facilities on site are suitable for women and gender diverse people. |

### Reporting against BEP actions

#### Submission system

Principal contractors must report Action 1 and Action 2 targets and WGA data via the Victorian Government's online data management system called the VMC. This is also commonly called the 'ICN portal' because it is managed by ICN (whose role in relation to the BEP is described in Section 4 of this report). During the tendering phase, GEAPs are provided directly to the relevant government buyer for approval and can be submitted to the VMC once the contract has been awarded. The VMC has been progressively updated to include BEP reporting. Stage 4 of the VMC will be the final update and will make it mandatory for GEAPs to be uploaded to the VMC. Agencies procuring work in which the BEP applies can then access the VMC and assess the project and principal contractors' performance against the BEP requirements.

#### Occupational role definitions and calculations

During the two year transition period of the BEP implementation, reporting is based on categories specified in the BEP (managerial, trade, non-trade, apprentice/trainee). However, from the 1st of January 2024, reporting will be undertaken according to position on the project. The VMC reporting platform uses the Australian and New Zealand Standard Classification of Occupations (ANZSCO) to classify roles ([Australian Bureau of Statistics, 2022b](#_ENREF_6)):

* ANZSCO Group 3 occupations (Technicians and Trades Workers) are classified as trade positions.
* ANZSCO Group 7 and 8 occupations (Machinery Operators and Drivers, and Labourers) are classified as non-trade labour positions.
* ANZSCO Group 1 and 2 occupations (Managers and Professionals), as relevant to construction are classified as management, supervisory and specialist positions.

Positions can be added to the VMC based on the ANZSCO classification, however this needs to go through a formal approval process.

To calculate the total hours women worked in each project position, the hours worked for both men and women on a project need to be entered for each employee into the VMC. If a person chooses not to disclose their gender, they are not counted in any data collected for BEP targets.

## Compliance

The first two years of the BEP (2022-2023) are a transitional compliance period whereby principal contractors on BEP applicable projects are not penalised for not meeting gender targets ([State Government of Victoria, 2022c](#_ENREF_29)). A facilitative approach to managing non-compliance with the BEP was adopted over this time with a focus on education and awareness. The compliance period has now been extended until 30 June 2024 and a staged approached to non-compliance has been adopted in the 2023 BEP update[[16]](#footnote-17).

# Research method

## Research approach

A mixed-methods design was applied to the research. To address the research questions, analysis of both primary and secondary data was undertaken. The research design is situated within an interpretative, responsive evaluation approach, which seeks to determine the quality of policy implementation and outcomes through understanding the subjective experience of those involved using a predominantly qualitative approach ([Stake, 2004](#_ENREF_26), [Wroblewski and Leitner, 2009](#_ENREF_44)). Emphasis is placed on understanding experience from all angles using different methods to triangulate as well as having input from various researchers ([Wroblewski and Leitner, 2009](#_ENREF_44)).

A useful conceptual framework that allows for understanding stakeholder perspectives in the responsive evaluation approach is the theory of the four 'varieties of human work' from the field of human factors in safety and ergonomics ([Shorrock, 2016](#_ENREF_25)). The Varieties of Human Work theory is summarised in Figure 2.

Figure 2 Theory informing policy evaluation

This project applies the theory to evaluate the implementation of the BEP, distinguishing between work as imagined, that is, how those designing policy imagine how work happens and should happen in real-life practice (even in evidenced based policy) and work as prescribed, which is what policy directs people to do based on work as imagined. Work, as imagined, can often simplify how work is undertaken in reality and the effects of interventions. Work as done is then how people carry out activities in response to the BEP directions. Work as disclosed refers to how people interpret and perceive their work and communicate their work with others.

Our evaluation looks at the BEP direction and the intentions underpinning this direction (work as imagined and prescribed). It then looks to the stakeholders implementing the BEP in their organisations to understand perceptions and descriptions of the BEP, and intended and unintended consequences on their activities and outcomes for increasing and retaining women working across all construction roles (work as done and disclosed). The '*recognition of this difference [between work as done and as imagined] is essential both for how work is managed and for how changes are planned and implemented'* ([Hollnagel and Clay-Williams, 2022](#_ENREF_21)). Evaluation can allow for an understanding of the inevitable gap and work out ways to achieve policy outcomes.

Based on the responsive approach and the varieties of human work lens applied, the following stages were undertaken in the research:

1. Examine the BEP intent and directives, governance structure, and reporting and compliance mechanisms.
2. Explore the experiences of those involved in the implementation of the BEP, focusing on the intended and unintended consequences of the BEP on stakeholder practice, the supply chain and the recruitment and retention of women in the construction industry.
3. Datasets were mined to identify the number of women entering the construction industry and into which roles.
4. Modelling by the Office of Projects Victoria (OPV) using the Estimating Employment Impacts Model (EEIM) to estimate the labour demand required by the BEP at a school and road project.

## Policy mapping

This stage of the research used secondary data to examine the BEP intent and directives. The BEP governance structure is explored, as are BEP targets and their relationship to project phases. Secondary data was accessed from government websites, policy documents and guidance materials, and MOUs between departments regarding the BEP implementation responsibilities and reporting lines. This information is examined using systems mapping diagrams that present the system components, in this case policies, actors and regulatory tools, and the relationships and information flows between these components.

## Interviews and focus groups with stakeholders

### Data collection

Primary data collection and analysis occurred in this stage of the research. Relevant industry and government representatives involved in implementing the BEP participated in semi-structured interviews and focus groups.

Stakeholders involved in the BEP, including employers and contractors of different sizes and locations (metropolitan and regional), unions, industry associations, and government and training providers, were invited to participate in an interview or focus group. Participants were identified using existing networks of the RMIT research team, DGS, policy owner (IRV), the BICC and ICN. A snowball sampling method based on word of mouth via these networks was used to reach additional participants not included in the existing RMIT network. Additionally, the research was advertised at an ICN BEP information event and by Master Builders Victoria. The research team sent an email inviting identified stakeholders, including relevant ethics information and a consent form. Interviews and focus groups were conducted face-to-face or online with those who responded and chose to participate. The duration of interviews and focus groups ranged from one hour to two and a half hours.

Interviews allowed participants a confidential space to share feedback on the BEP implementation and perceived benefits and challenges. Focus groups were conducted when more than one person from an organisation was interested in participating, provided the participants were comfortable sharing as a group. Semi-structured questions were used to guide interviews/focus groups, allowing for flexibility and for the participant to frame their own experiences ([Bryman, 2004](#_ENREF_9)) and capture multiple, unique perspectives ([Cohen et al., 2011](#_ENREF_10), [Fontana and Frey, 2005](#_ENREF_15)).

Interview and focus group questions were informed by a review of data received by the policy implementers (see Appendix 9.3). Questions addressed the following broad areas of the BEP:

* What are the enablers of implementation?
* What are the barriers to implementation?
* What opportunities can support the industry to meet BEP targets, engage and train women and/or effectively implement GEAPs?
* What impacts has the BEP had on project delivery?

Questions were tailored to a participant's role and organisation, and the full list of questions is outlined in Appendix 9.2.

### Data analysis

Data was thematically analysed using NVivo 12. Given the qualitative nature of the research, thematic analysis was deemed a suitable method of analysis ([Boyatzis, 1998](#_ENREF_7)). The thematic analysis method used by the research team aligned with the 15-point checklist developed by [Braun and Clarke (2006)](#_ENREF_8). Underpinning thematic analysis is the assumption that participants’ thoughts, feelings and actions reflect the participants’ reality ([Terry et al., 2017](#_ENREF_40)). As such, this analysis approach aligns with interpretative, responsive qualitative evaluation. Coding and themes were discussed amongst the research team and organised and reorganised until the team agreed that all data were represented and displayed in a meaningful and useful manner ([Nowell et al., 2017](#_ENREF_24)).

## Data on women in the construction industry

Secondary data (freely available in the public domain) was examined to identify the number of women working and entering the construction industry and in which roles. Data was accessed from WGEA, ABS, NCVER, Commonwealth Government Higher Education Student Data Collection and the Victorian On Track Survey. The data was accessed in October 2023 and is correct as of that date.

## Modelling BEP labour requirements for Government projects: School and Road

DTF used the Estimating Employment Impacts Model (EEIM) to model labour requirements for two example Victorian infrastructure projects: a three-year, $19m school project and a five-year, $177m road project. The outputs of this analysis provide an initial understanding of the number of Full Time Equivalent (FTE) workers required by occupation, annually and overall. The BEP targets were then applied to illustrate the number of women who should be employed across different occupation groups, to meet the targets. Refer to Appendix 9.4 for information on assumptions and workings of the modelling.

# Mapping BEP governance

## Background

A formal governance framework was established by the Victorian Government to support implementation of the BEP. In the 2020-21 State Budget the Victorian Government allocated $3.566 million over three years to support the implementation of the BEP. Industrial Relations Victoria (IRV) within the Department of Treasury and Finance (DTF) is the responsible for oversight of the BEP.

In 2021, IRV executed a Memorandum of Understanding (MoU) to formalise the transfer of funds from the BEP budget to the following departments and agencies who were responsible for implementation of the BEP:

* Department of Jobs, Precincts and Regions (DJPR) - oversight of the SPF
* Department of Treasury and Finance (DTF) - responsibility for compliance and monitoring of the SPF
* Commission for Gender Equality in the Public Sector - provided expert advice to DJPR and DTF on the content of Gender Equality Action Plans (GEAPs).

On 1 January 2023, the SPF function was transferred to the Department of Government Services (DGS). The business units that were separately responsible for administering the BEP in DJPR and DTF transferred to DGS. To consolidate the roles and responsibilities within DGS, it was agreed that the resource at CGEPS would also transfer to DGS.

IRV worked with the relevant departments and agencies across this time to agree on the terms and conditions of the MoU to implement the BEP and subsequent variations.

The roles and responsibilities described in this section are based on the MoU executed in June 2023. These roles and responsibilities for each group are outlined in more detail below.

## Industrial Relations Victoria (IRV)

Departmental and ministerial ownership for the BEP sits with IRV and the Minister for Industrial Relations. IRV has operational arrangements to oversee the evaluation of the BEP, update the BEP based on feedback from DGS, and manage the MoU process with DGS. Consultation on changes to any processes related to implementation, compliance and monitoring functions does not need to occur with IRV. IRV must be consulted if any proposed changes will result in a change to the intent of the BEP.

The MoU states that IRV will be responsible for:

* “overseeing the evaluation of the BEP which is being undertaken by RMIT
* updating the policy based on feedback from DGS
* managing the MoU process with DGS”.

## Department of Government Services (DGS)

DGS has been funded by the Victorian Government to set up an Implementation Team whose role is to support and facilitate implementation of the BEP with government buyers (buying agencies) and suppliers (contractors). DGS is responsible for providing policy advice to buyers and suppliers and ongoing support to applicable government project teams from early procurement planning through to contract management to ensure buyers and suppliers follow-through their contractual commitments. DGS is also responsible for developing a compliance monitoring, reporting and management function that captures contract performance against targets and commitment, including key activities across the procurement lifecycle. As part of the monitoring process, DGS are responsible for providing support and guidance materials regarding purpose, process and evaluation of the GEAPs. DGS is also responsible for supporting ICN in the development of the VMC to enable effective compliance monitoring and reporting and developing industry understandings of, and capacity, to meet the GEAP component of the BEP.

In 2023, DGS agreed to undertake the following activities (Note that the current MoU with DGS to provide BEP implementation support ends on the 30 June 2024):

* Tools, templates, training, and reporting
  + “maintaining buyer guidance, supplier guidance, training materials, Social Procurement Commitment Proposal, model clauses for Invitations to Supply and Contracts
  + providing policy advice to buyers and suppliers about BEP through the SPF inbox
  + broader supplier engagement work to provide training and targeted/segmented communications about the BEP, including partnering with an industry body to ensure ongoing advice and support for industry
  + oversee the development and implementation of the VMC reporting platform
  + incorporating BEP into SPF reporting through the production of the annual report
  + support IRV with the ‘change management’ communications strategy i.e. addressing issues such as safety barriers for women in the construction industry and other cultural barriers
  + aligning the BEP with Jobs Victoria, Apprenticeships Victoria and other government priorities to leverage off other employment programs that seek to create a more inclusive workplace
  + ensure the compliance and assurance program is aligned with the broader SPF monitoring and compliance framework”.
* Compliance and monitoring GEAPs
  + “providing ongoing individual support to applicable government project teams from early procurement planning through to contract management to ensure purchasers and suppliers follow-through with their contractual commitments
  + collating and responding to questions and feedback from government project teams, including consultation with or referral to implementation partners as required
  + developing a compliance monitoring, reporting and management function that captures contract performance against targets and commitments, including key activities across the procurement lifecycle
  + developing tools, templates, and guidance tailored to applicable procurement teams to ensure appropriate procurement planning activities are undertaken
  + developing and delivering group support and advisory sessions for buyers, including production of content
  + provide input to the development of VMC to enable effective compliance monitoring and reporting.
  + providing support and capacity-building on the GEAPs
  + providing guidance, resources and assistance regarding the purpose, process and evaluation of GEAPs
  + assisting ICN to support the supply side in developing industry understandings of, and capacity to meet, the GEAP component of the BEP
  + developing GEAP guidance materials specific to the BEP context
  + providing training, on-demand support, briefings, advice and outreach to support internal capability uplift”.
* Advice on Gender Equality Action Plans
  + “support and capacity-building to DTF and DJPR
  + support the Assurance Function team by providing guidance, resources and assistance regarding the purpose, process and evaluation of GEAPs
  + assistance to DJPR and ICN to support the supply side in developing industry understandings of, and capacity to meet, the GEAP component of the BEP
  + guidance materials specific to the BEP context, leveraging CGEPS’ extensive work in this space
  + training, on-demand support, briefings, advice and outreach to both DTF and DJPR to support internal capability uplift”[[17]](#footnote-18).

## Industry Capability Network (ICN)

ICN has been funded by the Victorian Government to assist industry suppliers (including contractors and subcontractors) to compete for work on government-funded projects. ICN has been contracted by and reports to DGS. ICN assists contractors who are tendering or considering tendering for government projects to address the State's social procurement policy requirements including LJF, BEP and the SPF. ICN manages the VMC for reporting and collecting data relevant to the various social policies. ICN is also responsible for supplier engagement, including promotion and support of the BEP through advice, training and outreach programs to support contractors to comply with the BEP Actions and report on these in line with the BEP reporting requirements.

## Government buyers

In consultation with DGS, government buyers are responsible for including the BEP in their tender documents and contract set up, and reporting requirements in the VMC against the Women’s Equality and Safety objective. Buyers are responsible for ensuring principal contractors meet the BEP contractual obligations as reported below:

Action 1: Achieve gender equality targets

* Progress tracking and recording of actual hours against the baseline every six months.

Action 2: Engage women apprentices or trainees

* Progress tracking and recording of actual hours against the baseline every six months.

Action 3: Require Gender Equality Actions Plans

* Every 12 months during the life of the project:
  + Progress against Organisation Wide GEAP
  + An updated Organisation Wide Workplace Gender Audit
  + Every six months during the life of the project:
  + Progress against Project Specific GEAP

Buyers are responsible for ongoing monitoring of the social procurement commitments. This includes reporting on new, in progress and completed projects. However, monitoring and compliance is a function of DGS[[18]](#footnote-19).

## BEP Governance framework

Figure 3 has been developed by the research team to illustrate the responsibilities for BEP implementation as of 1 January 2023[[19]](#footnote-20) and shows stakeholders and associated responsibilities.

Figure 3 Representation of the responsibilities for BEP implementation as of 1 January 2023

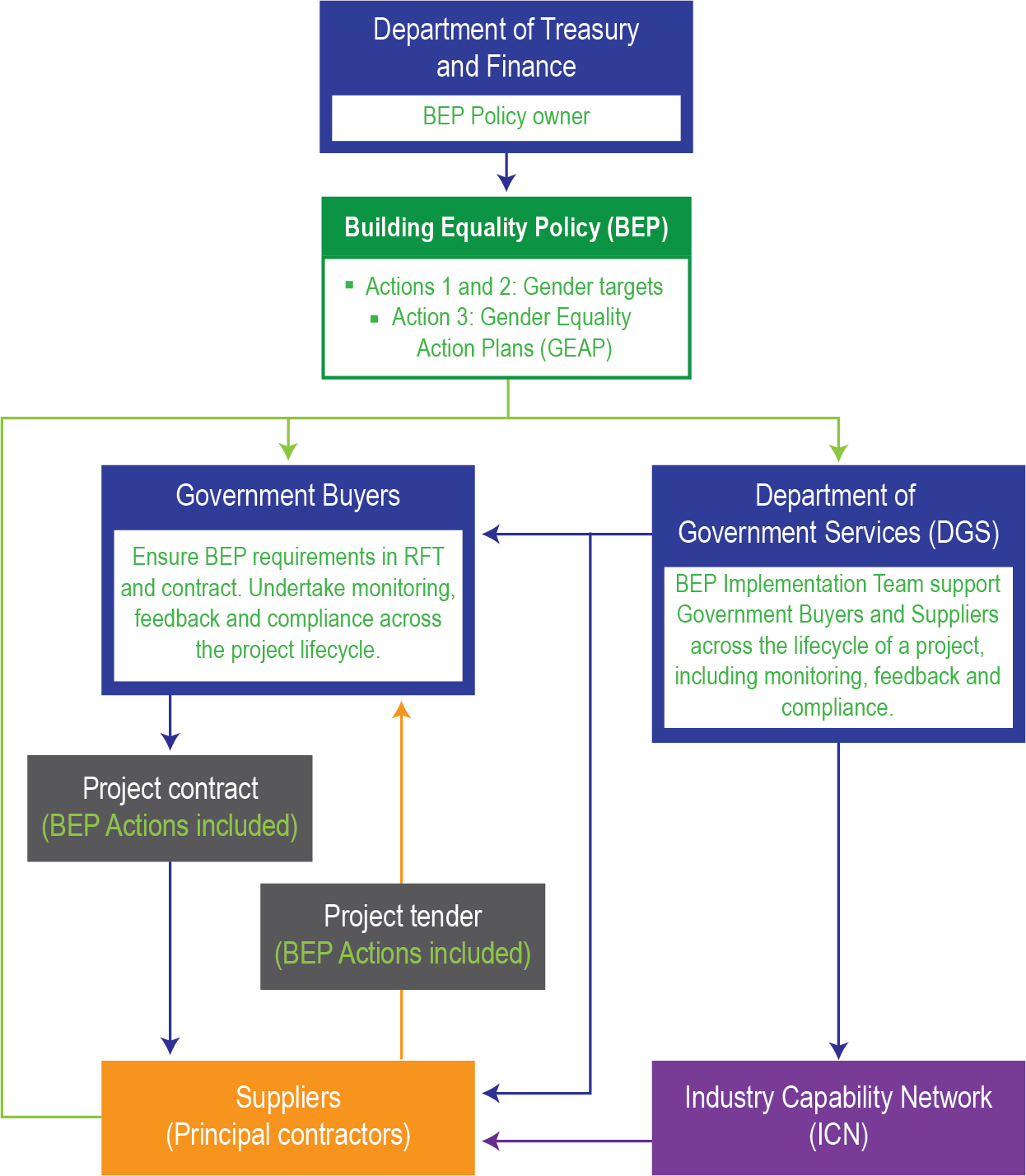


Figure 4 was developed by the research team and provides a visual representation of the governance of the BEP as well as its policy context described in Section 2. The top level of the map in dark blue highlights the legislative context of the BEP and the associated responsible departments and sub-teams/working groups. Policies relevant to the BEP are noted in pink, with connections to legislation and responsible bodies noted with directional arrows. The BEP policy and responsible bodies are noted in green.

A diagram of a flowchart

Description automatically generatedFigure 4 BEP Governance and policy context

# Stakeholder perspectives

In this section we report on primary data collected by the research team via interviews and focus groups with various stakeholder groups. This section presents the experiences of key stakeholders working in Victoria's commercial building and civil construction sectors who are either constructing, tendering, considering tendering, managing/coordinating BEP contracts, and actively supporting the development and /or attraction of women in the industry.

The aim of this part of the research was to explore key issues experienced by stakeholders within the construction ecosystem in relation to the BEP.

This section is arranged according to the following areas:

* Participant demographics
* Awareness and perceptions of the BEP
* Policy design and location
  + Policy location: LJF
  + Project Value
  + Targets
  + Occupation or aggregate categories
  + Understanding the target percentage calculations
  + Compliance framework
  + External accreditation
  + Definition of women
* Policy implementation
  + Accessing information about the BEP
  + Tendering and contracts
  + Weighting of the BEP
  + Managing Action 1 target requirements
  + Managing Action 2 target requirements
  + Initiatives to address Action 1 and 2
  + Reporting against Action 1 and 2
  + Experience and perceptions of Action 3
* BEP Impacts
  + Increased demand for women
  + Loss of contractors and subcontractors
  + Costs associated with meeting gender targets
  + Poaching and the premium for women’s labour
  + Potential inequality across organisations
  + Targets, tokensim, backlash and resentment
* Supporting the adoption of the BEP
  + Government-led initiatives to directly support BEP implementation
  + Government-led initiatives beyond the scope of the BEP

## Participant demographics

126 people from various stakeholder groups were contacted by email with an invitation to participate in the research. Of the 126 invitations, 80 participants agreed to take part in an interview or focus group. Refer to Table 2 for descriptions of each stakeholder group and the number of participants from each group. Stakeholders have been classified into these groups as they align with the roles and responsibilities outlined in the BEP.

Table 2 Description of stakeholder groups and number of participants

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Stakeholder | Description | Contacted | Participated | Men | Women |
| Contractors | Also referred to as main contractor, principal contractor, head contractor, or supplier. This stakeholder is the person or company controlling or managing the construction project and is contractually obligated to implement and report on the actions of the BEP. | 46 | 35 | 12 | 23 |
| Government buyers | Government agencies procuring construction works. | 12 | 7 | 6 | 6 |
| Industry support services | Services that provide advocacy and/or support the attraction, employment or retention of people (including women) in the construction industry and/or the employers in addressing government policies. This includes industry associations, non-government organisations (for profit and not for profit), unions. | 32 | 18 | 3 | 4 |
| Labour supply organisations | Organisations that provide labour to construction projects. This includes Group Training Organisations (GTOs), labour hire Organisations and specialist subcontractors. | 24 | 8 | 5 | 13 |
| Policy implementers | Government group responsible for implementation and compliance of the BEP. | 12 | 12 | 3 | 5 |
| TOTAL |  | **126** | **80** | **29** | **51** |

The largest participant stakeholder group was contactors. Of the 35 participants who comprised this group, 25 worked for a tier one contractor, six worked for a tier two contractor, and four worked for a tier three contractor. Sector of the industry varied, with 21 contractor participants working in commercial building construction, nine working in civil construction, and five working in both civil and commercial building construction. Location of work varied for participants from the contractor group. 20 participants worked for contractors who operated in both metro and regional areas, 14 worked for contractors who operated in metro areas, and one participant worked for a contractor who operated in regional areas.

In reporting the findings, participant names have been anonymised and codes have been used that correspond to their stakeholder group. Participant codes used for each group are shown in Table 3.

Table 3 Participant codes

|  |  |  |  |
| --- | --- | --- | --- |
| Stakeholder group | Participant code | Description | Number of participants |
| Contractors | PC-B-# | Principal contractor – Building | 21 |
| PC-C-# | Principal contractor – Civil | 13 |
| PC-BC-# | Principal contractor – Building and civil | 1 |
| Government buyers | BA-B-# | Government buyers – Building | 1 |
| BA-C-# | Government buyers – Civil | 6 |
| Industry support services | SS-IA-# | Industry support services – Industry associations | 4 |
| SS-GD-# | Industry support services – Government departments | 2 |
| SS-NG-# | Industry support services – Non-government organisations | 9 |
| SS-UN-# | Industry support services – Unions | 3 |
| Labour supply organisations | LS\_LH-# | Labour Supply – Labour hire | 1 |
| LS\_SC-# | Labour Supply –Subcontractors | 2 |
| LS-GTO-IA-# | Labour Supply – Industry association GTO | 4 |
| LS-GTO-P-# | Labour Supply – Private GTO | 1 |
| Policy implementers | PI-FG | Policy implementers within government (focus group) | 12 |

*# represents participant number in the coding system*

## Awareness and perceptions of the BEP

### Awareness of the BEP

Central to implementing the BEP is the awareness and understanding of the policy itself. This section outlines findings in relation to stakeholders' awareness of the BEP prior to its launch.

#### Principal contractors

All principal contractors identified gender inequality as an industry-wide issue which they were aware of prior to the release of the BEP. They had begun working on initiatives to increase the participation of women and had been motivated by a range of reasons including an ethical desire to improve representation and opportunity for women, the need to address the current skills gap, the importance of merit-based recruitment, the requirements of the Commonwealth’s WGEA gender equality reporting requirements, and requirements of WGEA’s EOCGE citation and Victoria’s SPF.

Within the commercial building sector, there were mixed responses in relation to level of awareness of the BEP before its launch. Some principal contractors had been involved “*in the development of that policy*” [PC-B-29] and therefore were well across the BEP and its requirements. Others *“first came across the BEP through our role on the BICC, and early in its development”* [PC-B-24].

Despite not being directly involved in the development of the BEP, some participants were aware of the BEP before its launch. For example, a participant commented that *“we knew the BEP was coming, and we knew we had to focus on it [employing women] more*” PC-B-13. Another participant commented:

I think it was advertised pretty well. I can’t remember exactly where it came to us from. It probably came from Master Builders, and then I read up and saw a lot online about it. [PC-B-2]

Unaware of the BEP before its launch, some contractors believed that consultation was limited, and had only occurred between the government and “*some of the tier ones but not with lower tier organisations. A* *formalised process whereby [all] the government’s supplied builders at different levels [were told] what you need to do… [and formal consultation] would [have] been really helpful” [PC-B-1].*

It was considered that awareness of the BEP before its launch gave principal contractors a competitive advantage as they could consider BEP’s *“implementation in tender responses and get involved with project teams and with subcontractor interviews in procuring packages of work”* [PC-B-24]. In contrast, those organisations with limited awareness of the BEP identified that it was at the tender stage that they were alerted to the BEP and its requirements:

It just snuck into tenders, and everyone was kind of like, what’s this?[PC-B-28]

Since its launch, there is now a greater level of awareness of the BEP within organisations tendering for government work, as reflected in comments by PC-C-5: *“There’s no doubt there wouldn’t be anybody working on tenders or current jobs that wouldn’t be aware of the policy.”* However, awareness of the BEP was still limited within many organisations and their supply chains. One construction manager commented that:

Rightly or wrongly, when you’re in delivery land, you’re very focused on the requirements you’ve got within your contract at that point in time, and if you haven’t got a policy that applies to you, then it’s kind of a little bit out of sight, out of mind, because it’s not part of your obligations. [PC-B-25]

While there was a mixed response in relation to awareness of the BEP from participants working in the commercial building sector of the industry, participants from the civil sector were less aware of the BEP before its release. For example, a participant commented:

We were scrambling for information, and it felt like it [the BEP] came out of the blue without a lot of warning. It wasn’t like they [the government] came to us and said, this is a new policy, and this is where our expectations are and this is how we’ll help you implement it. [PC-C-22]

The comment made by PC-C-22 reflects the experience of most participants from the civil sector. An increased level of consultation could have averted the current situation where civil contractors feel that the BEP fails to *“represent the voice of the civil construction industry”* [BA-C-2].

Participants from the civil and commercial building sectors all felt there was very little to no consultation with subcontractors, and that subcontractors still have a minimal awareness and understanding of the BEP and its requirements. For example, PC-B-19 commented that some subcontractors believed that the GEAP was a contractor-stipulated requirement rather than a requirement emerging from the government via the BEP: *“people still say when we use the word, you know this is our BEP or our GEAP that [named contractor] have put this requirement on them”.*

#### Government buyers

Buyers commented that they had limited knowledge of the BEP prior to its implementation:

nobody knew it was coming… and we were… what is this policy? At the time, there wasn't the tender documentation to explain how it applied, so there's been a learning curve to understand how that applies. [BA-B-1]

Another buyer commented, “*It was just like this policy is coming. Then all of a sudden it [the BEP] was there, and we didn't understand anything”* [BA-C-2]. Most buyers believed there was limited policy consultation across government, and this significantly affected their ability to properly engage and support contractors during the tender process and in the early stages of implementation (see findings regarding the tendering process). One buyer commented that it had made communication with contractors about the BEP requirements, including monitoring and reporting, “*challenging” [BA-C-4].* In contrast, some buyers felt well prepared for the BEP and its implementation, commenting they had the information required to adequately liaise with their contractors.

#### Industry support services

Awareness of the BEP amongst industry support service participants varied from being well-informed during its development and implementation to having minimal awareness of the BEP. Some non-government organisation participants felt well informed about the BEP: *“We’ve been aware that this policy is being developed over the last four or five years”* [SS-NG-1]. In contrast, awareness of the BEP was minimal for participants such as SS-NG-5. This participant could not name the actions within the BEP but had an idea that the BEP was associated with targets.

#### Labour supply organisations

Labour supply organisations had a varied awareness of the BEP. LS-SC-1 had no awareness of the BEP until the second half of 2022, and LS-SC-2 became aware of the BEP from a union communication: “*I actually didn't realise that we were in the transitional period until I read the BEP”.* LS-GTO-1 was aware of the BEP because of their involvement in industry groups that were part of the BEP development. The limited consultation with this stakeholder group resulted in a perception that they were not directly involved in the delivery of the BEP despite their role in supplying trade labour to the construction industry.

Those who were aware of the BEP had limited understanding, and knowledge was limited to Action 1 and 2 targets. A participant representing a GTO directly related to the provision of apprentices to government-applicable BEP projects stated that the BEP was more related to the work of *“companies working in the space, and us being a provider of training*” [LS-GTO-IA-1]. Again, this sentiment was echoed by another labour supply organisation participant who, despite being involved in supporting women apprentices through a program initiative to get more women working in the trade, commented that they do not “*have extensive knowledge [of the BEP*]” and that their involvement with the BEP is “*minimal*” [LS-GTO-IA-4].

Overall, the findings suggest that despite a small number of labour supply organisations being aware of the BEP, most participants in this stakeholder group have not been engaged in any communications about the BEP.

#### Policy implementers

Given their involvement in the BEP implementation, this stakeholder group was not asked about their awareness of the policy.

### Intent of the BEP

In this section we report on findings in relation to stakeholder’s perspectives of the BEP intent.

#### Principal contractors

All principal contractor participants understood the importance of and the need to increase the representation of women in the construction industry. Contractors described the intent of the BEP as: *“to explore meaningful ways of including women and men to challenge that traditional way of work”* [PC-B-20] using *“set quotas”* [PC-B-27], coupled with *“the cultural piece of what needs to change in our industry”* [PC-B-27]. Participants also recognised that policies such as the BEP are required because *“if we just continually say we don’t have this group of people it will never change*…*[and] where [will] the innovation come from”* [PC-B-22]. Participants agreed that the BEP is *“a policy that’s required to make the change… I applaud the government on the policy because it is going to move the dial*” [PC-B-22] and *“overall 100 percent the policy is a good thing, an incredible thing, it’s exactly what we needed*” [PC-BC-21].

Most principal contractors understood that gender targets were *“aspirational”* [PC-B-29], while some felt they were *“too prescriptive”* [PC-C-22] given the current number of women in the pipeline and working in the industry. Yet, despite the challenges in the attraction and retention of women, contractors believed that many organisations were committed to the BEP intent. For example:

It is generally accepted now around what the BEP is trying to achieve, so getting people on board to engage with it does not seem to be as much of an issue anymore. [PC-B-29]

Despite the inability to meet targets, many participants agreed with the sentiments of PC-B-13: *“We weren’t going to be able to reach [the quotas]. I’m not just going to say, ‘No, it’s too hard.’ I’m going to say, ‘We’ve got to here, but these are the steps that we’ve put in place to try and improve ourselves.’*”

#### Government buyers

Buyers broadly supported the intent of the BEP. Six buyers believed the policy has good intent but had not been well written for the civil sector and this was attributed to a perceived *“lack of consultation with the major project [civil] sector”* [BA-C-3]. BA-C-2 stated that civil contractors: *“don't know the intent; they just kind of get thrown these requirements, and they don't really get it.”* Consequently, buyers “*act as that intermediary*.*”* This means that the buyer spends “*more time on the 'why are we doing' than monitoring”* and they had insufficient understanding of the policy intent to adequately explain the intent to principal contractors in the civil sector. The lack of consultation was viewed as a *“missed opportunity”* [BA-C-2], and had the buyers been consulted, they would have “*been able to give some pretty clear advice”* [BA-C-2] to contractors about the policy intent. From the buyers' perspective, there is a need for clearer policy intent that would assist them in applying the BEP with contractors.

#### Industry support services

The BEP was broadly supported by all industry support service participants, as reflected in the comment made by SS-NG-1: *“I think the intent is fantastic. Again, research has shown that more diverse workforces and industries create more innovation and a whole host of other benefits”.* Another participant commented: “*It's certainly really positive and really a great success that we have this in place at all, and it's great to see other states trying to learn from us and copy us”* [SS-GD-2].

SS-UN-1 and SS-UN-2 both supported the BEP, including targets, objectives, and GEAPs. For example, one of these participants commented:

We like the policy, we like the numbers. It [the BEP] needed targets, it needed broader commitments around gender equality, and it needed consequences… the actions look good. [SS-UN-1]

However, both participants questioned the funding of programs established to support policy implementation, holding concerns that it is primarily directed to *“employers at the moment”* [SS-UN-1] and *“employer-based programs”* [SS-UN-2]. Both participants felt that some funding should be directed at initiatives supporting women, such as job matching[[20]](#footnote-21).

There was consensus amongst this group of stakeholders that the BEP is changing how the industry has *“been [operating] in Australia for the last 50 or 60 years*” [SS-NG-1] and that while the industry is interested in employing more women, they are finding some of the BEP actions *“difficult to implement”* and would like to know *“how do we do it properly?”* [SS-NG-4]. SS-NG-4 further commented that the industry was not “*aware of how much it was going to impact them in terms of tenders and actually finding that workforce; I think they've found it more difficult to implement than they first thought... And I definitely think when it comes to the subcontractors, more so than the head contractors”* [SS-NG-4]. On a positive note, they commented that *“the good thing… is that they [contractors] are wanting to do it. They are wanting to find ways [to implement the policy]”* [SS-NG-4].

Another issue expressed by industry support services that impacted perceptions and support of the BEP was the observation that the civil sector:

felt really… bypassed from the decision making [regarding the policy design], and that was probably the biggest... kind of complaint that we have had at the start… just being really shocked that the targets were there and felt that they weren't adequately.... consulted at the time. [SS-NG-8]

#### Labour supply organisations

The perception of the BEP intent from labour supply organisations was around gender equality and equity [LS-SC-1], changing masculine culture and breaking down barriers to women’s participation in the industry [LS-LH-1], and broadening the industry’s diversity and inclusivity [LS-SC-2]. Although no labour supply organisations commented on their views of the BEP, they broadly supported the policy intent by commenting on targets and their positive views of including women in the industry.

#### Policy implementers

Given their involvement in the BEP implementation, this stakeholder group was not asked about their support and understanding of the policy intent.

## Policy design and location

### Policy Location: Local Jobs First

Participants were asked if they believed the BEP should sit within the SPF, as it does now, or be aligned withLJF.

#### Principal contractors

Twenty-four participants preferred that the BEP sit within the LJF Policy, two participants wanted the BEP to stay in the SPF, and eight participants said they were not sure.

The majority of contractors (70%) indicated that the BEP should sit with LJF. For example, PC-B-16 explained:

I don’t think it [the BEP] should sit in the Social Procurement Framework, because I don’t think gender equality aligns. Social procurement has a different flavour and focus, it’s about entrenched disadvantage and people really needing a hand up and wrap-around supports. I don’t think this is how we should be looking at gender equality which is about workforce outcomes. It seems to make more sense to fit under that Local Jobs First policy where you’ve got MPSG.

PC-B-19 commented that while social procurement is important, gender equality is *“a bigger issue… business acting responsibly is a really fundamental issue for the industry and it needs to be more formalised”.* This participant went on to comment that: “*under Local Jobs First at least we're measured, at least we're given feedback”* [PC-B-19] and this would provide a more explicit auditing process for GEAPs and targets. However, it was noted that if the BEP sat under LJF there may need to be a realignment of the BEP as *“Local Jobs First is applied to the total list of labour hours for a project, not for that category of jobs”* [PC-B-16][[21]](#footnote-22).

Given the importance of aligning government policies, PC-B-28 commented: *“it makes sense for the MPSG for sure. And I think it would probably be more seamless way of doing it*”, noting the role ICN and the VMC have in administering and auditing LJF. Further, bringing the two policies closer together could decrease the amount of time tendering and reporting. For example, PC-B-28 explained:

it makes sense from a reporting perspective because if you're having to fill in all the details and you know training contract numbers and institutions that they're studying at for MPSG, but then having to do something completely different for BEP, it's just like two policies not speaking together.

#### Government buyers

Six government buyers responded to a question about whether the BEP would sit better with LJF. Four participants agreed that it should be moved and two were not sure.

#### Industry support services

Four industry support service participants responded to a question about whether the BEP would sit better with LJF. Three agreed and one participant thought it should remain in SPF. Some industry support service participants felt that moving the BEP would be desirable if it makes addressing the social procurement requirements a more straightforward process for contractors: “*They should all be simplified and streamlined. But if one [policy] does find an efficiency gain or a better practice, it should inform the other*” [SS-NG-8]. Another participant was concerned that the BEP could be revoked under a change of government if it continued to be aligned with the SPF. Other participants did not have a preference for the location of the BEP “*as long as it lives somewhere where there is proper monitoring and oversight and as long as the people that are doing it are properly qualified in understanding gender equality action plans and that it’s not just a numbers exercise”* [SS-UN-1]. One participant felt that the SPF was the right place for the BEP, and another noted that “*just because the local jobs first policy has been there longer doesn't mean that it is necessarily the better policy”* [SS-NG-8].

#### Labour supply organisations

Three labour supply organisation participants responded to a question about whether the BEP would sit better with LJF. Two participants agreed that it should be moved and one was not sure. Labour supply organisation participants who supported the inclusion of the BEP with LJF thought that this will enable apprentice targets to be easily combined with gender targets.

#### Policy implementers

One participant commented that targets for Action 2 would be better placed in MPSG, rather than doubled up in the BEP: “*It doesn’t make sense to fill in the information on two separate policies and then one excludes cadets, and the other doesn’t. To me this is about the pipeline of every single industry so it falls under MPSG”* [PI-FG].

### Project value: $20 million

Participants were asked to consider whether the project value of $20 million and above was the right value for which to apply the BEP, and results are outlined in this section.

#### Principal contractors

All principal contractor participants agreed that a project value of $20 million or above was the right project value for the BEP to be applied, as it involved contractors from tier one, two and three and consequently incorporates a diversity of companies operating in Victoria. Some contractors believed the $20 million was the right value because it aligned with the other government social procurement policies: “*most policies sit at $20 million*” [PC-C-21]. While most contractors felt the project value was right, they suggested that *“a lot of people would be really happy if it was higher”* [PC-C-12].

Some principal contractors felt that the policy should be applied to all projects irrespective of value: “*it should be a focus for every project at any cost*” [PC-C-12].

There was also consideration of project value in relation to project workforce. For example, PC-B-28 explained:

for those smaller projects that are $20 million, they might have 50 people on site. Achieving the 35 percent target [management/supervisory and specialist labour] is going to be so much easier than on [project name removed] where we've got 2,000 people a day.

This highlights that the number of women in construction is limited and that reaching the BEP target in a large project therefore may be difficult.

#### Government buyers

Seven buyer participants responded to a question about whether the $20 million project value threshold was the right value for the application of the BEP. Six agreed with this idea and one participant thought it should be lower because the BEP will have a broader reach.

#### Industry support services

Six industry support service participants responded to a question about whether the $20 million project value threshold was the right value for the application of the BEP. One felt it was the right amount, three thought it should be lowered and one thought that it should be raised.

SS-GD-1 was of the view that the project value should be higher. This was based on their experience that smaller projects do not get the outcomes that the BEP or MPSG are trying to achieve: *“I’ve worked on some projects where the value is very close to $20 million and the way in which requirements are met on those types of projects is, I don’t think, in the best interests of either the people delivering the projects or the individuals who potentially get roles for short term*s” [SS-GD-1]. SS-GD-1 further explained that based on the studies they have seen[[22]](#footnote-23), there is one apprentice or trainee ‘outcome’ for every $10 million spent on a project. On the other hand, SS-NG-4 noted that they would *“love to see it lower”* so that’s it more widely applicable across the industry.

SS-IA-2 expressed concern that the risk is that larger projects will be broken up into smaller projects so they can avoid meeting BEP requirements.

#### Labour supply organisations

Three labour supply organisation participants responded to a question about whether the $20 million project value threshold was the right value for the application of the BEP. All thought that it was the right amount and should not be lowered, as $20 million provides good coverage of different-sized projects and contractors. One labour organisation participant felt that it should apply to all government projects regardless of value.

#### Policy implementers

There was a view by participants that the alignment of the BEP with MPSG project value thresholds is important. However, when there are smaller value project phases bundled with larger packages, such as demolition works, the value of the smaller project components makes it difficult for these contractors to meet BEP requirements and this needs to be considered when implementing the BEP.

### Targets

Action 1 of the BEP requires suppliers of government projects to meet the following minimum onsite gender equality targets[[23]](#footnote-24):

* **trade covered labour**: women are required to perform at least three percent of the contract works’ total estimated labour hours for each trade position.
* **non-trade Construction Award covered labour**: women are required to perform at least seven percent of the contract works’ total estimated labour hours for each non-trade Construction Award covered labour position.
* **management/supervisory and specialist labour (staff)**: women are required to perform at least 35 percent of the contract works’ total estimated labour hours for each staff position.

Action 2 of the BEP specifies that “*Suppliers are required to engage women who are registered apprentices or trainees to perform building and construction work for at least four percent of the contract works’ total estimated labour hours”* ([State Government of Victoria, 2022c](#_ENREF_29))[[24]](#footnote-25).

As described in Section 2.2, targets were developed based on 2021 WGEA and NCVER data (see Section 2.2 for more detail).

This section presents findings on stakeholder’s perceptions of the targets, how they were calculated and whether they should be retained or revised.

#### Principal contractors

There was definitive support to maintain gender equality targets outlined in the BEP. Thirty-three participants believed the prescribed targets should remain the same, one did not provide a response, and one participant wanted targets retained but lowered.

Principal contractors who supported the existing targets considered them as critical to increasing women’s participation in construction because they are a *“motivational punch in the face and have driven people towards a target, albeit that’s not something that everybody can get to overnight, it’s started the conversation”* [PC-B-23]. PC-B-24 believed that it was important to “*strongly advocate [government] not to change [the current targets] as they are understood and tangible”.*

Furthermore, PC-B-24 commented that *“policy changes take an awfully long time to work their way through the supply chain…we typically need 6 to 12 months to be able to get [changes] down our supply chain”* [PC-B-24], suggesting that the focus should be on *“changing the stuff that supports how to get there, over what time frame, and acknowledging that there’s some practical issues here. Don’t change the high-level policy settings when everyone’s getting up to speed with what that means”* [PC-B-24].

While the targets have proven challenging to meet given the number of women currently working in the industry along with the pipeline of women coming into the industry, most participants didn’t want targets removed or reduced. PC-B-23 commented that removing the targets or making them *“no longer a requirement”* would result in a loss of “*momentum” [PC-B-23]* that was currently occurring across the industry.

There were mixed responses amongst contractors regarding their ability to meet the targets. Some principal contractors commented that they could not meet any of their targets, while some could meet specific categories and associated occupations more quickly than others. Participants from several organisations were confident they were able to meet all requirements in Action 1 and 2, as reflected in the following response: “*I do believe it would be pretty easy to hit these numbers meaningfully”* [PC-C-4].

There was a perception that meeting the targets on more than one project may be challenging for an organisation. For example, one participant commented:

The first job would be easy, because we’ve got them [women]. But there are builders out there who, all of their work is of this nature, and it’s impossible, because they don’t have any more than we have. The first job or two we can do, no problem. [PC-B-27]

And

I think the non-trade construction award covered labour… we generally make that pretty comfortably, and the management and supervisory side we’re doing ok. But if we wanted to double the amount of government work that we were doing in Victoria, we would have to go back and have a really strong look at how we could possibly meet the requirements. We wouldn’t have enough women and we would be working out ways to try and recycle women across multiple projects which is not really the aim of the policy in my mind. [PC-B-20]

The nature of regional versus rural projects was also identified as presenting an additional barrier to civil contractors in their ability to meet the defined targets, as reflected in the comment made by BA-C-4:

out in the middle of nowhere [when you] try and hit those trade targets… I'm not going to say it's impossible, but it’s certainly very challenging… the policy should have been set up to have something built in to look at what happens when we're doing regional work.

Several principal contractors were concerned that the targets were not achievable. Unless the Government recognises this, the targets “*may undermine the policy intent and fail to incentivise people because we just know it's unachievable”* [PC-B-23].

An understanding that the target percentages are currently aspirational was also viewed as vital to informing the approach and achievement of the policy intent. For example, one participant commented:

[the success of the policy] really depends on what the government does with their response to compliance in terms of what will be meaningful in the long term for the policy. [PC-B-28]

Some participants believed that if the targets outlined in the BEP are to incentivise industry to recruit and retain more women into particular roles, then the government should communicate this and acknowledge that they are willing to adjust the targets in alignment with the future state of the industry. For example:

Where they are [the government] just trying to give people opportunities where there weren’t any. And in five years if there are none [no women in these role] well maybe that [occupation quota] will be removed. [PC-B-16]

Many principal contractors were concerned by recruitment requirements associated with Action 1, given the lack of women currently working in construction and in the pipeline. PC-B-2 explained that they believed the gender targets are:

incredibly high and probably not realistic… I've spoken to a lot of other builders about it and everyone said pretty the same… It's a good initiative but the goals are too high. [PC-B-2]

One participant was concerned that the BEP is seeking to address multiple issues associated with gender equality, resulting in a complex policy that is difficult to apply in practice: *“[the BEP has been designed to] capture everything…they’ve almost tried to get it so perfect that it’s almost become a bit too bogged down in that perfection”* [PC-B-16].

#### Government buyers

Overall, there was broad support for gender targets specified in the BEP. Six government buyer participants agreed with the targets set for Actions 1 and 2, and one participant thought they should be lowered.

Some participants believed it is important to set clear expectations around meeting targets. For example: *“quotas are a target to move towards, and clear expectation of what we want to achieve even if you don’t achieve it yet”* [BA-B-1]. However, this same participant believed that targets must be based on evidence or risk being perceived as tokenistic.

BA-C-7 was of the view that existing targets need to be accepted, and buying agencies need to take a consistent approach to applying the BEP, stating: *“we all need to implement it in a consistent manner to identify those deficiencies with particular roles, occupations before we do then look at making particular changes”* [BA-C-7]. It was suggested that after a period of time [5-10 years] and a policy review, targets can then be augmented if required.

There was a view by some participants that the targets would be difficult to achieve for several reasons in the short to medium term. In order to help meet the targets, support was required to bring more women into the industry. For example:

Yes, you want to have stretch targets… Great, but you need to provide the support, and that’s fundamentally what’s been lacking in the whole approach. The two years, sure, it’s a trial roll out time before we get into compliance issues, but still, it’s an ongoing game and …they [suppliers] still might be a long way off what the BEP intends them to be. [BA-C-3]

BA-C-7 felt it was up to buyers to proactively support their contractors as they moved from one contract to another. The BEP would help them identify where their efforts should be focused before declaring targets impossible to meet, particularly within occupations associated with civil work.

A key area that has confused buyers is how to calculate hours, indicating that there exists some confusion amongst buyers about how to apply the targets due to inconsistent of information and guidance. For example, in relation to apprentices, a buyer commented:

So we went through this big process of clarifying is it four percent of apprentice hours or four percent of total hours… we had to change our own documents that they had provided to us and then suppliers kept asking us and project managers kept asking us what’s the requirement?… but we got there in the end. [BA-B-1]

One buyer expressed a different view towards the BEP targets. They challenged the common view that targets are impossible to achieve: *“I’m sort of over all of those excuses… [contractors] need to give it a go and embrace the intent before they try and back away”* [BA-C-7]. This buyer noted that there exists a *“number of different organisations or programs that have been established”* [BA--7C] to address the shortage of women in the sector, and contractors *“need to fully embrace those opportunities before they turn their back on the targets”* [BA-C-7].

#### Industry support services

Eleven industry support service participants agreed with the targets set for Actions 1 and 2 of the BEP. All participants felt they were necessary for creating change. For example: “*in our work, we understand that you need affirmative action to make this change… yes, they’re hard, but maybe they need to be”* [SS-NG-6]. Another participant commented: "*we need to do something… to… encourage the construction industry to change things”* [SS--NG-7].

When asked whether targets should be lowered, the view from most participants was:

I don't think we should be lowering them... if we lower them now, what's to say that they [contractors] won't then expect [targets] to be lowered again because it's just an excuse… we need to have aspirational targets, not targets that are easy to meet. [SS-NG-3]

SS-IA-2 supported this sentiment, noting that we *“should probably hold the line… building and construction are pragmatic. If they see that it's something that they need to meet, they will eventually get there.”* This participant likens the BEP to other environmental policies that have received pushback from the industry but have ultimately been accepted with time. SS-IA-1 noted that:

industry won’t change unless there are hard quotas. But we also have to recognise that it’s going to be incredibly difficult to meet the government’s agenda for under-represented groups [SS-IA-1].

SS-NG-1 also felt that the targets should remain as they are, commenting:

I would hold them [contractors] accountable. If it’s government policy and you’re trying to shift culture and all the benefits that that’s going to give our economy, going forward, and we’ve got all these skills shortages everywhere, I wouldn’t be making it easier. I would just say, ‘This is our ambition; we’re the government of the day; that’s our target’. [SS-NG-1]

Another participant reflected on the importance of targets: *“at the moment, they [targets] are needed because we just don't have enough women and those opportunities for women in the industry”* [SS-NG-4].

Union participants supported the targets, with one participant commenting: *“I think they're smart because they look at trade and non-trade because in the non-trade space, there are more women already… there are higher numbers of women than actually on the tools”* [SS-UN-1].

Drawing on their own experiences with the number of women interested in and currently entering the construction industry and/or training, some participants believed that meeting the targets is achievable. SS-NG-1 commented that outside *“the senior management roles, I think they’re quite achievable. The electrical industry has proven that it can be done. They’re almost there… Non-trade, not a problem”* [SS-NG-1]. Another participant felt that the three percent target for trades is achievable:

in the apprenticeship space alone, in 2022, it was already sitting at about 3.1 percent in construction plumbing. So, I can’t see it being too much of an issue getting that three percent… if we’re achieving it in the apprenticeship space, surely that is easily transferred into non-apprenticeships as well. [SS-NG-2]

While some were optimistic about the achievability of the targets, other participants reflected on the challenges of achieving the targets. The key issue is *“getting to the numbers by the end of the transition period”* [SS9NG]. SS-NG-1 noted that the common challenge expressed by subcontractors was around meeting targets:

Where are we going to find all these women? Because every site and everyone wants to meet the target all at once. So we’re going from nothing to something quickly. I think that’s the real challenge we’re going to have in the next two to three years.

There was a perception that the government has developed a range of initiatives that *are “a step in the right direction… they’ve developed pre-employment programs… wage subsidy programs…initiatives to help attract and build the pipeline”* [SS-NG-1]. Despite such initiatives however, policy implementation will take time, given *“there are a whole range of challenges… it’s not as easy as Government may of first thought it would be”* [SS-NG-1].

From an industry support service perspective, the comments and questions contractors commonly have about the BEP relate to unachievable target percentages across occupations, lack of women in the pipeline to meet targets, lack of understanding behind target percentages, and a lack of ability to predict when the supply will increase in line with targets.

Participants acknowledged that targets for Action 1 and 2 are going to be challenging to meet, particularly for smaller subcontractors and in regional areas. For example:

It's down at the smaller businesses (subcontractors) where it’s a real challenge… putting one person in a small business of three or four people is much more challenging, and we do hear bigger employers are better at [providing] adequate facilities and more support. [SS-NG-2]

For regional areas, SS-NG-7 noted that *“the skill pool is much smaller for those industries to really be able to meet the contract targets”*.

In relation to meeting targets, SS-GD-1 suggested that the industry needed to focus on being: “*okay with progression rather than achievement”.* In contrast, another participant suggested that if targets were not achievable then contractors will respond by building the cost of the fine into the project cost: “*If quotas are too high, they will not be taken seriously, and the cost of the fine will just form part of the costs of doing business”* [SS-IA-1][[25]](#footnote-26).

While targets were considered as a *“necessary step”* [SS-GD-2], it was acknowledged that some women may be perceived as a “number” due to quota requirements. For example, one participant commented:

I never want any woman to feel that they are only in that job because of the particular quota. But I think without them it means… there's not enough focus on it [women in construction]. So it's not to say that they're [targets] not problematic, but removing them would be worse. [SS-NG-3].

#### Labour supply organisations

Seven labour supply organisation participants agreed with the targets set for Actions 1 and 2 of the BEP. No one believed the targets should be lowered. Six agreed with the current target percentages, and one participant thought they should be higher.

Labour organisation participants felt that targets are challenging to meet but are necessary to drive gender equality in the industry. For example, LS-GTO-IA-3 commented: “*I think industry is slow to react, but it’s reacting because of the policy that’s coming through…”* [LS-GTO-IA-3].

LS-SC-1 believed that the targets are driving the current conversations regarding gender equality in the construction industry. LS-GTO-IA-4 also commented that targets force:

the hand of the employers to look at [employing women] as an option, instead of dismissing it without even considering it… once they see what they [women] can achieve, and the benefits of having a diverse workforce…, they can believe it. Before the social procurement policy targets, including the BEP, it wasn’t important to create that diversity. Whereas I believe now… it’s not acceptable to make a decision not to have a diverse workplace. That’s the difference. [LS-GTO-IA-4]

LS-GTO-P-1 agreed with the targets, explaining that *“I don't think anything will change if you don't measure it”* [LS-GTO-P-1]. LS-GTO-P-1 commented that the *“intent is there”* to have more women *“because it is being measured… this actually puts it in the spotlight”* [LS-GTO-P-1].

One participant commented that: *“we’ve created momentum, and the ball is rolling… But it hasn’t built up enough speed to remove [targets] as a necessity… it’ll be a few years”* [LS-GTO-IA-4]. In relation to the targets, another participant noted that they *“would consider putting them up because I think you need some sort of stretch target’ and currently, ‘at [our organisation], 12.2 percent of our building and construction apprentices are women... I would like that to be 20 percent”* [LS-GTO-P-1].

There were views amongst some participants that targets are being met. Evidence given to such claims included:

because we’ve had females there that we’ve been trying to get onto certain sites, where we haven’t been able to get them on because they’d already reached their quota… So that’s saying that they’re obviously ticking boxes out there and meeting their quotas. [LS-GTO-IA-3]

One subcontractor noted they had enough women working in trade-based roles to meet the BEP targets on one project. The organisation has also actively supported the recruitment of women at a senior management level. This focus on recruitment of women ‘*wouldn't happen without’* the BEP [LS-SC-1]. In relation to meeting targets, they further commented that they *“feel like it's achievable for us”* [LS-SC-1].

Some concerns associated with the BEP targets were related more broadly to the requirement to meet targets with multiple demographic groups on a project, and this is causing:

some pushback, not just because of the females. Because… then you’ve got Indigenous, then you've got CALD, then you've got disabilities, disadvantage. Then it’s three percent, three percent, three percent, three percent - then all of a sudden you're trying to find 15 percent or 20 percent or your workforce to fit into a certain area… [LS-GTO-IA-3]

Some labour supply organisations who recognise the difficulty contractors face in employing women in non-traditional trade and non-trade roles are seeking to help by focusing on “*getting women into different non-traditional trade areas or industrie*s” [LS-GTO-P-1].

While the targets were supported by participants, concerns were raised about solely focusing on targets without changing industry culture. LS-SC-2 was concerned that targets alone will not create the sustained change needed to provide women with a safe and supportive workplace:

I've been in the industry 36 years and I've seen a lot of changes but we haven't seen a lot of traction. I still look at these numbers with a little bit of a… forked tongue and think, is this still something that we're trying to achieve, but without the knowledge and the empowerment in the background or the support to achieve it adequately and for the longevity. [LS-SC-2]

LS-SC-1 highlighted the need to consider meaningful employment in addition to meeting targets, and as such, has tried to get the right women into their business and make them feel safe, secure, and happy rather than feeling like a number to meet a target.

#### Policy implementers

While policy implementers agreed with having targets specified in the BEP, some believed that the targets are challenging to achieve. They reported receiving strong feedback from industry that meeting the targets is almost impossible, especially for smaller subcontractors with less than 50 people and tier three and four principal contractors. Regionally based projects were also noted as having an additional challenge in meeting gender targets, as reflected in the following statement:

They [principal contractors] say “we don’t have the resources, the staffing, the capability, even if we’re open to the concept of implementing it and the reporting that goes with it given our relative size and structure”. [PI-FG]

There was a suggestion for targets to be incremental and tailored to metro and regional contexts as well as the organisation's size.

Participants also raised challenges associated with meeting targets for different project components, such as demolition works where there may be no women available for such roles. However, in other project stages, it is easier to meet the targets[[26]](#footnote-27). For example, “*quite often, we’ve found too that demolition is a minor package in the overall scheme of things*” [PI-FG].

### Occupations or aggregate categories

Participants were asked whether they supported reporting at the occupational level (as introduced from the 1st of January 2024) or preferred reporting at the aggregate category level (as specified in the BEP i.e. managerial, trade, non-trade, apprentice/trainee required during the BEP transition period)[[27]](#footnote-28).

#### Principal contractors

Thirteen participants suggested aggregating occupations into categories (i.e. managerial, trade, non-trade, apprentice/trainee). Some principal contractors were concerned about the target requirements across the three labour categories for Action 1 per occupation on a project as *“some of those subcategories are going to be very, very difficult to achieve”* [PC-B-17].

As PC-B-20 noted, while some principal contractors can meet the requirements of one project, multiple projects are problematic. They may lead to behaviours that undermine the intent of the BEP, dependent on the approach taken by the government to compliance. An alternative solution to labour supply constraints proposed by some principal contractors was removing targets across all occupations and regulating for *“an aggregate target in the short term”* [PC-B-31]. It was then suggested that in the *“longer term, as we become more evolved and sophisticated, then we can start driving [targets across all roles]”* [PC-B-31].

To further justify the change from occupation to aggregate categories, civil contractors commented that it would be easier for commercial builders to meet occupation targets in the trade category. In contrast, commercial builders felt it would be easier for civil contractors to meet the occupation targets of the non-trade categories, as reflected in the following comment made by a building contractor:

I don’t like individual trades because each site might have a different number of subcontractors. For example, infrastructure projects like a tunnel or road have very different works and trade requirements to commercial building. Whether it’s a hospital, school, residential or social housing, it’s probably easier for civil to meet some of these targets because they might only have structure work with five subcontractors while a hospital might have more than 60 subcontractors. [PC-B-28]

Comments from participants, such as those above, indicate a misunderstanding of the application of the policy. Targets for BEP Actions 1 and 2 only apply to occupations that are employed on a project. For example, if no trades are required on a project, then BEP targets for trade occupations do not apply to that project.

Principal contractors also noted confusion regarding the classification of some occupations listed under the trade and non-trade categories, as related to the differences in occupation requirements. PC-C-11 identified that formwork is a type of carpentry that does not need to be performed by the licensed trade and they were unsure how to classify that occupation, as explained by the following statement:

If they're doing carpentry work does that mean they're included in the carpentry headcount or if they're a general labourer doing formwork? [PC-C-11][[28]](#footnote-29)

The preceding quote reflects ongoing confusion around policy implementation. Civil principal contractors additionally noted that role requirements in the civil and commercial sectors differ. For example, carpentry work on a civil project can be undertaken by a labourer meeting non-trade labour requirements of the BEP, while much of the carpentry work on a commercial project requires a licenced trade. This has ramifications for a principal contractor’s ability to meet the target requirements associated with Action 1 and 2, reflecting the nuanced differences between work requirements in the civil and commercial subsectors of the industry.

#### Government buyers

Five buyer participants responded to a question about whether targets should remain occupation-based or be set at an aggregate level. Four participants thought targets must be aggregated, and one believed that targets should remain occupation-based. One of the six who supported an aggregate target felt that it is difficult to expect three percent of women to work in each role, and there may be occupations that women do not want to work in:

it would require a contract across every trade to have three percent women, and logistically that can be difficult if you have, say, a locksmith or a trade that's not very big because… it might be one person on site that does that role… there might be roles that women don't want to work in yet because they're not safe[[29]](#footnote-30)… electrical and plumbing have done more work in the space to be inclusive workplaces. [BA-B-1].

However, this buyer noted that women working in all occupations should still be reported *on “so we have that data into the future”* [BA-B-1], which will help us understand why there are still some gaps in certain occupations.

One buyer believed that targets should remain occupation-based because this data is important to help understand policy impacts, evaluate the BEP in the future, and to determine the roles that the industry needs to focus on to increase women's participation, as reflected in the following comment:

I think the benefit of implementing it as per the current policy, you're going to see those occupations, those roles, that there are deficiencies. Gives the evidence back to the sector to go and do something and hone in on particular areas where you going to get your best value for money. So, with rolling them up, you're somewhat hiding that Intel. [BA-C-7]

#### Industry support services

Thirteen industry support service participants responded to whether targets should remain occupation-based or be set at an aggregate level. Eleven thought targets should remain occupation-based, and two thought they should be aggregated. Those who supported the occupation-based targets noted that it was an important way to avoid a situation where contractors meet their targets in one occupation and *“ignore everything else”* [SS-GD-2]. Accountability and support for trades that are currently less attractive for women are needed to help increase the number of women, and having occupation-based targets is important for achieving this. SS-NG-1 explained that:

Generally, women are attracted to electrical first, then painting and decorating... How do we get more women into plumbing, carpentry, civil, glazing, tiling, all those sorts of sectors?... that comes back to those industry sectors. They need a little bit more support and a little bit more accountability to take the same step that the electrical industry has been doing.

Others expressed that an effort should be made to get women into all occupations in the construction industry:

As opposed to just going, ‘Oh well, it's too hard… and therefore we'll make it three percent across the industry…’ there's a real risk that we see a huge increase in something like traffic control or labourers or cleaners, and we go yes, that's three percent of the industry. And we know that they don't have career progression like anybody else would in any other trade. [SS-NG-3]

The view of participant SS-NG-3 was supported by other participants: *“absolutely not”* because *“they'll [contractors] will just get women doing lollipops [traffic control]”* [SS-UN-1].

Participants also supported occupation-based targets because they were necessary for overcoming occupation-based gender stereotypes. Industry support service participants argued that if it is accepted that some occupations attract more women than others and that if targets are subsequently aggregated:

you’re still pigeonholing people… that some trades are okay to go into if you’re a girl, but others are still not for you… we’ll risk segregation within the industry… and stigmatising of those jobs still for women…. It’ll become female trades and blokey trades. [SS-NG-6].

SS-NG-7 felt that having women in diverse occupations in the construction industry is important for changing how some of those roles are performed so that they can be more inclusive of diverse participation.

While the occupation-based targets were broadly supported, one participant noted several potential negative consequences based on their experience of working with industry. This included contractors encouraging or making women move into a role they do not wish to work in for the sake of needing to make up targets in specific roles. For example:

I could take on an extra female electricians, but I’ve already met my quota there and the contractor might ask the women if she wants to undertake a different trade, which is not the path they chose originally. [SS-GD-1].

Industry support service participants also identified that a women’s career progression might be inhibited if the focus is on meeting targets for different occupations across different projects rather than on skills development and creating “*connections between the current role and the next role”*. Having said that, SS-GD-1 commented that they *“can totally see why [the role-based target is] there but it creates a level of frustration around the fact that BEP has this layer of complication of breaking the targets down across different categories: your trade and non-trade, etcetera”* [SS-GD-1].

#### Labour supply organisations

Three labour supply organisation participants indicated that targets should remain role-based because *“you don’t want… every female on the job doing traffic control*” [LS-GTO-IA-1].

Having women represented in all roles is essential for overcoming these role-based gender biases. For example, another labour supply participant who spoke from their experience working as a qualified tradeswoman in the construction industry noted that having women in all occupations is essential to overcoming unconscious bias. Challenging the assumption that some roles are too physically demanding for women was particularly important. Reflecting on their experience, they commented:

I’m strong, and I can guarantee that I have worked with 5-foot-tall guys who would not be able to lift anywhere near as much as I could. Meanwhile, they’ve got a job without being questioned about their strength or ability to [lift]. That sort of unconscious bias again, where men are automatically given credibility for these basic things, whereas women need to prove themselves, is certainly still embedded in most people’s minds. [LS-GTO-IA-4]

#### Policy implementers

There were mixed views amongst participants regarding occupation-based or aggregate targets. Some supported occupation-based targets and recognised that the intention underpinning this is to promote women in all roles in construction. Other participants noted that occupation-based targets could be problematic for trade and non-trade occupations that do not have the culture to support women on-site.

Those in favour of occupation-based targets expressed views such as:

We do need a mechanism to mitigate gendered skew towards easier target occupations and away from harder target occupations... We’d also benefit from more granular data if it is used to inform decisions like training pipeline capacity, course marketing, and recruitment of apprentices and trainees. [PI-FG]

### Understanding of the target percentage rationale

#### Principal contractors

It was considered by some participants that understanding how the gender equity target percentages had been determined and providing access to any baseline data *“would provide some context as an industry”* [PC-B-17]. Access to such information would help contractors to plan their approach for bringing more women onto projects and can be used to inform the approach to compliance.

#### Government buyers

Participants did not comment on this topic.

#### Industry support services

While no industry support services participants raised the question about what data the targets were based on, one participant reflected on the existing gaps in the data, stating: “*The other gap is the availability of data to inform how those change… from what I've seen, the data that exists is not reliable enough… the number of times I see different data quoted on the same thing… I see different percentages all the time”* [SS-GD-2]. This comment highlights that there is a lack of alignment and consistency between data sets which focus on women in training and working in the industry.

Understanding how percentages were developed was argued to be a key part of enabling better communication with industry to increase clarity around the BEP: “*If I knew how we got to that number and I could translate that to industry, that might help crush some of the concerns’ about meeting targets” [SS-NG-9].*

#### Labour supply organisations

These participants did not comment on this topic.

#### Policy implementers

Participants felt that more communication about how the targets were determined and sharing of progress against targets and successful initiatives would support the industry in applying the BEP. This will enable the policy implementers to respond to industry's views that the targets cannot be achieved, as reflected in the following comment:

Every person I’ve dealt with has said we just believe that four percent [apprentices and trainees] will never be achieved. It just won’t. We’ll give it our best attempt, but the general view is that we just won’t get there, because the structure around the pipeline is insufficient to meet it. So it’s almost a fait accompli. It’ll never be achieved. [PI-FG].

Another participant commented: *"when we’re being asked for that data to give people confidence that they can meet the targets, we’re all quite clear that we don’t really have firm data that demonstrates the pipeline of these roles and these targets being met.”* [PI-FG].

Not having access to the data that informed targets led to participants feeling unsure of how to respond to questions. For example:

It puts us in a challenging position to only have the data that we have, and not being able to provide buyers and/or suppliers, that confidence. So I suppose when you’re then saying also you are contractually obliged to meet these targets, it’s the questions around is that appropriate for government to do, even though it is – like the point is obviously to increase women’s participation. But is it the right thing to do to require companies, when we already know that they can’t meet the targets?

### Compliance framework

In the first release of the BEP, the BEP transition period was to end on the 1st of January 2024 and compliance associated with the Action 1,2 and 3 was to commence from that date. The BEP has now been updated to extend the transitional period by six months. The transitional period now ends on the 30 June 2024. The BEP has also now been updated to include a staged approach to non-compliance (See Appendix 9.1 for updates to the BEP).

At the time of the interviews, the government was yet to finalise its approach to compliance. It was proposed by government that there could be a 3-step process where:

1. Principal contractors experiencing or anticipating difficulties in meeting the BEP must notify the contract manager.
2. the government contract manager will then work with the principal contractor to identify alternative actions that can be put in place to achieve compliance.
3. as a last resort, it may be determined that this represents a breach of contract.

Participants were asked to comment on this proposed compliance approach. This section presents stakeholder perceptions of compliance prior to the BEP compliance updates and views on the proposed updates to compliance noted above.

#### Principal contractors

Findings identified that principal contractors were confused about the approach to compliance beyond the 1st of January 2023 and noted limited communication about compliance. As a result, there are varying assumptions about the approach the government will take around non-compliance, breach of contract, and associated penalties.

Principal contractors were primarily concerned that the number of women working in trades would not enable them to meet the BEP targets, which had implications for compliance. PC-C-5 commented: *“we all know there's just not enough women working in this industry for all of us to meet those targets when there is so much work that's being rolled out at the moment”* [PC-C-5]. Enforcing compliance “*in two years time doesn't feel very realistic because we can't just conjure up trade skilled women”* [PC32B]. It was understood that the intention of the BEP is to leverage increased participation of women using government procurement: *“to try and encourage the industry to move in a particular direction”* [PC-B-29]. However, the approach to compliance needs to be carefully considered for the *“credibility of the policy moving forward”* [PC-B-29] when it was not possible to meet certain targets. In relation to not meeting targets, PC-B-17 commented: *“Ultimately, the way the contract’s [are currently] drafted is it’s a breach of contract”.*

Some principal contractors assumed that non-compliance and a breach of contract would result in financial penalties: “*I was told the first week if we don’t meet the targets, there’s a negative penalty”* [PC-B-17]. Penalties were assumed to be determined by the relevant buyer: *“It relies on the client to choose whether there’s financial penalties*” [PC-B-28]

The possibility of financial penalties is causing a significant amount of stress for contractors: “*I can’t tell you the number of sleepless nights I have had worrying about penalties”* [PC-B-16]because *“you can’t ask for something that doesn’t exist, but then ask for something to make it exist”* [PC33C].

Some principal contractors felt that the transition period was too short and should be extended by a year. Extending the transition period would send a message to the industry that the government recognises it will take time to change the industry's current culture, increase the supply of women, and provide time to develop the compliance framework.

Other principal contractors were hoping a common sense approach would be used to inform compliance and contractors ability to meet what they viewed as *“really big stretch targets”* [PC-B-20]. Many principal contractors were not advocating for the removal of these targets, because *“otherwise people will lose focus”* [PC-B-20]. Participants believed the BEP intent was about incentivisation, so they were not *“worried per se”* [PC-B-20] about compliance at this stage.

However, some principal contractors were unclear of the BEP intent - incentivising or penalising, and commented that the approach to compliance would send that message to the industry. Thirty-two out of 34 principal contractors felt that a penalty approach would disengage principal contractors, especially because there is uncertainty about the number of women in the industry and pipeline. PC-B-19 commented *“it is really hard to meet these targets as it’s a supply issue”* [PC-B-19]. PC-B-24 commented that while there is *“good will and momentum its very fragile… it is concerning having to meet these compliances…we’re doing everything we possibly can within our power…. it’s up the top of the priority list”.* While the industry is *“engaged with the policy and we’re all on board with driving the outcomes…compliance, like the stick isn’t necessarily what’s required”* [PC-B-17], because *“when you go into that negative territory of being noncompliant it [the Policy and associated work] does lose momentum…everyone is very keen to see social change, but where it falls apart is when it becomes so hard, and there's no flexibility at all.”* [PC-C-22].

Principal contractors who believed a financial penalty should accompany a breach of compliance were concerned that if the organisation was provided with an alternative, targets would become meaningless and subcontractors would not be concerned/motivated to employ women. There was also concern that principal contractors and subcontractors working hard to engage women would not be given the recognition they deserved.

Financial penalties were identified by some participants as the only meaningful incentive that the industry responded to, and which drives innovation. PC-C-12 commented “*if we want to see the shift the simple answer is money because that's what people are driven by.”* PC-B-20 reflected that if you *“hit a builder in their bottom line and you'll see action…people will spend money and time and effort to resolve a barrier*” [PC-B-20].

Thirty-one participants supported the proposed staged approach to non-compliance and three participants did not answer. Principal contractors who supported a staged approach to non-compliance suggested that there is merit in considering alternatives to support change. For example, PC-B-23 observed that the rate of change is slow and that needs to be *“balanced with the intent of the policy, which is to create innovative ideas to attract women and there is merit in considering an incentive program rather than a penalty program.”* Compliance would then recognise, for example, that *“as a subcontractor, you have exceeded expectations by this amount*” and that would look different for different trades and would be a positive way of moving people towards meaningful change. PC-B-23 commented that while the policy has *“done a really good job at getting people talking and putting a sense of urgency around gender diversity….But, penalise because of the rate of change… you need to reward innovation rather than penalising non-compliance.”*

A compliance approach underpinned by incentivisation would then require a robust framework that would articulate what constituted a meaningful alternative action and guide the approval process so that compliance did not simply become a tick box process. Alternative actions for non-compliance that were suggested included:

* Actions that contribute to addressing supply side issues not simply from a financial perspective but also supporting women to enter the industry through the provision of “*support and providing training within our business”* [PC-B-18]. It was further added that a coordinated approval process of such activities could bring together the current *“fragmented approach”* [PC-B-18] and result in a bigger impact regarding actions addressing the supply side.
* Principal contractors who can meet targets were not given preference at the tender stage over those identifying alternative actions. However, incentives for principal contractors who could meet the targets was also suggested to ensure that organisations continued to work toward meeting Action 1 and 2.
  + *“if you're not going to meet the policy as part of a tender, then there should be some discount for those that can otherwise there would be an imbalance, and then there's no incentive for them [contractors] to try and meet the policy… you know, we don't have to make it because we're just going to be scored on the same criteria as the people that are meeting it” [PC-B-20].*
* To avoid disadvantaging contractors in the tender process, the approach to compliance should be scalable depending on the size of the organisation and project.
* An established recognition and reward system was in place.
* Consideration of project duration needs to be given in the evaluation of alternative actions as there may not be enough time to achieve the outcome within the contract duration, as explained by PC-B-28: *“some projects that are two years max and the intended outcome of the initiative might not be fully developed before that project ends.”* It was suggested that these initiatives could then be carried across contracts and agencies.
* Targets are driving the increased number of women in the pipeline.
* Alternative actions were supported so long as there was a clear benefit to the organisation given there would be a cost incurred.
* Many suggested that the government establish a set of initiatives that the principal contractor could contribute to if they did not have the means to implement their own initiatives. Key areas identified:
  + *Working on attraction with the Education Department.* 
    - *There really needs to be more collaboration with the Department of Education and if the thing that’s stopping that is money, then maybe that’s something that the industry can assist with whilst trying to resolve the problem.* [PC-B-28]
  + *Cultural change programs that could be rolled out to a site.*
* Very clear guidelines and targets are set and government is working with industry toward these which reflect the approach adopted by Reconciliation Australia: *“where you are trying to raise awareness and change a problem in an industry… so instead of coming down harsh and penalising, you have an innovate plan, but they're they hold you to account”* [PC-B-31]
* Alternative action used in an interim period only until the number of women increased. PC-B-1 commented:
  + *I think the alternatives would be a good buffer for a short time… we have to have a go; so here are the alternatives if this is proving tricky, that we will monitor ongoing, but we need to ensure that we meet these targets by set time. Otherwise, I think it just keeps going and things don't change.*

Principal contractors suggested a *“BEP group”* [PC-B-28] could be established to review suggested alternative actions. Rather than being assessed at the tender stage it should be part of a contractor’s *“pre-qualification”* [PC-B-20] to bid on a project. This same participant went on to comment: *“there should be a minimum standard that you know where everybody's met to be able to play in that space”* [PC-B-20]. The alternative action should then be reviewed *“objectively”* [PC-C-34] and assessed against achievement related to the change rate.

#### Government buyers

Seven government buyers responded to a question about whether alternative compliance solutions should exist in situations where targets for Actions 1 and 2 cannot be met on a project. All agreed with this idea.

Compliance is also an area that has caused ongoing confusion amongst buyers. For example, “*there is a bit of confusion I would say around the whole compliance, and you know what are the penalties? How are we meant to be managing this?*” [BA-C-7].

The confusion made it challenging for buyers to adequately support contractors in their efforts to address policy requirements in tendering and project delivery:

The view as well that we were sort of asking our contractors to sign up for something, but we didn't really have the detail of what we were asking them to sign up to… And so there was quite a lot of concern from our contractors, particularly because our contracts go for some time. [BA-C-6]

Part of the policy confusion has been the perception of conflicting information shared between contractors and also from ICN and the policy implementers, and a perception that no one is able to provide answers to questions being asked:

There's been a lot of conflicting information shared between different contractors and then what ICN have been saying and what DJS have been saying. Some conversations with DJS lead to "we're not the policy owner. We're waiting for those responses ourselves" which isn't great, not helpful to us trying to work with the contractors either. [BA-C-5]

One buyer speculated that they *“believe there was a clear lack of direction coming from the policy owner in regards to what the policy was, how the policy would be applied, how it would be measured and what the compliance were [sic]”* [BA-C-4].

#### Industry support services

Compliance was an important aspect of the BEP for support service participants. For some this was more important than other aspects of the BEP, such as targets: *“I think what will matter is how compliance happens”* [SS-NG-6]. Another participant observed that industry expectations of compliance with the BEP will be based on their experiences with complying with the MPSG, where no penalties have been imposed for non-compliance.

There were mixed views about how compliance should be approached. However, the majority of participants were of the view that in the case of non-compliance where there is evidence that a genuine effort has been made to meet targets, a meaningful GEAP has been developed and there has been effort to address the GEAP in the project, contractors should not be penalised. Penalties should only apply: *“if there are repeated failures or an inability to demonstrate that genuine efforts are being made to achieve the targets on a consistent basis*” [SS-GD-2].

Some participants suggested that penalties should be in the form of prohibiting future bid opportunities for government work. As SS-UN-1 explained, *“if you don't meet numbers, and you can't explain why, then you can't tender again”* [SS-UN-1]. They further explained their reasoning that if a contractor cannot develop and implement a meaningful GEAP *“what does that say about [their] ability to deliver on a multi million dollar build. If you cut corners in this kind of shit, you're probably cutting corners. So, I think probably then you shouldn’t be able to tender again”* [SS-UN-1]. SS-UN-2 explained that:

fines, people just build into their budget. So, the idea of not getting further contracts is good. [SS-UN-2]

And

Those contractors that are performing well can be preferred contractors for government projects so that is an incentive to undertake meaningful action. [SS-GD-2]

For other participants, financial penalties were recognised as something that would assist to change systems: *“you're going to need that financial pressure… in the end it will change the systems because people go, oh, OK, this means we're going to get X money or we're going to lose money”* [SS-IA-1].

Other participants did not support financial penalties *“like termination of contract”*, unless it is used as a last resort:

Where they have no intention or make any efforts to comply… we shouldn’t be effectively throwing businesses out of work because they’re doing their best to comply, but they can’t. [SS-IA-2].

Other participants noted that enforcing financial penalties on these projects for non-compliance is almost impossible.

SS-IA-3 commented that *“there needs to… be that independent mediation if it has to escalate*. SS-IA-2 explained that *“the way the process currently works is investigation and then termination of contract. There’s a missing step in there”.* The introduction of an independent mediator into the process may be able to avoid a *“breach of contract based on something that could easily be worked through”* [SS-IA-3].

SS-NG-7 reflected on *“whether there’s scope for a more staged approach across the different tiers when it comes to compliance”* so that the expectations set for larger contractors differ to those set for smaller contractors. Incentivisation was also seen as an important approach, when combined with penalties:

If you want people to really push the hardest, then you need a stick as well as a carrot, because there’s so much work in the pipeline that nobody worries too much about the reputational tender for the side of it. Although, I think it is a factor in people’s minds in terms of how they present themselves. [SS-GD-1]

Public reporting was also noted as important by some participants who felt this would help to both share the status of where industry is at with all stakeholders and hold contractors accountable. Additionally, SS-GD-2 explained that *“stories of initiatives that haven’t worked so well should also be shared so the industry can learn from these too”* [SS-GD-2].

Eleven industry support service participants responded to a question about whether there should be alternative compliance solutions in situations where the targets for Actions 1 and 2 cannot be met. All 11 participants agreed with this idea. Having alternative actions in line with the intent of the BEP is an appropriate approach to compliance in the case where targets cannot be met, however it was noted that the “*devil’s going to be in the detail”* [SS-IA-1] of any alternative compliance measures. An alternative action was supported in recognition that change takes time and involves many steps. SS-NG-6 explained that:

building capacity and actually addressing some of the underlying issues is much more likely to get all of us what we want in the end… the work that we do in gender quality is a really long-term proposition and the work that we do today might not pay off for 10 years. So, I think still taking steps towards it is really important, even if it doesn’t happen tomorrow. [SS-NG-6]

For SS-NG-7, as long as contractors *“can demonstrate they’re in the process of changing and they’re in the process of working towards certain goals and they can demonstrate some specific actions that they’re taking…”* then this should be sufficient for compliance. This means that *“they are working towards future proofing their company to eventually really be well positioned and being able to meet those targets and make it meaningful and make it sustainable”* [SS-NG-7]. As noted by SS-NG-7, alternative actions must be meaningful and there must be evidence that they have been implemented.

Alternative actions would provide *“flexibility in terms of how you assess success or failure”* [SS-GD-1]. SS-GD-1 explained that based on their experience of working with industry, some contractors may be *“greatly exceeding in one area but they’re failing in another”.* Alternative compliance actions would *“give them some credit for the work they’ve done… Allowing people to push on and really succeed where they’re succeeding, and grow programs that work to the benefit of their project but also their family of projects”* [SS-GD-1].

From the perspective of SS-GD-1, it was important to look at the industry as a whole. Alternative compliance measures would allow for this because they would recognise that some contractors are better placed than others in certain areas of gender equality, *“rather than expecting every project to solve every problem for every category of target.. and we end up minimising our outcomes everywhere”* [SS-GD-1].

There was concern that principal contractors may all attempt to build their own programs to attract and recruit women into construction without recognising those programs that already exist. As one industry support service participant commented, pathway programs *“exist already”* and *“the industry as a whole doesn't need to design their own programs”* [SS-NGD-5]. SS-GD-2 suggested that alternative compliance could involve contributing to funding for programs that align with the objectives of the BEP. They refer to a NSW policy with indigenous employment targets, where in the case of non-compliance, employers *“have to contribute towards a fund that's going to… train Aboriginal people to come into the industry*” [SS-GD-2].

A key issue raised however with alternative compliance was *“who gets to determine that [the] alternative is better?”* [SS-GD-2]. SS-GD-2 argued that if that judgement *“sits with the delivery agencies… the incentive will be to approve it because you want to get your project delivered... I don't think they would like it being sat centrally, but I think that's probably what would be necessary”* [SS-GD-2] to adequately assess the alternative compliance measures.

There was also concern raised about the management of the alternative compliance action: *“who is looking after it and who is actually identifying it and how [are] people talking their way out of it or around of it.., in my view, a plan that says ‘We’ll run 10 training days around sexual harassment’”* is not a plan [SS-UN-2].

#### Labour supply organisations

Labour supply organisation participants also had mixed views about compliance. LS-LH-1 argued that there should be some financial consequence for those contractors who do not get on board with the BEP, stating:

I think definitely at that contractor level, they should lose jobs if they're not coming to the party… something for them to go - you know what? If I don't make this change, then I'm not going to win the next project. [LS-LH-1]

LS-GTO-P-1 reflected that there must be some degree of ‘carrot and stick’ to make sure contractors are not setting unrealistic targets above and beyond minimum policy requirements to win a tender with no capacity to meet those targets in project delivery. Because of the potential for this, LS-GTO-P-1 suggested that there needs to be clear penalties that could be financial, so that contractors do not just put *“random numbers”* as targets in their tenders. While for LS-SC-2, the prospect of financial penalties makes them *“nervous”* because they have had large fines written into compliance clauses regarding the MPSG targets previously, and they do not wish for this to be the case with BEP compliance given the difficulty in meeting targets.

Four labour supply organisation participants responded to a question about whether there should be alternative compliance solutions in situations where the targets for Actions 1 and 2 cannot be met. Four agreed with this idea. LS-SC-1 argued that *“we don't want to punish people… it's not the way to make things work… because then you'll just have people putting females on for the numbers”.* LS-GTO-IA-4 agreed, noting that *“a reactive penalty is going to do more harm than good… and recommended an ‘arbitration process”* with a *“fairly short timeline”* for contractors to address the problems regarding non-compliance. LS-SC-2 commented that having a target is *“one thing… But having an ability to show that you're trying to meet it…. I think that's also good…. Having… flexibility around what does that actually look like”* was seen as important. This alternative approach could involve *“having some sort of a credit scheme as an alternative for partially meeting the requirements”* [LS-SC-2].

#### Policy implementers

The policy implementer participants discussed the implications of financial penalties and incentives as part of BEP compliance. One participant noted that if incentives were used by agencies, then the buyer would have to pay for that through increased project costs. However, it would be a good test to see if suppliers can meet targets if there are incentives: ‘*it’s a test of how real, rather than just perceived, these barriers to meeting the targets are. If you dangle a carrot in front of them and they sort of go, “Yes, we’ll take that… Suddenly there’s all these women”* [PI-FG].

Other participants reflected that *“everybody’s worried”* about the targets and there is generally a *“lack of understanding”* about what penalties will be applied and “*where they’re going to come from*.” [PI-FG]

While some argued that it is unfair to penalise contractors that cannot meet the targets, one participant disagreed:

with the sentiment that it’s unfair to penalise companies who cannot meet the targets beyond the transition period, because the transitional period has given them a heads up and they should have been working on it for the last two years… And the actual penalty applied would probably be proportionate to the problem… there’s a catastrophising that happens. They think that they’re going to get full breach of contract, but that’s just not going to happen. [PI-FG]

Participants also discussed the use of incentives, noting these also create challenges for buying agencies: *“‘in an economically hamstrung environment, how does any government agency [buyer] put their hand up and say, ‘sure, we’ll pay all of these bonuses and incentives for people that meet the targets or exceed them’”* [PI-FG]. Another participant noted that this is particularly challenging when contractors begin to meet *“a target that’s applied to every single project”* [PI-FG]. Another participant noted that the same incentives would need to the applied to each project because if agencies apply incentives differently, then they will also be trying to out compete each other for contractors.

### External accreditation

Participants were asked if they thought the government should establish a panel of experts so that contractors can obtain a certificate of compliance with the BEP at the tender stage which is valid for 12-18 months.

#### Principal contractors

Principal contractor participants had a mixed reaction to this question. Some participants believed that obtaining a certificate of compliance would provide an organisation with a level of support in meeting BEP requirements. This was considered the case, as limited support was currently offered. For example, PC-C-22 commented: “*being reviewed by an external panel would be great if there was some ability to interact in that process and have some help and sit down and tease things out and be able to throw things on the table, whether the client is involved or not.*  PC-B-23 commented that anything that decreases the administrative burden and would be highly valued.

Some participants believed that as part of the Victorian Government’s Fair Job Code, achieving a Pre-Assessment Certificate indicated compliance with the five standards which focus on employment, industrial relations, and workplace health and safety obligations promoting secure employment, respectful relationships, workplace equity and diversity, and supply chain compliance. PC-B-23 suggested adding an extra question to the *“pre-qualification process [as part of the Fair Jobs Code]… here’s an extra five questions…here’s your certificate.”*

#### Government buyers

Six government buyer participants responded to a question about having a separate accreditation body and all six agreed with this idea.

#### Industry support services

Three industry support service participants responded to a question about having a separate accreditation body and all three agreed with this idea. Some industry support service participants commented on having a separate or independent body to assess and monitor contractor compliance with the BEP. SS-GD-2 agreed that having a central agency to review how projects are meeting the BEP[[30]](#footnote-31) was a good idea, however contended that agencies needed to maintain some ownership of this:

I think agencies need to have some ownership of it. Exactly where the diverging lines split between them and the more central function I'm not sure, but there needs to be some ownership within the agencies… whether it's the GEAPs or whether it's other elements.

SS-UN-1 was of the view that buying agencies and the policy implementers were not well placed to perform this role as they did not have the required expertise[[31]](#footnote-32). Instead, there should be an independent body with the relevant expertise who is responsible for monitoring and assessing compliance:

We have a Gender Equality Commissioner who has expertise in the space of doing gender equality action plans[[32]](#footnote-33), because that’s what the public sector has had to do… it’s a place of their expertise... And this could be the perfect opportunity to pilot that and… the Gender Equality Commission has funding… It doesn't take a lot of additional funding for them to continue to have people in there who can provide advice and support. [SS-UN-1]

SS-UN-1 felt that an independent body can *“hold them [contractors] to account”*, and report back to the government buyer procurement teams with their assessment of contractors. It was considered that an independent body such as the Commission for Gender Equality in the Public Sector (CGEPS) *“will have the ability to make that nuanced judgement”* [SS-UN-1] about the reasons for non-compliance and provide their assessment to procurement teams.

#### Labour supply organisations

These participants did not comment on this topic.

#### Policy implementers

These participants did not comment on this topic.

### Definition of women

While the 2023 BEP update now includes a definition of women[[33]](#footnote-34), participants were asked to consider whether there should be a definition of ‘women’ in the BEP and findings are outlined in this section according to stakeholder group.

#### Principal contractors

Twenty-six principal contractors responded to the question on whether there should be a definition of women in the BEP. Seven believed there should, ten believed there should not, and nine were not sure.

Some principal contractors were concerned that the binary approach to gender is *“not being inclusive”* [PC-B-16], was *“actually outdated”* [PC-C-4], and “*a bit out of touch in some ways with the current cultural narrative*” [PC-B-16]. PC-C-4 commented that it is difficult to promote a women’s policy when some workers do not identify with a particular gender or for *“those who don’t want to disclose their identity or didn't fall into a male or female gender”* [PC-B-28]. For example, one contractor commented that:

we want to be inclusive in our definitions provided to subcontractors… I’ve written that the policy is about women, but I acknowledge that gender is fluid, and we apologise for any offence that this is causing [PC-B-16].

#### Government buyers

Six buying government buyers responded to a question about whether there should be a definition of women in the BEP. Five agreed and one participant was not sure.

#### Industry support services

Three industry support service participants responded to a question about whether there should be a definition of women in the BEP. Two agreed that there should be, and one participant was not sure. Some industry support service participants believed the BEP should include a definition of women provided it was inclusive. One participant suggested that if the definition is extended to include non-binary genders*, “you can’t assume that nonbinary people have the same needs as women either”* [SS-NG-6].

#### Labour supply organisations

Two labour supply organisation participants responded to a question about whether there should be a definition of women in the BEP. One agreed and one participant was not sure.

#### Policy implementers

Policy implementers expressed differing views on including a definition of women in the BEP. One participant commented that by including a definition, there is *“the danger of yet another level of complexity”* to the BEP. Broadening the definition of women was preferred by another participant. Another participant expressed the view that a definition is needed *“in the policy that reaches all women. Because otherwise it reads really heteronormative, white women. And I feel like we need to do something so it’s more inclusive”*. They continued*, “If this is a government facing policy, the government facing policy should always be written with the right intentions… So that when people are reading it, they actually go, right, this is a policy that’s inclusive of everyone... – it’s something that builders actually start to think about”.*

## Policy implementation

### Accessing information about the BEP

This section reports on the various sources of information related to the BEP during implementation and reports on which stakeholder groups accessed them. It also reports on stakeholders’ perceptions of who should be responsible for providing information on the BEP. This section then goes on to outline findings related to the support provided for buyers and contractors, and then considers information and support on the BEP as it relates to tendering.

As stated in Section 4, a formal governance framework was established by the Victorian Government that sets out responsibilities for IRV, DGS, ICN (under DGS) and government buyers to implement the BEP.

#### Policy Owner

###### Government buyers

From all stakeholder groups interviewed, only one government buyer participant [BA-C-4] believed that the BEP owner should be the source of information and should address all questions regarding the BEP. This participant went on to express their frustration at the lack of involvement from the BEP owner in supporting them in implementing the BEP during the tender and delivery phases. This however indicates a misunderstanding of the responsibilities established by government for implementation whereby the responsibilities noted here sit with the policy implementers, rather than the policy owner (see Section 4).

#### Policy implementers

###### Principal contractors

Of the principal contractor participants, results indicate that only tier one contractor sought advice from the policy implementers. This advice pertained to seeking clarification around meeting gender equality targets and feedback on the requirements of Action 3 in response to an RFT proposal.

###### Government buyers

The policy implementers were a key source of information for buyers when the BEP was first introduced: *“pretty much all the early engagement was through [the policy implementers]”* [BA-C-3]. While some members from the policy implementer group were noted to help support the buyers in implementing the BEP, frustration was expressed when officers were not able to provide the required information and reply to questions in a timely manner. One buyer reflected on their correspondence with the policy implementers and the time it had taken to receive responses to questions and the limited information they received, describing it as being *“a bit of a dog's breakfast. If they don't know [the policy implementers], how can we expect the contractors to know, let alone the project offices”* [BA-C-4].

Government buyer participants also noted that information provided by the policy implementers was not always sufficient to inform their social procurement teams on how to implement the BEP, which left government buyers uncertain about how to apply the policy. Other buyer participants expressed frustration around the lack of information and clarity provided in relation to contract and tendering requirements, application of the BEP, reporting, monitoring and feedback and also responsibilities for different aspects of implementation. For example, a participant commented: *“at the time there wasn't the tender documentation to explain how it applied. There were a lot of gaps”* [BA-B-1].

One buyer expressed a different view of the policy implementers, noting that they had had positive interactions with the team in the procurement phase:

the interactions I've had with the BEP team is positive in terms of we involve them and we collaborated with them. During the procurement phases, they attended particular contractor workshops that we ran. We got them involved in the gender equality action plans, the reviews and provided that feedback, which was good... But from a delivery piece, I can't comment on that. [BA-C-7]

#### Industry Capability Network (ICN)

###### Principal contractors

Principal contractor participants had all sought policy clarification and guidance from ICN, recognising they were the conduit to the policy implementers. Contractors also relied on ICN for assistance in clarifying the reporting requirements and the VMC.

I mean ICN is one organisation obviously because I must use their website to do all of the reporting. I’ve had someone basically on speed dial at ICN for months. [PC-C-12]

Many contractors found the advice, seminars and webinars conducted by ICN as helpful in understanding the BEP intent and requirements, as reflected in the following statement:

ICN has been good, they've run a couple of seminars and then we met with them a couple of times online to catch up around what's going to happen and what [companies like ours] must have in place [to meet BEP requirements]. So, it was really useful… [providing] a more realistic understanding of what the policy might entail. [PC-B-1]

Information sought from ICN ranged from clarification on roles to application of the BEP requirements. For example:

there were some questions around the definitions, particularly the 80 percent time requirement for on-site. The specialist 35 percent group was something we sought a lot of clarification around, and we relied on the ICN to provide us with that information, and any of those FAQs or updates that came through from government. [PC-B-16]

Principal contractors also used ICN to clarify contradicting information provided by government websites. For example, PC-B-19 commented that *“I was reviewing the [Buying for Victoria] website and found blatant errors of time frames”* so they engaged with ICN to confirm the correct dates with government.

One principal contractor stated that they had been advised by the policy implementers that the ICN was the only organisation they should seek assistance from[[34]](#footnote-35):

I've been told if you're going to get any feedback on BEP or to get clarity, everything must go through ICN. You cannot go straight to a department… and we've found at times getting responses might take weeks to months. [PC-B-19]

While principal contractors found the ICN helpful in answering their questions, there was concerns about the delay in response. It was understood that delays were caused because of the need for ICN to clarify information with policy implementers before providing advice back to the contractor. PC-B-13 stated that while ICN *“have been useful”* they are *“the messenger… and a lot of the things we need clarity on require ICN to go back and get clarity from the department that hasn't been solved yet. It's an issue we're aware of it, but going to take some time”.*

ICN’s ability to provide advice was limited, as they are unable *“to provide answers to questions that are not accessible for everyone because then it could be seen as unfair”* [PC-B-28] to ensure that all contractors have the same information when tendering for government projects.

###### Government buyers

Despite establishing good relationships with ICN, most buying agencies felt that they were not the right organisation to assist them with BEP implementation. Some participants reflected that as the buyer, it was their role to assist contractors rather than the ICN, because buyers “*understand and [are] working with them” [BA-C-2].*

###### Industry support services

Participants from the industry support services stakeholder group identified ICN as a source of information on the BEP. For example: *“One partnership that’s really crucial we’ve developed in the last year is with the Industry Capability Network, so we’re actually having monthly meetings with their BEP advisory officer there”* [SS-NG-3].

#### Government buyers

###### Principal contractors

Both civil and commercial builders sought clarification about the requirements of the BEP from their government buyer during the pre-tendering and tendering stages. For example:

we were able to write questions and further define or understand what they actually were going to measure us on. [PC-B-28]

However, principal contractors were concerned that government buyers were limited in the advice they could provide, as the information they were seeking *“hadn’t been thought about it to that depth”* [PC-B-28], implying that there was a perception amongst principal contractors that the details of how to apply the policy had not been considered in enough detail by policy implementers to adequately support buyers. This meant government buyers could not access the information contractors required.

#### BEP website

###### Principal contractors

Information about the BEP was made available on two government websites. Information about the BEP is located on the IRV website while information about BEP implementation for suppliers i.e. principal contractors, resides on the Buying for Victoria website. Both websites were a popular source of information for suppliers (principal contractors) and many found the information about the BEP easy to locate. However, some of the information on the Buying for Victoria website was either incorrect or did provide a full explanation of the requirements critical to implementation.

The discrepancies between the BEP and the Buying for Victoria website led to confusion within organisations, and one principal contractor commented: *“you didn't really know which one [the BEP or the Buying for Victoria website] was correct or which one had been updated more recently”* [PC-B-28]. Further, many contractors identified that they had experienced *“a lot of trouble when it came to finding the actual [BEP] templates*” [PC-B-32] on the Buying for Victoria website.Therefore, at times, principal contractors sought advice from ICN.

#### Other contractors within and external to their organisation

###### Principal contractors

Some principal contractors sought advice from other “*organisations to try and broaden my network and to learn*” [PC-C-12], while others went to their social procurement team or human resource departments. One principal contractor explained: “*we’ve been talking to other builders and there was some confusion amongst other builders around the interpretation*” [PC-B-16]. Finally, some contractors had brought together their *“internal stakeholders to share and learn from each other”* [PC-B-19].

### Tendering and contracts

The findings of this section focus on participants’ experiences and reflections of tendering and contracts.

#### Principal contractors

Principal contractors noted that the advice and requirements associated with the BEP were different across government buying agencies: *“There was inconsistency across project offices because one project office could interpret very differently to the other”* [PC-C-34][[35]](#footnote-36), due to interpretation of the BEP or feedback from the implementation team, confused the tendering process and caused inconsistency across final project requirements, leading to frustration across the sector. PC-C-10 commented, *"I think if the client [government buyer] assists with a consistent message and system, I think we'll – there's a lot less adversity”* [PC-C-10].

An example was provided by PC-B-30, who had experienced changes in the tendering requests related to compliance:

I've seen a shift in… how these policies are implemented… there was language and content in the tender document suggesting that if you didn't meet your six monthly recording requirements, you would not be given practical completion. [PC-B-30]

Principal contractors commented that as a result of inconsistent requirements from buyers, they spent considerable time trying to work out *“tender contract tender documents…what are they requesting [because] they have absolutely no idea what they're requesting”* [PC-B-30]. It was also noted that principal contractors had been told *“off the record”* that when tenders were assessed, some of criteria had changed: *“some of the people that were assessing the tenders…they said it's off the record, but some of that stuff changed”*[PC-B-2]. PC-C-3 was concerned that *“those decisions are made by people who probably don't even understand social procurement”*[PC-C-4]. Given the difficulty contractors can face in meeting gender targets due to a shortfall of women, changing requirements and an inconsistent approach had led to some “*cynicism around the BEP”* [PC-B-30][[36]](#footnote-37).

Some participants were concerned that there was no *“independent arbiter”* to facilitate conversations around inconsistent advice from the buyer and its impact on principal contractors who are implementing the BEP[[37]](#footnote-38). In some instances, principal contractors could not obtain answers to their questions from buyers who provided *“zero feedback because they all hide behind probity”* [PC13B]. According to the Buying for Vic website the principles of probity involving evidence of ethical behaviour and good process are demonstrated by implementing processes and actions that are consistent, accountable, transparent and auditable. Providing advice about BEP requirements align with the principals of probity so long as the advice is consistent and available to all organisations.

Principal contractors suggested that they could be better supported through *“a session with a third party and the client responsible to clarify all of this stuff, ask questions and then whatever is agreed in that context is then put the contract, and we're all on the same page”* [PC-C-22][[38]](#footnote-39). An independent arbiter would be of value because some participants perceived there to be a *“power imbalance because you are the contractor, and they are the client”* [PC-C-22]. Participants did not view the policy implementers as having this role.

Principal contractors recognised the need to communicate the requirements of the BEP Action 1 and 2 with their subcontractors during the tendering phase or immediately after being awarded the contract. PC-B-1 explained that *“it’s not really changing our tendering process... we’re engaging with people [subcontractors] after we’ve won projects and saying, our expectations are that you will have X number of females. We need you to have X number of apprentices, X number of cadets, trainees, and it’s written into their contract.”* PC-C-11 also explained that “*social procurement commitment targets are built into our contracts with our subcontractors.”* PC-B-13 added that they are ***“****setting expectations… putting pressure on people… if you think you can get to six, we want you to get to eight, and then work out how it actually works.”* PC-B-13 felt this was not problematic because *“the reality is, most people don’t look at [the tender] until such time as you work it out.”*This approach was also expressed by PC-B-25:

From a tender point of view, with how we would seek trade engagement on pricing, we would be going to the market. We would be working with a few key ones. The reality is they’ve got a very finite, a very short period to be able to price set. They’ll be coming back. The nuances of a BEP commitment are something that we’ll take on spec in terms of how we’ve actually got to work with that, or the work that we’re doing organisationally with our supply chain. That won’t really be a specific topic for a tender, because of – it just doesn’t work. [PC-B-25]

Other contractors noted engaging with their subcontractor about the BEP requirements and working towards ways of meeting them. However, it was noted that *“the period you’ve got to undertake that engagement, and the types of projects as well. Getting that level of feedback from trade that early can be a challenge”* [PC-B-18]. PC-B-21 also reported engaging early in the tender process with their subcontractors: “*when it came to tendering, we spoke to trades about it as soon as the policy came out.”*

#### Government buyers

Differences emerged between buyers in relation to the way they approach the BEP in tendering, contractual agreements, and project delivery.

Approaches to engaging and supporting contractors in tender development differed. Some buyers have established groups of preferred contractors and worked with them to develop systems to collect required WGA data for tenders. One buyer actively supports contractors to develop tender material and meet BEP requirements in a consultative process: *“because of the collaborative model, it means that we've been able to get some really good insight into how the contractors have kind of reacted to the BEP*” [BA-C-2].

Another buyer described their process for engaging and supporting their contractors in implementing the BEP:

we have meetings with the contractor early on to help them understand what the requirements are, particularly with the BEP when that got introduced. We spent a lot of time sharing as much knowledge as we had… particularly around the definitions of what roles would contribute where. We had a few little nuances around how we would record results and performance…we didn't get approval, but we got it noted by DGS… Then we assess the tender submission… how they will meet or exceed the minimum requirements…Then once the contracts are awarded, we'll work with them, we do an early review process, give them all the feedback with our assessment so they can update it and then the… commitments, they don't get locked, they are living documents. [BA-C-3]

Buyers also had different approaches to weighting the various social policies[[39]](#footnote-40) in their consideration of the tenders (see Section 5.4.3 for further details on BEP weighting).

Findings also indicated that BEP targets and how these are calculated were adjusted by some buyers[[40]](#footnote-41). For example*, “it's [targets] a totally inappropriate requirement. So how we applied it is of all the roles that fit into that management supervisor and specialist category, 35 percent of those hours must be female. We have applied it [targets] by category in our contract'”* [BA-C-3].

Model clauses for the BEP are used by buyers in contract development, however they are modified by the buyers for each contract[[41]](#footnote-42). For example, regarding model clauses, BA-B-1 noted that *“there were issues, we had to amend them last year where they were incorrectly worded to just clarify”* [BA-B-1]. Another buyer noted that they also needed to modify the clauses because of issues with the wording for their contexts: *“I think there was quite a gap and I think we ended up doing a little bit of bespoke work ourselves in terms of developing what they looked like”* [BA-C-6]. Another buyer noted that “*It's because of the uniqueness of our contract model that we just need to tweak them”* [BA-C-2].

Buyers noted that having up-to-date information about any updates to model clauses is important.

Most buyers expressed concerns regarding the inconsistency and lack of collaboration between buyers in applying the BEP in tendering and during project delivery. BA-C-4 noted that consistency between buyers is important for contractors who work with multiple agencies. BA-C-5 supported this, reflecting:

I'm just worried if different agencies are… providing that feedback, it's going to be inconsistent across the board… the contractors work across multiple contracts packages… We want to make sure they're getting consistent feedback on those GEAPs. [BA-C-5]

One buyer expressed a strong view that inconsistency in contract clauses is “*going to result in a pretty poor outcome*” [BA-C-7] for implementation of the BEP.

BA-C-7 anticipates that when they are involved with the delivery phase of a BEP applicable project, they will be met with resistance from contractors due to prior inconsistency amongst buyers. They anticipate contractors saying:

No, we never did this. We worked on that package with this agency (government buyer), and now we're reporting in it on a different way, or we've been asked to provide information that we've never had to provide… I want to avoid that as best we can, and this is back to the policy. [BA-C-7][[42]](#footnote-43).

There is a need and opportunity for collaboration and consistency between buyers when applying the BEP. According to BA-B-1, *“we're only just starting to understand what the other agencies are doing and how they've also had similar challenges. But it makes sense to be consistent, relatively consistent, or transparent about where agencies differ”* [BA-B-1].

Inconsistency across agencies and sub-agencies will ultimately impact evaluation and policy outcomes with *“whoever evaluates those live projects next year, if they're looking at projects that have implemented inconsistently…., how strong is that data going to be?”* [BA-C-7].

#### Industry support services

Some industry support service participants had observed differences in the way buyers had applied the BEP in their contracts. It was considered by all that consistency is preferable so that principal contractors are clear on expectations and conflict does not emerge when subsequent buyers have different expectations of contractors[[43]](#footnote-44).

Participants had observed that government buyers had developed their own weighting system in a contract for the different social procurement policies[[44]](#footnote-45). SS-UN-2 explained that buyers *“often come up with their own weighting system about what’s actually important in a contract”* [SS-UN-2]. Because of this, SS-UN-2 argued that if buyer procurement teams are determining compliance with the BEP, they need training to give them the expertise to make judgments about its application in projects *“because they need to include this weighting as important as any other big piece of weighting in the assessment. The assessors actually need to understand the importance of why [BEP] is in there”* [SS-UN-2].

SS-NG-8 observed that a key challenge in providing consistent messaging, guidance and support for principal contractors to address the BEP has been *‘the number of delivery partners”* [SS-NG-8] that are implementing the BEP. They described this *“situation as unique and has been”* [SS-NG-8] challenging from a stakeholder management perspective with having so many different partners involved with different views on how to implement the BEP[[45]](#footnote-46).

Industry support service participants noted that there is a need to bridge the gap between what is agreed to in the tender and how that is achieved through project delivery. A key issue is the lack of continuity between the tender development teams and the delivery teams. Addressing the social procurement policies:

at the tendering time tends to fall on a [business development] person who just wants to win the tender. But then it doesn't necessarily translate to the delivery team… they just kind of get given these targets at the delivery stage, they're like, oh, we submitted this GEAP, we submitted these targets, go forth and meet them. So I think it's more broadly about bridging the gap between tender to delivery and [it is] not unique to building equality. [SS-NG-8]

SS-GD-1 supported this comment, noting that those they work with on tendering and delivering:

usually it’s two different sets of people. The people delivering aren’t much interested in having a conversation with me about what the people who tendered for the project said they were going to do. So, it usually comes back to what can be enforced in a contract and is there a penalty for it or not, a lot of times. [SS-GD-1]

One industry association participant heard *“quite shocking stories”* from a subcontractor member organisationabout contracting relationships between principal contractors and subcontractors. For example, SS-IA-1 explained:

… contracts will be presented to a subbie… and there's argy-bargy back and forth about prices and what's been contracted, and they'll then be presented… with a contract to sign and rushed through it…. those clauses may have been changed… without them knowing so, some of that contracting it can be quite adversarial. [SS-IA-1]

This has implications for contractual responsibilities placed on subcontractors by principal contractors to meet BEP requirements. SS-IA-1 further commented that *“it's the new [subcontractors] coming into the system where they're focusing on the outcomes required, not necessarily… the fine print about how your workforce is going to be structured”* [SS-IA-1].

On the other hand, SS-GD-1 has observed that because of the BEP:

you’re starting to see more of a mentality of, I can’t just include these in the subcontractor packages and have an expectation that everybody’s going to contribute. I have to really plan the how part and know which roles are going to come from where and how that’s going to contribute to the policy and set clearer expectations for people. [SS-GD-1]

#### Labour supply organisations

LS-SC-2 noted that the tendering phase from a subcontractor perspective is complex. In the tender phase the subcontractor is required to estimate project hours in addition to planning how to meet role-based targets against the different social procurement policies: “*that's the complexity, that is the hardest thing*”. This same participant also reflected on the challenges of negotiating with the principal contractor when they wanted to go above and beyond minimum policy targets to give them an advantage when tendering.

Labour supply participants with experience of placing women in subcontractor organisations to meet BEP requirements had observed a ‘gap’ between contractor teams developing tenders and those delivering the projects:

for me there's two parts to it… the social procurement people… They all want to work with me. They're all excited. It's when you deal with the HR team and they're a massive blocker I find for us in the recruitment space. So the HR team will say yes, yes, we'll use you, and then they never get in touch with us. [LS-LH-1]

Like LS-LH-1, LS-GTO-P-1 has also experienced a difference between the contractor teams developing the tender and those involved in project delivery:

the tender writers know exactly what boxes they need to tick… they might come to me and say look… we want to put [the women in trades program] in our tender… And we say yes, that would be great. We'll work with you… then by the time it actually comes to the tender being awarded… or the work starting, those people have all moved on…And then the person that comes into the social procurement space is just flying by the seat of their pants trying to connect all the dots, without all that background knowledge. [LS-GTO-P-1]

In the project delivery phase, *“there's an information sharing piece that seems to fall down somewhere”* [LS-GTO-P-1]. LS-GTO-P-1 attributes this partly to a lack of communication between the site's tendering team and the subcontractors. The tender team say *“’we'll take on 10 such and such”… that doesn't mean anything because once you've got your subby saying “look, I don't need those people… I need this labour force”… It's sets up the program for disaster, really”* [LS-GTO-P-1].

#### Policy implementers

The policy implementer participants noted that they encourage and support buyers to develop their own penalties and incentives with regard to social procurement policies because “*it’s hard to clarify them because the penalties will be different depending on the individual contracts”* [PI-FG][[46]](#footnote-47).

Participants reflected that buyers have requested that the policy implementers provide support in determining penalties[[47]](#footnote-48); however, one participant explained that it is the buyers' responsibility to determine compliance and penalties. Another participant explained the position of the policy implementers further:

that request coming to our team for that guidance on penalties is actually quite challenging for us to provide a one size fits all method for applying a penalty or an incentive. Because it really is about what type of contract model the actual project [has and] the actual framework that a contract is applying to the whole contract, in terms of non-compliance, breaches, penalties, and incentives. All of those things and the risk appetite of that particular government agency [buyer] to actually follow through with something they will put into that contract. So we can’t provide a one size fits all approach to guidance on penalties, or remedies. [PI-FG]

The policy implementers have experienced confusion from buyers and contractors regarding the term “remedies” in the compliance wording of the BEP. Stakeholders have assumed this means penalties, which is not specified in the policy documents. A participant explained: “*It actually says remedies in the policy wording. But a number of people automatically interpret that as penalty… we’ve got that challenge”* [PI-FG].

The policy implementers noted that they have an opportunity to address this through guidance material as the transition period is ending, as reflected in the following comment:

I suppose the transitional compliance period is critical in determining how long we have to pull together something that guides people the right way to put those things in their contracts. Because people need to know that they could be breached in six months, or maybe it’s 18 months, but there’s still time for that pipeline to develop in maturity [PI-FG].

### Weighting of the BEP

The minimum tender evaluation weighting recommended for BEP requirements is five percent. The recommended minimum 5-10 percent weighting for other SPF objectives is separate. The three policy actions carry equal weight in the tender evaluation.

#### Principal contractors

Contractors noted that the social procurement piece now had a weighting of 30 percent which has increased significantly when compared *with “a few years ago, it would be five percent if that. Before that it was best endeavours”* [PC-C-4][[48]](#footnote-49). Contractors did not comment on the weighting but on how it impacted the costs of jobs and, in turn, influenced the decision on tender applications. Principal contractors were concerned that in the face of budget constraints, buyers would award tenders to those based solely on cost regardless of investment in social procurement[[49]](#footnote-50). PC-B-20 explained:

there will be times where you have done the right thing and we get the tick in the box [for social procurement]. But the next party doesn't quite meet the requirements of, say, the BEP, but they've got a really red hot number…there's $5 million upside to the client. The client shouldn't buy that party because there's not a greater economic good for the client. However, while we see a lot in tender documents around social procurement weighted at 30 percent/ 40 percent when we go into post tender interview it's not even on the agenda for a discussion, but you know, it's potentially the highest weighting in the whole criteria, and it's not being spoken about, so it feels like it’s become a tick in the box.

PC-B-2 also expressed similar concerns about the balance between project costs and the weighting of social procurement requirements, stating:

what we've found is… with prices pressures and rises... you can put all this stuff in, but then the minute the job goes quite a bit over budget, some of the weighting can get adjusted… we've had [unofficial] feedback that we have the scoring but then because the job was so much over budget, the job needs to go ahead. This incentive scoring gets downgraded.

#### Government buyers

According to BA-B-1, it is easy for contractors to state they will meet targets in their tender but not deliver on them despite the buyer responsibility for ensuring the contract provisions are met by the contractor.

#### Industry support services

These participants did not comment on this theme.

#### Labour supply organisations

These participants did not comment on this theme.

#### Policy implementers

These participants did not comment on this theme.

### Managing Action 1 target requirements

The section outlines findings related to stakeholders’ experiences and perceptions of managing Action 1 targets. The first part of this section considers findings related to subcontracted labour and the following part considers management and supervisory and specialist labour.

#### Subcontracted labour

###### Principal contractors

Contracting in the construction industry uses a supply chain approach as principal contractors rely on subcontracting to deliver projects. Principal contractors were concerned that the BEP requires them to be responsible for hiring practices down their supply chain. Many contractors “*don't have large groups of workers who are on the tools that work directly for them”* which limited their capacity to meet the targets. Both civil and commercial builders reiterated that they *“don’t do a lot of self-performs”* [PC-C-10], and as a result, do not directly employ a large workforce and subsequently “*subcontract and procure everything out, which especially for the policy is something that we're trying to navigate”* [PC-C-10]. This issue reflects the nature of the industry and is not limited to the BEP.

Principal contractors explained that the BEP requires them to *“pass the [policy] commitments through to the subcontractors”* [PC-B-24]. PC-B-18 commented that “*ultimately, we control an element of it [labour hire], but it’s very much managing them [our subcontractors].”* This then elevates their cost-risk profile, as contractors explain they *“can't tell them [subcontractors] how to do their job, we can't tell them how to hire and who to hire”* [PC-C-12] and this results in frustration because:

Our level of influence to our subcontractors can only go so far in terms of outlining and influencing and talking to them continually about getting females on their books and encouraging females to join their trade cohorts. [PC-B-20]

Having to rely on subcontractors was frustrating because some subcontractors are not interested in meeting the targets, but many are also *“just so overwhelmed [by the BEP requirements]”* [PC-B-15].

The lack of available labour across the trade and non-trade categories results in subcontractors struggling to find the women to fill the required target positions, as PC-B-19 commented:

We just know that there are certain trade roles that we just won't be able to fill because it's just not the apprentices or the people in the State doing that work.

Principal contractors commented that government should have put: *“more thought into how that is actually going to be actioned by the bulk recruiters, which is the subcontract workforce”* [PC-B-23].

###### Government buyers

There was a misunderstanding of how the BEP applies to projects. For example, one buyer discussed challenges that a regional contractor was having in meeting their trade targets:

They've actually said due to the nature of their works, they're not going to be able to provide progress reporting against that target as there will be no trade covered labour actually within that workforce. [BA-C-5]

Targets for BEP Actions 1 and 2 only apply to occupations that are used on a project. If no trades are required on a project, then BEP targets for trade occupations do not apply to that project.

###### Industry support services

According to the industry support service participants, a key issue regarding gender equality targets is the ability of smaller contractors to meet the targets and provide the appropriate level of resourcing to address associated BEP requirements. According to the Industry support services, the views of the gender equality targets within the industry vary, partly due to organisation size and capacity to meet targets and undertake reporting. Participant opinions are mixed because the industry is not homogeneous. It was noted by organisations representing or supporting subcontractors to meet BEP requirements that a large majority of the industry is comprised of small businesses concerned that they don't know how to meet the requirements or they see the BEP as another layer of burden. For example, SS-IA-1 explained:

Where we're finding less comfort is with the subcontractors and the smaller providers because of the structure of the industry that in tendering for the large jobs, the head contractors have the obligations, and they push them down to their subcontractors. [SS-IA-1]

One industry support service participant with direct responsibility supporting industry’s implementation of the BEP had experienced *“really varied”* responses to meeting targets based on *“who they had in their workforce rather than what the industry as a whole was really saying because you get some contractors saying, oh, we're fine with the management targets, but we're really concerned about the trade targets”* [SS-NG-8]. SS-NG-8 further explained that:

the tier one constructors… have… considerable teams that can manage the additional workload and the additional resourcing that might be required to implement this type of change. Whereas… generally with social procurement [for] tier two [and] below… it can often just be sat with their business development person. So maybe someone that hasn't worked in construction… versus some people that are really passionate about it and probably understand more of the trends and requirements to actually implement change. [SS-NG-8]

###### Labour supply organisations

In order to increase their advantage at tender stage, principal contractors may direct subcontractors to increase their targets well above policy requirements, thereby increasing the burden on the subcontractor. For example, one subcontractor commented that the MPSG requirements are: “*reasonably clear. But when the contractor demands higher numbers that makes the policy unclear*” [LS-SC-2].

###### Policy implementers

These participants did not comment on this topic.

#### Management, supervisory and specialist labour

As part of the BEP, women are required to perform at least 35 percent of the contract workers’ total estimated labour hours for each management/supervisory and specialist labour position. The definition of onsite managerial, supervisory and specialist labour is shown in Section 2.3.2.

###### Principal contractors

Regarding meeting their own 35 percent management category, principal contractors believe they could *“manage as an organisation and certainly push and strive to get into the percentages”* [PC-B-18]. However, the 80 percent on-site requirement for the 35 percent management group was something that contractors sought clarification on and have found problematic as *“a woman has to be on site to count under this policy, and what does that mean when we work from home or work on other things, but we still contribute to the project*” [PC-C-22]. Additionally, those working in design *“work exclusively to projects might only work on site three days a week and then work two days a week at head office”* [PC-B-20] and therefore they cannot be counted as part of the target requirements.

The findings also identified that women in roles such as back-office workers, managers and other professionals who work on a project but are not onsite feel unappreciated given the energy and commitment they place on ensuring the policy is a success in their organisation, yet they are not counted towards meeting BEP requirements**[[50]](#footnote-51)**.

PC-B-23 explained one example of a challenge associated with the targets is that *“we run pretty lean project management teams… one construction manager, one project director”.* Participants explained that in these instances in order to employ a woman, they would need to terminate one of their existing male employees.

The definition of management roles was also raised as a challenge by many principal contractors, as different organisations use various terms to classify roles. For example:

The definition around engineers is really hard because we've got project engineers which are something that say [another principal contractor] would have and then we have structural engineers, we have service engineers, we have civil engineers, we've got traffic engineers, which again hasn't been broken down into definitions. [PC-B-28]

There was some debate about what constitutes working “onsite”. Civil sector participants questioned whether offsite manufacturing work undertaken by their subcontractors was recognised within the definition of onsite.

###### Government buyers

From a buyer’s perspective in relation to Action 1, the '80 percent of time spent on site' was challenged because it discouraged retention and career progression. One participant commented that the 80 percent requirement gave the impression to women that “*We're not recognising you because you're not site based and spending 80 percent of your time on that project”* [BA-C-3], which then resulted in *“less incentive in that retention piece”* [BA-C-3].

It was considered that the 80 percent onsite time requirement did not reflect the realities of project-based work where those in professional project roles often work across projects and thereby do not ordinarily spend 80 percent of their time on one site. Based on their experience with how women worked on their projects, BA-C-3 was of the view that data is being missed on women working in the industry if only those with 80 percent commitment to one project is being reported on.

###### Industry support services

These participants did not comment on this topic.

###### Labour support organisations

These participants did not comment on this topic.

###### Policy implementers

Policy implementers raised concerns with the 80 percent on-site requirement, commenting that it does not reflect how supervisory and management roles are structured across projects. They expressed confusion as to why this was included in the BEP. When discussing this requirement, one participant reflected:

I could only think of two potential reasons for the on-site [requirement], which was one, the PR side of things... And then two is the mistake of thinking in your head, you’re tallying people rather than hours. So it’s a mitigation against double counting, right? If you were split across different projects, you could simultaneously count as one head on multiple projects. And the reality is the measurement is on hours. It’s not on the count of women, it’s the count of their hours. So there is not risk of double counting [ITFG].

One participant believed that this requirement makes it impossible for contractors to meet the 35 percent target, even *“if you have 100 percent female crew… and then you apply these 80 percent project specific rules, you cannot meet the target for the 35 percent”* [PI-FG].Another participant questioned if the additional requirements regarding being onsite were being too restrictive about the type of participation from women and if this worked against the BEP intent:

we’re trying to promote women to get in, but then… we just start putting all these kind of parameters on it, which makes it harder and harder. And I think we just need to open it. Because… in terms of what benefit does the on-site definition bring, I can’t answer that question. Because it doesn’t – anything that excludes women, or men, is not doing anyone any service… If you’ve got women in industry, anywhere on any project, that’s a win [PI-FG].

### Managing Action 2 target requirements

This section reports on findings related to Action 2 which is focused on engaging women as apprentices and trainees[[51]](#footnote-52). Perceptions of each stakeholder group is outlined. The inclusion of cadets in Action 2 was raised by participants and is also reported in this section.

#### Employing women as apprentices and trainees

###### Principal contractors

Some participants were confused with the alignment of Action 2 and requirements of the MPSG [[52]](#footnote-53). Given that the industry already has systems in place to meet the MPSG requirements, communicating the complementary nature of the two policies would help principal contractors meet Action 2 of the BEP, as reflected in the following statement:

the trainee and apprenticeship metric is relatively easy for us to measure. We currently do that through MPSG. I know it's calculated differently, but we can measure that. It's quite well defined for us as an industry, because we know who our trainees are because we've got the proper documentation in place. We've got the apprenticeship documentation in place, and we can track that with our subbies as well. [PC-C-8]

Principal contractors were concerned that the wording associated with Action 2 was unclear and contained *“a lot of ambiguity”* [PC-B-24] regarding the four percent of work to be completed by apprentices and trainees. Some contractors stated that they first interpreted the BEP to mean *“4 percent of [the total] apprenticeship and trainee hours [on a project]”* and upon realising it was *“actually four percent of total [project] hours”.* PC-B-28 believed the four percent is an unrealistic target given the number of apprentices in the industry, as explained in the following comment:

there are not as many people coming through apprentices. A lot of subcontractors are finding it difficult because people aren't wanting to do an apprenticeship [on an apprenticeship wage] when they can sweep floors for $170,000 a year in the tunnels. [PC-B-28]

###### Government buyers

Buyer participants reported that the wording of Action 2 in relation to apprentice and trainee hours was unclear. Participants were unsure whether hours worked were calculated as *“four percent of [total] apprentice hours or four percent of [the] total hours [of the project]” [BA-B-1].*

###### Industry support services

Industry support services participants supported the apprentice and trainee targets of the BEP because it provided a career pathway for women. For example, a participant commented:

if we want women to have real safe, secure, ongoing work in this industry… Apprenticeships is where it’s at. That’s the only way we’re going to actually make real change. Because those women doing those lollipops [traffic management] don't then move up into the sector, up the ranks, becoming delegates, becoming project managers. [SS-UN-1]

Participants raised concerns about the hours that apprentices may be required to work and their continuity of employment and training. SS-NG-5 noted that the health and wellbeing of apprentices and trainees should be a priority rather than solely focusing on the hours they worked: *“if you're going to take on an apprenticeship… what does that look like in terms of their hours and how does that play into work-life balance?”.*

A question was raised around the long-term retention of women apprentices in the industry once government projects are completed. Women may be hired for a short term on projects where “*They all get put onto the project, they all get sacked at the end of it. How is that something that’s going to encourage people into the industry*?” [SS-IA-2]. Continuity of employment may be impacted by the desire for companies to meet targets and therefore, job security was at risk for women in cases where meeting targets was the priority.

###### Labour supply organisations

Labour supply organisation participants had mixed views and experiences about the potential effects of apprentice and trainee targets as part of the BEP. One subcontractor participant commented extensively on their concerns regarding the employment of apprentices to meet Action 2. They drew on their experiences with meeting MPSG targets to explain their concerns. They noted that supervisors in their organisation had experienced pressure to move women apprentices to different projects to meet targets. They were concerned with this practice from a skills development perspective, that MPSG apprenticeship targets (and now BEP targets) require their company to put apprentices on site when it may not suit the apprentices' training requirements. They also noted the potential psychological impact for the apprentice being moved around projects to meet targets:

she knows in the background that “I get sent to that job because they just need me for that [meeting a target],’ and that's a horrible thought. [LS-SC-2 ]

Another participant commented that one of the consequences of frequently moving apprentices from one job to another was that they *“[apprentices and tradeswomen] get disengaged because you've lost that connection*” [LS-SC-2]. This is an issue because being engaged and having a sense of belonging is known to have a positive impact on workers’ wellbeing.

LS-SC-2 found that meeting apprentice targets across the project stages was problematic:

I've got a female apprentice… She's not going to be on that site for another six weeks, because that's when the [relevant work] starts. If I send her there now, she's just unpacking boxes, which is ridiculous, but that's the only way I can achieve my metric. So, there's not enough flexibility in the metric. I can't back end the numbers… we've got three sites running where we're basically moving apprentices around from site to site to site so that we can get our numbers. And if that's what the BEP ends up making us look like, it's not the right place to be… I think it'd be a lot more flexible from a reporting point of view, if we could holistically look at the whole installation. [LS-SC-2]

In contrast the perspective of LS-SC-2, LS-GTO-IA-4 did not observe their apprentices being moved around to meet targets; “*There are many, many levels of consultancy there, where the apprentices get what they need. And being male or female is sort of irrelevant. Once they’re in the job, they’re in the job.”*

In response to a question about whether the BEP is unintentionally causing women to be moved from site to site to meet targets, LS-GTO-IA-1 responded, "*if the policy wasn’t there, would they be getting the opportunity in the first place?... I think what we’re seeing is just a change, seeing that the apprentices… can actually do the job.”*

###### Policy implementers

Participants reflected on how apprentice and trainee targets apply to project stages where there is no need for trades. For example, a participant commented: “*It’s more the unskilled stuff. So trying to get the four percent of total hours when you’ve got no requirement for trades’ is problematic” [PI-FG][[53]](#footnote-54)*.

#### Inclusion of cadets[[54]](#footnote-55)

As discussed above, while Action 2 is closely aligned with the MPSG, it does not count cadets as part of the four percent of total labour hours. Cadets are usually employees who are undertaking university studies. All participants were asked if cadets should be included in the requirements of Action2. The following discussion presents the findings from stakeholder group participants.

###### Principal contractors

Twenty-four participants wanted cadets included in Action 2, two participants wanted cadets excluded from Action 2, and three participants wanted cadets included so long as the definition of cadets in the MPSG is amended for the BEP.

The MPSG agency guidance note on *Eligible Apprentices, Trainees and Cadets* states that:

*For a cadet to be counted towards the MPSG requirement for a project they must be:*

* *enrolled in Australian tertiary education;*
* *receiving learning opportunities as part of their engagement on a LJF project (e.g. cadets in architecture, quantity surveying, and engineering); and*
* *undertaking work that is directly tied to their associated tertiary qualification* ([State Government of Victoria, 2023a](#_ENREF_30)).

Under the current BEP requirements, these positions do not count because *“they don’t meet the definition because the on-site training is not part of their qualification and curriculum”* [PC-B-13].

Some principal contractors felt that including cadets would improve the alignment between the *“MPSG and Local Jobs First and make it easier for us to collect and count the hours”* [PC-B-16]. Additionally, the inclusion of cadets *“makes sense from a reporting perspective”* [PC-B-28].

###### Government buyers

Six participants responded to a question about whether cadets should be included in Action 2 of the BEP and all six agreed that cadets should be included.

###### Industry support services

Seven participants responded to a question about whether cadets should be included in Action 2 of the BEP. Three agreed with the inclusion of cadets, and four disagreed. Over half opposed the inclusion of cadets because they do not lead to an increase in women in trades and skilled roles: *“they don't actually give women the skills that are required to go on and do work in the industry… I want to get more women into apprenticeships”* [SS-UN-1]. Similarly, SS-NG-1 and SS-NG-2 expressed concerns about the inclusion of cadets in the targets, albeit they were not totally opposed. Their qualification on including cadets was explained by SS-NG-1:

As long as they’re paid roles – I think this has been one of the loopholes in the past – they’ve had free cadets and that’s how they’ve met their targets. It doesn’t lead to too many ongoing jobs… I think most of the heavy lifting that we need to do is in the trade areas, and trades don’t offer cadets. Cadets are more office-based roles. I don’t think our issue is in office-based roles… if we’re just talking women [targets], I wouldn’t be offering cadets. We’ve already got that part of the problem solved. [SS-NG-1]

On the other hand, SS-NG-3 and SS-NG-4 supported the inclusion of cadets in Action 2. SS-NG-4 held a different view to SS-NG-1, observing that *“one of the key things we're seeing real issues at the moment is that we can't find those cadets... We can't find those office space positions for women because they're just not out there”* [SS-NG-4]. A cadetship enables women to work in the industry while getting experience and training: *“[a cadetship enables women] to do that course while they are actually working”* [SS-NG-4].

###### Labour supply organisations

Two participants responded to a question about whether cadets should be included in Action 2 of the BEP, and they both agreed that cadets should be included.

###### Policy implementers

Participants supported the inclusion of cadets so that the BEP aligns with MPSG.

### Initiatives to address Action 1 and 2

#### Principal contractors

Principal contractors outlined several initiatives to support BEP Action 1 and 2 requirements. Key initiatives contractors believed they should take the lead on include:

* Educating subcontractors in the BEP requirements.
* Supporting subcontractors in the recruitment of women.
* Developing reporting templates for subcontractors to assist in their reporting requirements.
* Proactively increasing the pipeline of women entering the industry.
* Establishing initiatives to support women within their current workplace.

###### Educating subcontractors in the BEP requirements

Principal contractors explained that their subcontractors often had a limited understanding of the BEP and its requirements. This is considered important because subcontractors make up a significant proportion of the site workforce. For example, PC-B-21 explained at their project: “*90 percent of our people on site will be subcontractors”,* and that is why an *“education piece”* is important [PC-B-21]. Supporting subcontractors will therefore help contractors to meet their contractual requirements.

PC-B-14 explained that to support their subcontractors with the government’s BEP and social procurement requirements, they had created *“wrap-around support services for subbies including a subbies toolbox.”* The information in the toolbox provided information *“in a digestible one-page format [which included] the why, what, and how and spoke to the immediacy and the importance of what we were asking”* [PC-B-14]. The support also ensured that subcontractors did not *“throw their arms up in the air and go, ‘Too bloody hard’”* [PC-B-14].

Educating subcontractors is important during the tendering process because *“trades aren't looking at it at that level… of resource details when it's two years away from the job commencing”* [PC-B-16]. As a result, some principal contractors have:

Taken subcontractors on a journey to understand that if you want to tender with us [for government work] this is what we need you to do, these are the requirements, we can help you with reporting and strategies to work out your female participation numbers. [PC-B-20]

Principal contractors also recognised the role of educating their internal teams so they were aware of and can support the requirements of the BEP. PC-C-22 said it was important to *“just get out and educate our teams that you need to be considering, and we need to help you bring on more women.”*

###### Supporting subcontractors in the recruitment of women

Supporting subcontractors in accessing women was recognised as vital given the various levels of preparedness for such change in their labour force. Some subcontractors reacted to the requirements of the BEP with *“sheer terror”* [PC-B-21] while for others *“it was almost like what's ‘a woman, we haven't heard of them before’. I was so sick of hearing there's no females out there where we get them from, I ran a big session with our subbies”* [PC-B-21]. However, PC-B-21 went on to explain that:

connecting their subcontractors to various agencies like She Force, programs that specialise in attracting women. As soon as they get those good relationships then they just open the doors and let them [more women] in.

Some contractors have been very collaborative and supportive of assisting their subcontractors to work toward the BEP requirements, as indicated by PC-B-2’s explanation of their organisational approach:

some of our larger ones [subcontractors], we sit them down and talk them through it, and then see if we can come up with a strategy between the two of us to make it work, or to start picking some targets.

Other principal contractors are considering a more direct approach with their subcontractors; *“we had a chat about whether we should ask our subcontractors to start taking on female apprentices”* [PC-B-1]. The BEP requires that principal contractors apply the requirements through their supply chain and some are including social procurement commitments into contractual targets with their subcontractors. This approach has resulted in subcontractors *“performing well against their targets” [PC-C-11],* and as an organisation, they have not *“had to discipline or hold a subcontractor accountable to not achieving that requirement in the contract”* [PC-C-11]. In contrast, one principal contractor commented they would provide support to their subcontractors to support them to recruit women:

if I’m going to stay in that sphere [tendering for government projects], I’m going to create subcontractors [with a focus on recruiting women]. We’ve created subcontractors before and they’re loyal to us and they work with us [principal contactor]. [PC-B-27]

Not all principal contractors rely on their subcontractors to employ women. Some, especially in principal contractor organisations with a person or team dedicated to implementing the BEP, take on responsibility on behalf of their subcontractor to recruit women on their behalf, as explained by PC-C-22:

any time a recruitment request came through [from a subcontractor to the principal contractor], we would then ensure women were being considered for apprenticeships or traineeships [in the subcontractor’s organisation]. If we're looking to take on five apprentices usually someone would pick up the phone to the GTO that they always use, and they'd send five people. [But] someone in my role [BEP coordinator] might work [directly] with the GTO to ensure that at least 75 percent of the apprentices being sent are a female. [PC-C-22]

Both civil and commercial building principal contractors have begun partnering with labour hire organisations with a specific focus on attracting and supporting women into construction as well as mentoring and nurturing ongoing careers, as reflected in the following comment:

I know there's a couple of organisations that specialise in women like She Force, that we try and partner with. [PC-B-3]

And

We've been working with She Force and a number of other providers. [PC-C-9]

As part of recruiting women, principal contractors have also taken a proactive approach to “*work with recruiters to look at candidates that may not have been considered or those from other industries”* [PC-B-1].This approach seeks to overcome the bias that *“if you haven't worked in it [construction], you don't have the capability”* [PC-B-1]. Applying this approach to recruitment has widened the talent pool and has, according to PC-B-1, proven to be “*hugely beneficial.”*

###### Supporting subcontractors in reporting

Principal contractors acknowledged that the reporting requirements associated with the BEP place a significant amount of work and pressure on subcontractors to report their labour hours. As a result, principal contractors have undertaken a significant *“amount of work”* to provide the resources and templates in order to *“make it as simple as possible so subcontractors aren't filling out multiple reports*” [PC33C]. While reporting during a project was seen as a big imposition on subcontractors, principal contractors were also aware of the need to establish their system to plan and forecast labour needs to ensure they met their BEP requirements during delivery. As a result, contractors also built their *“own internal processes to forecast labour hours across those groupings of jobs [consisting of] templates and processes and a methodology around acquiring that information” [PC-B-17].* Having such an internal process and sharing this with subcontractors to use was important for the principal contractor during the tendering process and managing a workforce during project delivery.

###### Increasing the pipeline of women

Given the challenges around meeting BEP targets, principal contractors had begun actively working with schools and TAFEs to increase an awareness of women’s opportunities in construction.

Organisations investing in education within schools were *“very conscious”* of not approaching the recruitment of women from a *“a tick a box mentality”* [PC-B-14].Instead, they wanted recruitment to be “s*ustainable and impactful”* [PC-B-14] and therefore invested in an *“education piece…we’ll start with the Year 7s and 8s who are starting to make conscious decisions about the subjects that they take, but we need to be in the primary schools”* [PC-B-14]. Another contractor also talked about the need to engage with children in primary rather than just secondary school, reflecting the long-term approach required:

We're doing primary school programs…with the eight year olds and nine year old boys and girls…we're not going to see the effects for 15-20 years. Still, we're putting in the work now so that hopefully, in 20 years, you will have an abundance of female engineers and builders because their mindsets are changed, and they know they can do it. [PC-B-1]

One participant explained how their organisation was working with their subcontractors and Empowered Women in Trades *“to put on a school program with 12 girls from the high schools [located around our project site] to do a full day of really cool activities”* [PC-B-16]. The benefits of such engagement for the organisation will impact both the potential future workforce as well as the current workforce. For example, a young male subcontractor who had participated as a facilitator was very positive about the program and had shared his reflections with a participant: *“they're like, ‘This is so cool, it was so great to be part of this’ and “I've just rung my mum and I'm so proud of what I've done today….“I felt this real joy that I was doing something purposeful, like I did something that mattered today at work”* [PC-B-16].

Other participants reflected on the work their organisation had undertaken in partnership with the VET sector. For example, PC-B-17 explained: *“we've built a really strong partnership with [name removed] TAFE, supporting the development of a cert II in construction pathways*”. The purpose of this program is to establish a training pathway into construction for their new recruits.

In addition to working with schools and universities, principal contractors identified work they had undertaken within their organisation to promote the industry as a career pathway for women. For example:

We work with schools and universities, but we also partner with our [stated non-trade labour] subcontractor to get them to do one of their family days on our site… [they] bring in their daughters, cousins, nieces or sisters because we know if you can see your dad or your uncle doing it, it might be more attractive. [PC-B-28]

Other principal contractor organisations have partnered with different female sporting codes to recruit women and lift the profile of women in construction within the supporter base.

Finally, one civil contractor identified the development of competency frameworks around roles which removed the need for formal qualifications and opened up employment opportunities for women:

effectively anybody who meets every other value that we want… we could potentially employ them now… give them a mentor…a competency framework that says you don't need a [stated profession] degree… that opens up a whole new talent pool for us. [PC-C-8]

###### Supporting women in the workplace

Principal contractors recognised that as the number of women is increasing on-site it is important to provide them with mentoring and support to ensure they can navigate the male-dominated workplace environment. PC-B-30 commented: “*we're getting a bit more in depth internally in the network and the connections we've got as a group of women to be able to support each other*”.

#### Government buyers

One buyer had formed a group with their suppliers to share knowledge about BEP implementation.

#### Industry support services

Participants described a range of initiatives they are undertaking to increase the number of women entering the construction industry. Some of these initiatives had been in place prior to the BEP. However, since implementation of the BEP, demand for these initiatives has increased.

SS-NG-7 spoke about how the BEP is now ‘front and centre’ and becoming one of the main reasons why companies are engaging their organisation to meet their BEP requirements. SS-NG-5 commented that industry is now more interested in supporting their training programs than previously:

I've had a lot of industry reach out that want to be a part of it… They want to be a part of it in some capacity. [SS-NG-5]

SS-NG-1 has run workshops with their members and employers to determine the challenges and barriers to BEP implementation and how GTOs can support them to meet employment targets.

As a result of the increased demand for women in the industry, SS-NG-3 and SS-NG-4 are considering expanding the scope of their support services to better connect employers with women working in construction, as well as running programs to develop entry pathway programs in high schools and career change initiatives.

Some industry support services are also running programs to help educate contractors about the BEP. Their courses aim to:

give them a better understanding of the policy and… ideas of how we can help implement that into their workforce. [SS-NG-4]

SS-NG-1 and SS-NG-2 described their work in increasing the number of women participating in GTO-based training and employment, noting that GTOs currently employ *“over 30 percent females across all trades, traineeships and apprenticeships”.* A participant from a GTO they noted in particular that they have 20-25 percent of women in their trade apprentice cohort [SS-NG-1].

While their program is not directly associated with the BEP, SS-NG-5 also described their success with their high school women in trades program run in regional Victoria. They noted that at the end of the program's first year, *“70 percent of the girls”* were considering the construction industry as a career option. Of that 70 percent, 15 percent had changed their VET courses to a trade-related apprenticeship or traineeship.

A participant with extensive experience placing women into training on government jobs noted that principal contractors were increasing the number of apprentices, trades and non-trade labour they were directly employing to develop their own talent pool:

one of the breakthroughs I’m seeing is people who understand… the opportunity for us to create our own pool that starts with us and do the early skilling to come on to projects. Then we’re looking to move them to our subcontractors as packages come on, then the solutions are right there, and we’ve created that pipeline for ourselves. [SS-GD-1]

#### Labour supply organisations

Labour hire and subcontractor participants described several initiatives they are undertaking to attract and recruit more women into the construction industry. Some organisations are involved in high school programs to raise awareness amongst women of pathways into construction. Another participant described their programs to enable women to enter construction roles through subsidies for tools or for employers to offset the increased costs of mature aged apprentice. They also provide support and mentoring to help retain women working in the industry.

Another participant explained that their organisation is running several initiatives to educate women in schools, and recruit and train women. As a result of these initiatives, they have had an increase of one in 100 applications to one in 20 applications from women. 96 percent of the 40 women who completed their women’s based trade pathway program went on to do an apprenticeship.

#### Policy implementers

These participants did not comment on this topic.

### Reporting against Action 1 and 2

This section outlines findings related to stakeholder’s perceptions and experiences around reporting.

#### Principal contractors

###### Reporting complexities

While principal contractors supported the BEP intent, some were concerned about the amount of reporting required. For example: "*It's just another layer of reporting and governance that you need to apply, and it's just making it harder for us to actually do the job, to build the job, to build the projects”* [PC-C-11].

Some participants highlighted the reporting complexity on large infrastructure project with multiple stages. Collecting data with trade and non-trade labour working across multiple stages was challenging, as explained by PC-C-11:

Say you've got a tunnel with multiple sections of work. A subbie goes in and works on one tunnel section first doing early works, and then I also engage that subbie on my part of the job, which is a completely different project in itself but part of a bigger project.

It was also identified by some participants that tracking and recording the hours worked across multiple projects on the same day can be difficult, especially as systems are not in place.

Within the civil sector, many workers provide trade labour without the qualification and work in various roles, meaning they can be classified in a variety of ways. For example, in the case of a carpenter, PC-C-11 example that *“in civil, carpenters are in joinery and landscaping, so if we're going trade by trade by trade, we will have no idea if we're going to get there until the very end”* [PC-C-11]. Further, trades and non-trade labour work across multiple stages relative to the task. This means that principal contractors “*never know that we're going to get because it's not in one package… the concreters are not all in one package. They’re across multiple stages…. That's the challenge”* [PC-BC-21].

There was some confusion of what to report and how to report it. For example: *“how and how much information is actually required needs clarification”* [PC-C-11]. Some contractors were unclear about the reporting requirements concerning*“people who are located Interstate or overseas but are full time resources for the project”.*

In relation to apprentices and trainees, PC-C-34 commented, *“if we have a precast supplier who has apprentices and trainees, that would contribute to our MPSG outcomes if they were female but because they're not on site, they wouldn't contribute to our commitments”* [PC-C-34]. PC-C-34 raises an important issue given that much work undertaken in civil construction occurs off-site and, therefore, fails to count under the current BEP requirements. Additionally, this issue relates to women working in off-site manufacturing as part of commercial building work.

One reporting issue faced by contractors was the need for subcontractors to provide reliable and regular data on the labour supplied to projects. Principal contractors noted that subcontractors needed to be educated on ***“****their reporting, contribution and obligations”* [PC-C-8] while working on BEP projects. Principal contractors commented that while some organisations had begun to better understand gender representation, they had not collected this data at the occupational level. PC-C-10 noted some issues that needed clarification with subcontractors: “*we need to work out whether they're reporting total hours for that employee for their business or total hours for that employee on our project.”[[55]](#footnote-56)*. Additionally, there is “*so much turnover”* [PC-C-10]within subcontractor workforces which made the process of education vital but also challenging. A key noted barrier to data collection under the reporting requirements was a lack of systems and processes at the organisational level. For example: *“subbies aren't recording that information when they employ people”* [PC-C-8].

Capturing the data was viewed as problematic, especially in the civil sector, where existing reporting measures do not exist. A participant commented that those working in the civil sector, this level of reporting had *“never been done with them [subcontractors], and so there's this re-education piece for our subbies”* [PC-C-8]. Further, in the civil sector, “clock on” and “off” times are not recorded as they are in commercial construction due to the size and scale of the work site i.e. having multiple entry and exit points on a road project, making it challenging to set up systems to capture this data. In addition, there are concerns about privacy and the amount of information that needs to be provided by subcontractors.

PC-C-11 noted that the one consistency across the project is the client [the government buyer], and their provision of *“consistent information and knowledge and templates and reporting and all that kind of stuff [world] make our job as contractors a lot easier”* [PC-C-11][[56]](#footnote-57). However, during the implementation period, “*different agencies had different ways of interpreting the BEP, and that's probably been the biggest challenge”* [PC-B-33] for reporting data.

PC-B-24 noted that while data is reported, there is an opportunity to collect and better understand how *“a whole series of subsets of the industry”* operate. PC-B-24 explained that *“domestic is quite different to commercial. Infrastructure’s different. Big build is quite different from small commercial; however, much of the collected data* doesn’t *even talk about construction... It sometimes talks about trades, which then includes industrial…”* There is an opportunity to collect information on “*subsets and the specific parts of the industry”* that would inform *“the baseline for gender diversity now, but also what’s trade? What’s non-trade?”* Currently, the data collected is more about *“how long someone stays on site”* and misses the opportunity to “*understand how people [are] cycling through, which is quite a different thing to just looking at it as hours*” [PC-B-24].

###### Verification/auditing of data

Principal contractors recognised the importance of data integrity and were concerned about an apparent lack of auditing of data generated from Actions 1 and 2 which should be performed by buyers and policy implementers within DGS. One contractor commented that they did not know *“how closely it's being monitored”* [PC-B-2], and *“I've not heard of many organisations that have ever been audited”* [PC-B-30].

Further, PC-C-10 held concerns about the *“accuracy of data because if we're getting audited, we're just likely going to be audited against what that subcontractor has submitted and no one's there to verify that that's a true reflection of hours.”* PC-B-32 held concerns about their lack of ability to “*make sure people are telling the truth? Cause we have subcontractors in every different tier level that will have a different way of trying to make their targets, be it honestly or not*” [PC-B-32].

In relation to reporting against Action 3, principal contractors were unclear on how this data would be audited, especially as buyers *“don't have the responsibility to go into their business and tell them how to do things”* [PC-B-28].

###### VMC

All principal contractors use the VMC provided by ICN to report on their BEP Action 1 and 2 requirements[[57]](#footnote-58).

Principal contractors noted that the system is not user friendly or efficient, is time consuming, contains incorrect and limited data that does not always indicate real hours completed, fails to link requirements across all government policies and has the potential to contain inaccurate data that is not audited.

Based on their experience of inputting data into the VMC, principal contractor participants noted that the system was: *“clunky”* [PC-C-12], *“horrible”* [PC-B-28], *“difficult to navigate”* [PC-B-15], *“out of the 90s*” [PC-B-28] and *“stuck in the dark ages”* [PC-C-4]. Central to these concerns was a portal that was inefficient and time consuming in relation to data input. PC-B-16 commented that the time taken for reporting was considerable:

reporting on social procurement, without the BEP, Local Jobs First and social procurement on a big government job, it is potentially at least eight days a month of data collection, plus three people per project pulling that data in, plus two days of going back and getting all of our subcontractors, every month, getting them to re-forecast their resourcing over the balance of the job, so that we have a better position of where we’re going to get to in terms of compliance with our targets. Then the collation for information into the VMC is potentially at least a two-week exercise. It’s so cumbersome. Then add the BEP on that and the layering of every single occupation across every single person and all the different counting and manipulating, collating of data that you need to do. It’s a full-time reporting role.

Principal contractors were also concerned about the categories of occupation contained in the VMC as they don’t reflect work titles that align with those in the industry, resulting in doubling handling when inputting data. PC-C-12 explained:

there are multiple occupations that you can fill out, but if [for example] I'm sending a bricklayer asking him to tell me what his occupation is and he writes, bricklayer, the VMC doesn't identify bricklayer, it identifies brick form work. So, then I'm filtering and creating information out of something that somebody else has given me third hand and it all becomes a bit exhausting. [PC-C-12]

Additionally, not all pre-filled occupations were contained in the system. For example: *“landscaping wasn't on that original list”* [PC-B-28].

While PC-B-16 recognised measures to improve the efficiency of data entry, the tools provided undermined the intent:

I applaud [ICN] them for going to an up-loadable template rather than all the manual entry. But problems arise because that template doesn’t align with our reporting collection methodology, so all the data has to be recut and put into their template and every time we do that, it doesn’t translate. [PC-B-16]

Consequently, principal contractors have had to develop systems to “*collect information in a way that it spits out the info that we need to be able to put into VMC”* [PC-B-24].

Principal contractors noted that project data was not always entered by their buyer correctly, with implications for compliance. PC-B-13 reflected that:

initially the dollar values, which is how they work out the hours, was initially entered into VMC as our total contract sum… often our jobs are staged with stage two unfunded with no authority to proceed, so there’s a difference in of $10-15 million dollars between what we should be getting measured against versus what we are getting measured against.

PC-B-15 noted that *“the numbers according to the percentage in comparison to what our target is are wrong… they’re currently calculating the hours across the whole total labour hours… it should be calculated according to the way that you classify trade, non-trade, and managerial. We flagged it. Too hard to change.”* PC-B-16 noted that the system *“currently doesn’t calculate the hours based on the policy requirement.”* Consequently, they are considering informing their *“lead agencies that we don’t want to use the VMC*.”

The reports generated by the VMC were identified as limited in their usability to enable labour forecasting or to keep track of progress against BEP requirements across the life of a project. PPC-B-28 explained:

from our end, it's just like a PDF. There's no filter to enable us to look at services for example… you're spending a lot of time putting information in to report to government, and none of that information is then useful within your organisation. [PC-B-28]

PC-B-16 noted that *“all it does for us is create a list, so it doesn’t give us any compliance information for any of our subbies to check against their targets.”* As a result organisations have invested significant time and money to create their *“own dashboard… linked to Power BI, so we can just filter everything and each month we know exactly how many hours exactly”* [PC-B-28].

PC-C-34 held concerns that the reporting infrastructure is *“not actually measuring the outcomes as per policy”*, noting the *“last iteration [of the VMC] was measuring female outcomes against total project hours, it wasn't even sort of breaking it down by occupation area, providing meaningless data to everyone.”*

Another concern contractors held was that the VMC did not enable data to be collated across all social procurement policies for the one project. PC-B-28 commented that:

when you add a new employee and you put in their occupation if they fall into a social procurement cohort that hours for the month, if they're apprentice, their details go into both areas. But for example, those hours would count to social procurement, but they wouldn't count to BEP and therefore you're having different workforce hours over the total duration of the project. So if we were using the social procurement workforce hours, it might be a million hours, but there be BEP policy hours might only be 800,000 hours.

The accuracy of the data being entered into the system was also a concern because it is *“not as clean as it should be”* [PC-C-4]; further, it cannot be *“fact checked”* [PC-B-28].

It was noted that any changes to the system should be considered very carefully because:

every time we get a change, it changes everything changes downstream that’s a year or two ahead of when someone makes a tweak. Say we’ve got 50 subcontracts on a particular project. If we need to collect data in a different way and people have been reporting in this way for six or 12 months, we’ve then got to make that change downstream to 80 different people, get them all online and get all that up…we really get one shot.. there has to be a very, very strong reason to be able to change that on a particular project. [PC-B-24]

#### Government buyers

Government buyers noted a lack of clarity around alignment of BEP targets and occupation types in the VMC: “w*e've only just recently got access to a mapping document for occupations, so how are our contractors meant to know and how to track against each target and action item if they don't know which occupations are feeding into each target?”* [BA-C-5]. Buyers felt that the roles identified by the BEP were less relevant to civil sector projects.

#### Industry support services

Industry support services did not make many comments concerning reporting against Actions 1 and 2. One industry association participant commented member’s concerns about the legality of collecting sensitive workforce data on gender to report back to the contractors, commenting:

How can they legitimately collect this information, not get that pushback, and how would they handle that information. [SS-IA-3]

Some participants believed that reporting can help to address accountability by ensuring that principal contractors and subcontractors employed the number of women they had committed to. SS-NG-1 explained: *“I know there’s been some – we’ll call it funny accounting – there’s some individuals that are on five different sites, and they’re counted as full-time FTEs on five sites all at the same time”* [SS-NG-1].

The participants viewed a lack of accountability as a risk for achieving real change in the industry, drawing on their experience of how some employers have addressed the MPSG targets:

I think there’s been so many loopholes in the first five or six years of the MPSG, that a lot of employers – because it wasn’t policed properly, they were like, “Yes, we’ll give this thing lip service and we’ll just say, yes, that’s great, let’s do it.” But no one’s actually enforced anything, so they haven’t actually had to really be accountable. Whereas I think that’s starting to get a little bit tighter now. [SS-NG-1]

One participant commented from their experience that the systems and technology, including the VMC are not leveraged:

well enough to ensure that… everyone's complying with [the policy]. So I guess from the way that the VMC is constructed, social procurement only applies… from contract award onwards, whereas with local jobs first [the VMC] capture[s] plans all from the start of the tendering phase [SS-NG-8].

#### Labour supply organisations

In terms of support from principal contractors and subcontractors reporting against the policies, LS-SC-1 commented that *“some are better than others”* based on their experience.

LS-SC-2 highlighted that staff responsible for reporting at subcontractor organisations require training so that they understand which jobs align with the different targets as *“there's no training support or anything for exact reporting requirements”* [LS-SC-2].

LS-SC-2 noted that weekly reporting requirements have been *“put in the contract terms”* for their MPSG applicable projects. As a result, they have to *“report weekly or fortnightly. And we have to show timesheets and all this sort of stuff as evidence.”* They anticipate that it will be the ‘same for the BEP’. LS-SC-2 feels that weekly reporting is difficult because not all stages of their work require apprentices, so in some periods, they can meet targets, while in others, they cannot. They would prefer to report on *“the whole installation”.* Currently, they are *“not allowed to spread [the apprentice] number out across the profile of the whole timeframe of the project”.* As a result of the difficulty in meeting targets in such a manner, “*people lie”* in their reporting [LS-SC-2].

Some participants noted that their organisation had implemented effective procedures which enabled reporting. For example, LS-SC-1 commented that keeping track of data was not a challenge for their company: *“collecting data on hours worked and to what jobs is pretty easy. Even with office staff, everyone's time is job costed, so we can quite clearly see where they're working”.*

#### Policy implementers

This participant group did not comment on this topic.

### Experience and perceptions of Action 3 (GEAPs)

#### Principal contractors

Participants commented that completing both the organisational and project GEAPs was beneficial because it enabled an organisation to reflect on the “culture that we want to create” [PC-C-22] and develop/plan associated initiatives.

###### Time, capacity and approval required to develop GEAPs

Many tier one principal contractor participants commented that their organisations embodied the ethos of the BEP, thereby addressing the requirements of Action 3 was more a matter of process. For example:

as an organisation there is that legitimate intrinsic behaviour that sits around being an inclusive, diverse organisation. So, we already have all of the tools and the systems in place, if you like. From that perspective, it was more an approvals process. [PC-C-5]

PC-BC-21 reflected that the GEAPs contain *“a lot of items if weren't addressed would result in people leaving [the organisation], and so we've already addressed those, or we would have legal issues as we would not be providing a safe workplace”* [PC-BC-21]. PC-B-28 commented that the benefit of Action 3 is that *“it holds us accountable in terms of a broader business”* [PC-B-28].

Principal contractor participants commented that despite many having systems in place, a significant amount of time and money had been invested in conducting the Workplace Gender Audit and developing their organisational GEAP and where applicable, project GEAPs. PC-B-29 commented that the organisational GEAP was an *“enormous task if it's done properly, which it needs to be, and I'm glad that it's done right because it definitely has had the intended impact.”*

Another principal contractor stated:

there's seven key areas with quite a lot of data and we went collecting all of that data [required for the Workplace Gender Audit], so we were required to set up the systems to collect that information. [PC-B-30]

Principal contractors reflected that it took a considerable amount of time to develop their organisational GEAP, with some estimating it took six – 10 weeks. Four participants identified the need for external and internal assistance in developing their organisational GEAP. For example, PC-B-28 commented**:** *“we had me, a person from the HR team… and a consultant in for maybe 10 months to help us write the GEAP, which again is a pretty big commitment just to respond to a policy*” [PC-B-28].

Some participantswere concerned that engaging a consultant *“dilutes the credibility of the documents because you're going to end up with one consultant writing everybody's document”* [PC-C-5].

Given the time and money it takes, many tier one principal contractors were concerned about small principal contractors' resourcing and subsequent ability to undertake Action 3 and its requirements. PC-B-29 explained that as a tier one they are *“fortunate to have resources to expend [on the development of Action 3 requirements…] even for us it is a stretch at times”*. Key to their concerns were that as a tier one many of the systems were already in place but this may not be the case for smaller organisation, as explained by PC-B-28:

we already have things in place that support the GEAP…grad intakes and fair pay and parental leave[[58]](#footnote-59) and that kind of workplace environmental policy side of things… that might be a different experience for some of those tier 2.

And

There's actually nothing new in the GEAPs that we do, whereas for a tier two or tier 3, they're not at that level. They're not comparing data, they're not looking at sexual harassment cases. [PC-BC-21]

And

They don't have money to invest in making online videos and courses about appropriate workplace behaviours. [PC-B-29]

Many principal contractor participants worked for national or international companies, and their organisation's GEAP was developed from national policies or was used to evaluate existing policies and update it as relevant to the BEP objectives. PC-B-28 commented, *“our company was like, well, this is something that we can't just be doing in Victoria…we’re a national/global brand”* and the GEAP was then *“systemised”* [PC-B-30] within the organisation. Consequently, the organisational GEAP had to be approved by the parent company, adding significant time to the process. PC-C-5 commented that *“to get through the layers of delegation and ownership takes a while… four or five months… before we had sign off from our corporate parent company as well as our corporate management company”.*

Principal contractors reflected that adoption at the executive level resulted in a commitment to review and update the document informing state and national programs, regardless of whether or not they were tendering for government work. PC-B-29 explained:

We internally have a requirement quarterly to review it [the organisational GEAP] and it also gets reviewed by our national board. It will continue to evolve…we will continue to do that process. The project specific one to be honest, is kind of a rollout of the national organisational one. So once its set up, I think, reasonably easy to modify and adjust as required.

Some participants noted that their project GEAP is monitored through an organisation’s governance structure to ensure that relevant responsibilities are allocated, and that progress reports are managed. One principal contractor explained that at their organisation, the project GEAP *“sits in this suite of management plan documents that get populated as we hand over, and then it becomes the responsibility of the project manager to actually sort out the implementation of [the project GEAP]”* [PC-B-30].

Some participants noted that the GEAP had led to benefits across their organisation at a national level. For example:

it just strengthens what we're doing and we're using this platform to be responsive. But it allows us then to go, Victoria's led the charge and then using the experiences, lessons learnt with putting all of this together to share nationally across the country and even to our [international] team as well. **[**PC-C-6]

In one organisation, the project GEAP is provided to the national executive leadership board to inform the *“executives[of] all the amazing different pieces of work”* [PC-B-30]. The same participant explained that the project GEAP is being implemented in projects across the country: “*there's a raft of others that are also being rolled out and some are unique to certain regions… that is 100 percent come off the back of the fact that we had to pull the GEAP together in Victoria”* [PC-B-30]. In relation to implementing the GEAP outside of Victoria, another participant commented:

it's not just the Victorian thing for us and it ended up becoming a national kind of organisational GEAP. So, it encompasses all our States and Territories now, which is great. I don't think it's made it global yet, but there may be potential for that.[PC-B-28]

Specific actions that principal contractors had undertaken as a result of the GEAPs included:

1. Head office and site training on workplace behaviour, discrimination, bullying and harassment and unconscious bias.
2. Updated organisational policies and procedures to include revised definitions and information on discrimination, bullying, harassment and sexual harassment.
3. Reviewed procedures around code of conduct, reporting guidelines and grievance policies, leading to the establishment (or refinement) of a reporting pathway and management process.
4. Procedure to capture gendered data around family violence, flexible leave and working arrangements, bullying, harassment, incidents, and promotions.

###### Feedback from government buyers

Principal contractors stated that they had received limited to no feedback on their GEAPs from their buyer during the tendering process. For example, PC-B-30 commented: *“I don't know if the clients are actually reading it. I've not had someone reach out and say yes, your GEAP has been accepted. So, I wonder if anyone is looking at that?”* One concern held by contractors in relation to the lack of feedback is that government buying agencies *“don't really know what they're asking for in this space”* [PC-B-30]. The lack of feedback from buying agencies has led to a concern from principal contractors about who is *“responsible for updating or assessing or developing the policy”* [PC-B-28] and ongoing auditing and compliance of commitments under Action 3[[59]](#footnote-60).

Principal contractors noted that they had received assistance from ICN on the GEAPs. For example: *“we've interacted proactively with ICN and now we've got some really good feedback”* [PC-BC-21].

Principal contractors commented they would like to see the GEAPs *“lodged on the ICN VMC system and then we can get some feedback from it to say in the exact same way that they do the feedback for MPSG or LD (Local Development) plan…you know, not just pass or fail, but you need to improve on this or this or this or that kind of thing”* [PC-BC-21].[[60]](#footnote-61)

###### Organisation and project GEAP duplication

Under the BEP, it is intended that GEAPs are required for the project and the organisation as discrimination can occur in both workplaces. Principal contractors were concerned that duplication exists between the organisational and project GEAP. PC-B-16 commented:

My preference would be that if you have an organisational GEAP you don’t need to prepare a project-specific GEAP because they’re creating a duplication of reporting at that six-month audit time. [PC-B-16]

It was also suggested that project GEAPs only be applied to projects of a certain size because organisational GEAPs should inform site activities by way of the associated activities led by the principal contractor, as explained by PC-B-13:

The training, the escalation of problems, the pay review, all of those things. I'm not going to do that in isolation on a project. We're going to do that across the board. I'm not doing that because it's a government job. I'm doing that across the whole business. So it seems like duplicated work that's unnecessary. So maybe projects in excess of a billion dollars are the kinds of projects that you need to have very specific kind of things in place. But when you've got $100 million public housing project that you're working on to have something in isolation [a specific project GEAP] for that, that's doesn't make sense.

###### Project GEAPs and culture change

Some principal contractors raised concerns that the project GEAP would not *“necessarily change on-site culture”* [PC-B-16]*.* These contractors believed that addressing cultural change on a project would be better “driven *through, not the project, but the business”* [PC-B-16]*.* PC-B-16 added that while the project specific GEAP is applied at the project level, it is using information/initiatives *“that we have as the principal contractor and we’re engaging with a range of processes with third parties who are experts in the space of culture and behaviour change and respect”.*  PC-B-18 and PC-B-24 were concerned that the project GEAP as currently positioned was *“an imposition you’re doing admin or chasing trades to do admin and that is onerous”*[PC-B-18] and it therefore *“becomes an administrative task and burden, rather than actually a useful tool to drive change”*[PC-B-24].

Some principal contractors felt that the project GEAP was predominately developed by head office and was, therefore, disconnected from the project team as it lacked contextualisation and buy in from the project team and understanding of the onsite environment. PC-B-25 believed that in order for the project GEAP to influence cultural change, it needed *“to be tailored project to project because if it’s not personal and there isn’t a connectivity to it, then it’s kind of meaningless”* [PC-B-25]. PC-B-24 suggested that what’s missing from the project GEAP currently is *“something that’s personal to the project, which I think would be valuable than motherhood statements and commitments.”* What would be important to include would be*“a few really well thought through specific actions, really personal to the team, that are going to have a tangible effect”.*  PC-B-24 felt that a more localised, decentralised approach is important because *“you’re going to have a very different cultural experience while you’ve got a crew of demo workers compared to when we move into services and fit out”* [PC-B-24] and you need to *“respond to those individual needs at the time”* [PC-B-24]. While the intent of the project GEAPs was to set out minimum actions that can be built upon in the project context, this comment suggests that this intent has not been communicated.

An additional concern was that much of the content of the project GEAP was outside of a team’s sphere of control or influence and for meaningful change, the initiatives outlined in the GEAP needed to be able to be *“controlled by the people on the project and owned by the project team*” [PC-B-23].

As part of the GEAP, principal contractors were also concerned that they had limited control over their subcontractors to force them to provide the data required for the project Workplace Gender Audits or the project GEAPs *“especially around the pay parity and that type of thing… we’re not comfortable or equipped to be having those conversations, and neither should we*” [PC-C-12]. These conversations are made even harder as *“some organisations don't necessarily have the capacity or the will and because there's no consequences for lack of compliance… ensuring that the intention of the policy is not actually tangibly operationalised and that's problematic”*[PC-C-12].

###### Use of existing strategies and accreditation

Some principal contractors identified the GEAPs and WGA indicators as *“important”* [PC-B-19] and were well reflected and aligned to an organisation’s gender equality strategic plan. Many tier one principal contractor participants noted that their organisations were well positioned to complete their GEAPs given their WGEA citation or their own internal gender equality actions plans and questioned whether they also needed to undertake a GEAP. It was suggested that instead of completing a GEAP, existing strategies/plans/citations could be used instead: *“we've got a gender equality strategic plan… do I need to reinvent another whole document that's still the same…cut down on having to do all these multiple documents”* [PC-B-19].

While participants noted overlap between GEAP requirements and existing strategies, reporting and accreditation requirements under other policies and schemes, the purpose of the BEP GEAP is to address equity issues in trade and non-trade labour occupations. This type of data is not collected through other reporting processes.

###### Joint Venture GEAPS

When working in joint ventures, contractors needed to ensure all organisations have consistent “*policies and culture and direction*” [PC-C-22] that will nurture the desired outcomes. However, this can prove challenging: *“because people are going to be cycling in and out, back to the parent company and then back to the project… it's not insurmountable, but it is a challenge”* [PC-C-22]. PC-C-22 explained that:

if you're talking about something like pay, you know the project doesn’t set the pay. The parent company sets the pay for people so it could be that I'm from [company A] and my colleague is from [company B] and it's very hard then for the project to say we'll make sure that they're both getting the same pay because the parent companies are setting the salaries. [PC-C-22]

Principal contractors also reflected on the difficulty of developing a project GEAP as it requires that organisations share information about their organisation’s policies, procedures and demographics: *“there's obviously some sensitive information we're asking and there is some pushback on sharing information for sure”* [PC-C-22] and *“everyone was a bit prickly with it [the development of the project GEAP] and wouldn't share information*” [PC-C-5].

Principal contractors identified the need for an independent consultant to put the project GEAP together to ensure the partner contractor's data remained private and only the relevant information was shared in the final project GEAP. Further, the implementation in joint venture projects can be problematic depending on who has the lead of the initiative, as PC-C-22 commented *“it is more difficult to influence if it's led by a competitor.”*

As part of the project GEAP, requirements for training site workers was also considered problematic. Principal contractors were concerned that training requirements would result in workers undertaking the same training multiple times, wasting time and money. For example, PC-B-24 explained:

we [joint venture partners] tend to work with similar subcontractors. That’s not all going to be on the same day. Some of them could well receive the same training multiple times as they move between the different jobs.

Principal contractors suggested that rather than a long list of education and training sessions, “*there are one or two things which are actually going to make a difference”* [PC-B-24].

###### Reporting

Organisations with multiple projects with multiple buyers were concerned about the lack of guidance around retrospective action to existing GEAPs based on feedback associated with subsequent tendering. PC-B-19 explained concerns they have encountered with their organisational GEAP:

Our first organisation GEAP…had no feedback [and was approved] and we have submitted that same GEAP into another tender and we got feedback [from a different buyer] to say you need update your GEAP. The question is, if you've got a GEAP and it's locked in stone [for that project] we've been told, you don't touch it, but then you're getting feedback [through a subsequent tender] are we to make changes? What does that mean for our GEAP? [PC-B-19]

As indicated in the comments made by PC-B-19, uncertainty exists as to whether the organisational GEAP should be updated in line with the requirements for new tendering.

Principal contractors also commented that it was helpful to be able to use the WGEA Employer of Choice Citation data to report against the GEAP Indicators. However, WGEA asks organisation to provide data from the past 12 months. Depending on the submission date of the GEAP, using WGEA data may not reflect the BEP reporting period. For example, PC-B-19 explained:

If I've got April data from the year prior fed into our July audit for a particular tender, when they are reviewing data while it might have been accurate two years ago, they [GEAP/Workplace Gender Audit reviewer] are saying you're not doing enough when actually we are but the data they are reading is nearly two years old because we're using WGEA Compliance reports.

PC-B-19 commented that the GEAP templates don't enable contractors to *“give all that storytelling, that context”* to explain the data submitted. PC-B-19 went on to explain that while their data reflected poorly for one GEAP indicator, programs had been put in place as part of the WGEA Citation requirements:

they [GEAP/Workplace Gender Audit reviewer] didn't recognise the fact that since then, we got the employer of choice [from WGEA]. Part of an employer of choice is publicly talking about your pay gap and publicly setting a target to decreasing it and making clear what your actions are. So, we're kind of being told to do more [on the GEAP].

The six monthly review period was also considered by some contractors as not providing enough time for changes to occur. For example, PC-B-28 commented, *“when you're dealing with problems at an organisational level, those things take time… those initiatives need to be monitored, but actually assessing requires [timelines] to be a bit further apart”*. As a result of the reporting timeline, some contractors commented that they took a *“really conservative”* approach to their GEAP commitments despite being *“much more proactive”* because “*in the plan because you're getting held against it and you don't want to be failing”* [PC-B-28].

Principal contractors also noted that within the organisational GEAP there were some indicators that they could not address despite their importance. For example, PC-B-19 noted that as a privately owned company they have no *“control over our governing body so gender equality in executive positions was only something that could be advocated and it was recognised that this was not enough to be considered an action that meets the actual strategic indicator of the GEAP”* (PC-B-19].

It was suggested that the GEAPs contain a preamble at the beginning, similar to those in the reconciliation action plans that enable an organisation to state, *“This is who we are. This is what we've worked on. This is where we sucked. This is where we've gone really well, and our next plan for the next couple of years”* [PC-B-19]. The GEAP template could then present the action plans and “*a whole separate document that is a progress update that you might do traffic lights on”* [PC-B-19].

###### Sensitivity of data

Principal contractors held concerns about the *“sensitivity of the information that’s being asked for [in the Workplace Gender Audit and the GEAP]”* both in its storage and interpretation of results, specifically related to sexual harassment and workplace bullying.

Contractors reported that their subcontractors were *“reluctant to give us data about their people meeting attributes under the social procurement framework or even gender”* [PC-B-16] due to a lack of *“guidelines around privacy”* [PC33C]. Concerns were raised about how the information would be used and if it was useful data to collect. PC-B-24 explained: *“I’d question the value in reporting those types of numbers. Particularly in relation to complaints and, I suppose overall actions of the organisation”* [PC-B-24]. For example, without context, reporting the number of incidents/complaints fails to indicate if an organisation has established a proactive reporting mechanism where people feel safe to report grievances. Further, without context, the indicators fail to illustrate the organisation’s view on how to manage complaints regarding adverse actions.

It was suggested that to address site culture, more valuable metrics to collect and report include *“how often have you reviewed your policy? How have you educated people in the policy? How many people have been trained in the policy?”* [PC-B-24] as this provides actions to address these concerns, rather than a *“point in time assessment of the adjustment period”* [PC-B-24]. PC-B-24 explained these would be better metrics because as these issues are being addressed *“you’re going to have more complaints because behaviour has to change naturally”* and, therefore, incidents will increase, but this is reflective of action and *“adjustment through training, through education, through awareness, rather than how many complaints have you gotten”* [PC-B-24].

Principal contractors were concerned about how those numbers would be interpreted if they were audited as they may not *“reflect the true story”* [PC-B-24], and that the information may become publicly available.

#### Government buyers

These participants did not comment on this topic.

#### Industry support services

Support service participants responsible for monitoring and managing apprentices and trainees in the workplace and supporting principal contractors in implementing the BEP identified that principal contractors have experienced challenges in meeting GEAP reporting requirements. Specifically, difficulty in collecting and handling gender workforce data, a lack of feedback on what is reported and over-prescriptive templates.

SS-NG-9 noted that smaller principal contractors are having a difficult time completing gender audits because they do not have the capacity, and some items do not translate into their business activities. As a result, the GEAPs and gender audit processes are *“not rolling into the supply chain”* [SS-NG-9].

There are also concerns around the sensitive information reported in project GEAPs, such as gender and pay disclosure, and incidents of gendered bullying and harassment. SS-IA-3 questioned whether the project GEAP necessitated such data collection and felt this was better placed in the organisational GEAP:

You’ve got the project specific GEAP, and then you’ve got the organisational GEAP. I don’t have a problem with the organisational GEAP, because that’s information they collect…. But to have to put your project specific GEAP as well into a tender, that was a bit of a pinch I think, in terms of [reporting on gendered related matters]. [SS-IA-3]

Another participant also raised this issue, however not specifically regarding the project GEAPs, and noted that it is important that the narrative regarding reporting on sexual harassment is clear. It may be that that there is a serious issue but it could also be that the “*culture is allowing people to speak up”* [SS-NG-9].

Participants also suggested that there needs to be some oversight of the GEAPs and for organisations to be accountable to their GEAPs, because *“if you’re not holding them to account, [the GEAP] doesn’t mean much”* [SS-NG-1]. There was the view that currently, the GEAPs are not audited in a way that makes people care whether they are compliant or not and that a *“level of rigor”* is required in that oversight which would help contractors to understand what is expected as part of the GEAPs [SS-NG-8][[61]](#footnote-62). It was further noted by a different participant that there is *“no guidance”* in terms of future reporting of the GEAPs: “*for what that next 12 months looks like, whether it's the same template or it's the same entry actions… no one seems to know the answer to that question”* [SS-NG-9].

In addition, while DGS is responsible for supporting principal contractors in the GEAP processes and for ongoing auditing and compliance of commitments under Action 3, participants felt that a more centralised approval and feedback process is needed to avoid problems with inconsistent feedback from different agencies and stakeholders.

Overly prescriptive templates were also noted as a challenge for some principal contractors to complete depending *“on the size of the company and whether they're metro or regional*” [SS-NG-9]. SS-NG-9 also observed that principal contractors already working on gender equality initiatives within their organisations could not *“actually add in things to make it more meaningful for the organisation…”* [SS-NG-9].

#### Labour supply organisations

Labour supply participants had not been involved in any GEAPs on their projects to date. For example, one subcontractor commented that they hadn’t seen the project GEAP *“from the principal contractor to us. Personally, I haven't seen evidence of that being communicated through*” [LS-SC-2]. LS-SC-1 had not *“heard anything yet”* about a GEAP. LS-LH-1 has observed that the GEAPs are not being effectively communicated with the subcontractors, stating:

If they do have a GEAP for their business, they need to share it with their subbies to make it very clear to their subbies. This is what a safe work site looks like and what behaviour is accepted and what's unacceptable.

One subcontractor expressed confusion regarding the GEAPs, noting that:

we're still trying to figure out what we actually need to do. It looks like we don't just need to have a document that sits there and looks pretty. We actually need to have some substance behind it… But that means that all of a sudden, do we need to have additional resources, as in human resources to be able to handle that? [LS-SC-2]

One participant commented that their subcontracting organisation is working on developing their own organisational GEAP using the BEP policy and materials available on the government website as guidance. They are doing this to give them a competitive advantage: *“we need to stay ahead of our competitors, and be able to meet the requirements to be able to stay in business”* and to continue *“building our diverse and inclusive piece*” [LS-SC-2]. However, this is an example of confusion that exists around GEAPs held by subcontractors, given BEP Action 3 does not require subcontractors to develop an organisational GEAP.

LS-GTO-P-1 is aware of project GEAPs but hasn’t been involved in that aspect of the BEP: *“I haven't seen anything to do with the action plans. I've heard some of the bigger contractors talking about them, but nothing concrete… We're not engaged in that part of the process”.* However, this participant noted that they would be able to offer advice to principal contractors and subcontractors on how to retain women based on their expertise in women in construction programs.

#### Policy implementers

There were a number of challenges noted with the GEAPs. Still, ultimately, the policy implementers questioned their value due to the lack of oversight, the complexity, and lack of feedback provided to contractors about their GEAPs.

Participants commented that GEAPs are perceived by principal contractors as a tick the box exercise and are not taken seriously. It was suggested that the GEAPs could go to a central department that could manage them and provide feedback on them, or they could be simplified into five key aspects that could be addressed by an organisation, such as equal pay, maternity leave and so on.

Some policy implementer participants questioned the value of the GEAPs altogether, stating *“I’m going to be controversial and say, I think that action three could be eliminated”* [PI-FG].This was based on the view that in their current form the GEAPs do not achieve what they intend to which is to drive culture change:

how defined entities are coming up with their data, how they are created [GEAP]s, how they’re reporting. You know, how there’s actual material progress. We don’t have any of that. It’s not… creating cultural change… ultimately you’re not going to do that through a [GEAP].’ [PI-FG]

There was also the perception that GEAPs are not being reported and the data is not being used.

From the participant's view, the qualitative nature of the GEAPs also makes them difficult to measure and audit. It was suggested that baseline data at the start and end of a project based on key indicators would be more measurable:

no-one is taking note, because ultimately there is no guarantee between the organisations or the projects, hitting those mandatory actions and seeing change. That’s where the gap is… if you show the numbers at the start of the project and the end of the project, and if you can see that there’s actual changes, it means that they’re doing things outside of the target space that are actually helping things… because there’s strong links between pay equity and gender equality and occupations and all of those things that actually change culture. [PI-FG]

Another participant noted that having measurable outcomes would allow the GEAPs to be used as *“an internal tool that the organisation embraces and uses, rather than just creating data for data’s sake”* [PI-FG].

Implementation participants noted that they have attempted to simplify the GEAP guidelines and templates, however they remain complex for contractors to complete.

The short time frames of many projects (for example, one to three years) may also mean that the GEAPs do not have the time required to achieve the culture change they are trying to promote and are required at too frequent intervals to relay any meaningful feedback.

## BEP impacts

There have been various impacts of implementing Action 1 and Action 2 of the BEP and they have been both positive and negative. If this section, findings around impacts are outlined.

### Increased demand for women

#### Principal contractors

Many participants agreed that the BEP has increased the awareness of attracting women into the industry. The BEP had also resulted in a tangible increase in women employed in organisations and on projects. There is *“a definite shift…it’s definitely increased…for us we have lots of women coming through because of the policy”* [PC-B-1], and *“I see the women that are coming in*” [PC-C-12]. These quotes indicate a momentum shift is occurring across both civil and commercial building projects.

One participant noted that while the targets are driving change, it is also important to consider other reasons why organisations are focusing on bringing more women into the industry:

we’re also doing this because it just makes sense from the employee experience, good business performance, safe, diverse and the best workforce. [PC-B-19]

For those unsure if the BEP has increased the number of women employed in the industry, they were confident the BEP had increased awareness. For example:

The biggest change that I’ve noted is the conversation… this was never a conversation five years ago. No one was talking about female participation in construction…. How to make the industry more accessible…about flexible work for the industry to become more accessible. I think this is a conversation piece for me at least once, if not twice or three times a week and that is really powerful… the fact that our male counterparts are actually talking about it and are actually coming to sit at round tables to listen, to contribute. You wouldn’t have had that five years ago. They are starting to realise despite some still very old thinking that there is huge benefits to making sure that this works because I’m hoping as the numbers improve so will the experience… they go hand in hand. [PC-B-20]

Participants observed that changes driven by the BEP were occurring within their own organisations and across their supply chain. One participant highlighted that significant change has occurred with subcontractors: “*I do think it has increased it, and the subcontractors that are early adopters they are really proud of what they have achieved”* [PC-B-9]. PC-B-23 explained that while changes may be small at the subcontractor level, they are significant given the historically low number of women in these roles:

I think over the last two years the momentum from the subcontractor workforce in terms of how they go about female engagement has come so far. It really has come a really long way. You might not see that in the numbers on a particular project, on a particular day, but at the organisational level there are starting to be changes…where we’re talking about 100 percent increase in women just by doubling their numbers. Even our recent subcontractor had it at the front of their minds…how they’re going to improve participation…it’s a competitive advantage for them, and they’re enjoying the impact that it’s had. It’s just too soon for it to be at the stage where you’re seeing the numbers on the ground each and every day. I think it would be a real shame to report on organisations not making their commitments when there has been such movement. [PC-B-23]

#### Government buyers

These participants did not comment on this theme.

#### Industry support services

Since the introduction of the BEP, SS-NGD-5 *“had industries reaching out to me asking specifically for girls, so it’s pretty much a 360 turnaround as far as what we’re seeing.”* They observed that the construction industry has *“realised that there’s actually a changing environment”* [SS-NGD-5].

While SS-IA-1 commented that they had not seen an increase in women since the introduction of the BEP, they noted that numbers and awareness of women in construction was changing: *“it does feel like there is a bit of momentum”* [SS-IA-1].

Other participants have observed a greater awareness and support of women in relation to their own organisation as a result of the BEP. For example, SS-NG-8 noted:

I think what’s been really nice about talking to so many different people is them saying… especially… women… this topic was never on the table and now every week we’re talking...It’s [the BEP] a conversation starter… it’s really forced people to think more critically about how they’re doing business. And I don’t think that that would have been there if it weren’t for the policy.

Industry support service participants also observed an increase in interest from women in working in the construction industry. For example, SS-NG-4 reflected:

We’ve seen an increase, especially this year and women being more interested in the industry… we’ve had 84 women join our program this year alone. More than for the first two years of the program… I think it’s because the word’s out there that there is a gender equality policy out there that women are more interested in coming into industry.

Another participant has observed increasing numbers of women on site. However, they reflect on this with caution, noting that they are unsure whether this is a short term or a long term change in the industry.

I think there’s definitely been an increase in the number of women who are on the job site…. I am cautious of [saying that this is] a long term improvement in the overall number of women in the industry. I think yes, they’re on the job site and they’re in those roles. But is that leading to long term careers within the construction industry? I don’t know that there’s enough evidence to say one way or the other of that yet. [SS-NG-3]

Industry support service participants commented that the BEP is having a positive impact at some worksites. For example, SS-IA-3 observed an increase in tolerance and discussion about women in the industry over the last 4-5 years, and this is *‘infiltrating’* culture. Participants had observed some changes in the companies where work who now have part-time and job sharing positions. However, they noted that these stories *“are few and far between at the moment, but they are occurring”* [SS-NG-4]. Another participant noted:

It's so good to hear really good stories and I know there's a lot of builders who are taking it upon themselves to champion this change within their sites, but you know they can’t control the whole of industry. So it is some, not all. [SS-NG-3]

#### Labour supply organisations

Labour supply organisations have experienced increased demand for women in the construction industry and observed that this has resulted in more women on site. LS-GTO-P-1 noted that as a consequence of the BEP:

there is more women in the workplace… and people are talking about it, and there's an actual focus on [gender equality].

LS-LH-1 noted that about 80 to 90 percent of the women from their organisation had been recruited for BEP projects. Another participant stated that their organisation’s focus on recruitment of women *“wouldn't happen without”* the BEP [LS-SC-1], and as a result of the BEP they have been actively supporting the recruitment of women at a senior management level.

LS-GTO-IA-1 noted that the BEP has opened up opportunities for women to enter the industry:

without [the BEP], the door doesn’t open. At least what we see now is the door’s at least – it’s ajar. And we’re starting to see people stepping… into it… we know that there are females being employed directly through… some of these larger government… projects... I wouldn’t necessarily think it would have been happening without something like the policy… this has been a driver of change.

Similarly, LS-GTO-IA-4 also believed that the BEP has *“opened doors”.* As a result, this participant has witnessed a significant increase in demand for women apprentices in the “*last few years”,* particularly in supplying labour to tier one contractors. LS-GTO-IA-4 observed that *“the thing that’s driving women being invited to come and interview for positions is the fact that the door has been jammed open…. since they have had these social procurement provisions…”*

Labour hire organisations are also observing an increased interest from women who are considering employment opportunities in the construction industry. LS-GTO-IA-4 reflected on their experience in responding to women’s enquiries about how to get into construction, noting that women:

will follow through on advice on how to get into the industry with strength and purpose… I am seeing dozens and dozens of women regularly doing this. And it is a groundswell of women realising that the door is not shut. [LS-GTO-IA-4]

Participants from labour hire organisations are also observing more women onsite, which is helping these women to feel more comfortable:

the more women that come on, the more women feel comfortable because they feel like they've got someone with them. [LS-LH-1]

LS-SC-1 had experienced positive changes in organisational culture due to an increase in the number of women in their organisation and on sites:

our whole of office and site culture… there's more balance, there's more… team bonding… it's awesome. [LS-SC-1]

For LS-SC-1, in their experiences and observations of visiting sites and conducting internal audits *“there is certainly a larger presence of women.”* LS-SC-1 noted that they are *“seeing really good work out there... employers really supporting the reshaping and changing of this industry”* [LS-SC-1] in response to the social procurement policies.

Participants highlighted that labour hire companies are now providing meaningful employment for women. However, they also describe companies that need women on site but do not want to provide the support necessary to create a safe and inclusive environment. Instead, they merely want to tick a box for compliance purposes.

The improved culture has positively impacted other trades onsite: *“they can see… what a good team we have and that it's really cohesive and everyone's looking out for each other trying to get the job done… we're setting a good example of how it can be done”* [LS-SC-1].

LS-GTO-IA-1 also observed that having more women onsite is challenging norms that women are not able: *“by having [women on site] that absolutely they’re up for it, and they can do it… now it’s like there’s just no reason why they can’t”* [LS-GTO-IA-1]. This change in attitude is having an impact on broader norms onsite, *“because there’s more women on site in various roles, and it’s becoming more normal to see that they can work hard… mature age females, to add to that, work harder as well” [LS-GTO-IA-2].*

Some participants noted that culture change around women in construction is still in its infancy from both from men and women’s perspective. For example, LS-GTO-IA-3 commented:

I think the level of acceptance has just started to swing. I still think it’s a generation away, but I can just sense that there is starting to be a shift in what’s acceptable – more amongst the females. I still think there’s work that needs to be done on work sites, but I think females are now having different conversations than what they were having previously. [LS-GTO-IA-3]

Another important change observed onsite was the expectation that women need to behave like men to fit in:

Women are being a lot more female… they’re not trying to act like they’re men anymore. My apprentices don’t feel like they have to be men to do this job. They are women, and they are onsite as women. They’re not needing to compromise themselves, or reduce or minimise themselves as people anymore, that’s changed. I’ve noticed that’s changed a lot. [LS-GTO-IA-4]

While there were many comments about the positive impact women on site are having on worksite culture, one participant noted that *“bloody hell, we have a long way to go”* [LS-SC-2].

For some participants, the BEP was considered as being integral to re-shaping the industry in a positive way. For example, LS-LH-1 commented that:

[the BEP has] disrupted this industry… I love it because it's actually given [the labour supply company] a place in this industry… a place that's supported by government… by unions and… by actual employees that I work with… I'm really honoured to be part of the reshaping of this industry and at the forefront of it.

#### Policy implementers

These participants did not comment on this topic.

### Loss of contractors and subcontractors

There was some concern that the requirements of the BEP had led to a loss of contractors and subcontractors. The key reason was the unwillingness of these stakeholders to invest in the time to ensure requirements were met.

#### Principal contractors

Some principal contractors were concerned the implementation of the BEP would add additional pressure to subcontractors, resulting in them leaving or being tentative about tendering for government work. When thinking about the potential implications of the BEP, principal contractors were concerned that other principal contractors tendering for the same project would be selected based on their level of diversity rather than their *“value of the works, quality, past reputation and it's going to be hard to say ‘Oh well, we need to work with subcontractor X, even though there's someone else that's cheaper’”* [PC-B-28].

PC-B-18 raised a concern that the requirements of the SPF and the BEP on subcontractors has resulted in:

Some trades are willing to walk away… We’ve had some trades that have worked with us for a number of years and they’ve had some exposure to the social procurement and openly said to us, “We’re not going to bid for that work anymore because for the same margins we can go do some warehouse work over here with a private developer and why would we bother?” [PC-B-18]

#### Government buyers

These participants did not comment on this theme.

#### Industry support services

Some industry support service participants raised concerns about the impact of complying with the BEP and other social procurement policies for subcontractors and what this will mean when tendering for government work. For example:

I did have few subcontractors say to me “it's all getting too hard to apply for government projects, not just because of BEP, but just with all of the policies… It takes a long time to do the tendering process, we're just going to stop bidding”. I'm yet to see any of those companies stop bidding, but that's definitely a sentiment that I heard multiple times early on, not hearing it as much at the moment. [SS-NG-9]

An alternate perspective was provided by SS-UN-1, who felt that if subcontractors that cannot meet the BEP requirements are being deterred from tendering for government projects, then:

that’s the whole point of the policy…If you're going to [tender for government work], you have to [address the policy], and a company saying, “We’re not going to do it” is great, because it means then they're not tendering. [SS-UN-1]

#### Labour supply organisations

These participants did not comment on this topic.

#### Policy implementers

The policy implementer participants also perceived a risk of contractors not bidding for work due to the BEP combined with other social procurement policies. As one participant noted:

we’re talking here about a lot of things that tenderers have to do to bid for government work… so obviously local jobs first and MPSG, Fair Jobs Code. You’ve got the social procurement framework as well as the BEP… a prospective supplier sees a potential opportunity, what’s their first thought?... is it actually… worth it… we do hear that it’s hard to do business with government because of all of these policies that they have to adhere to. And then what does that mean for them bidding for work? [PI-FG]

Another policy implementer participant noted that this was an issue particularly amongst principal contractors in regional areas, *“We won’t bid for this work because it’s not worth our while commercially… it’s too hard. We don’t have the structure, the time, or the ability”’* [PI-FG].

### Cost associated with meeting gender targets

#### Principal contractors

Some participants commented that implementing the BEP, educating the supply chain, and facilitating initiatives to attract women to meet targets had resulted in additional costs to their organisation. One participant explained, *“there is a cost associated with setting up and running and managing social procurement”* [PC-B-3]. PC-B-16 commented that social procurement *“is a full-time job”* and that while there may be:

one person sitting at a project level, you’ve got a commercial team, contract administrators, project coordinators and PMs who are also working to deliver the social procurement aspects … there’s probably three or four people that have significant touch points on each project, then when you bring in the BEP, that is another layer.

Consequently, many principal contractors had employed staff to manage the implementation of the BEP:

I brought [named employee] and [named employee] into the business to help me gather all of the information, understand what it is we need to do, how we go about complying how we go about improving [in line with BEP requirements] [PC-B-13]

Resources dedicated to the BEP were viewed as important for a number of reasons. Firstly, they help at the organisational level to: *“advocate, educate and then implement it into your business”* [PC-B-30]. Secondly, the dedicated resources help at the project level: “*to run across the project to keep it really well managed”* [PC-B-1].

Ongoing resources which support the BEP was seen as vital to its success as:

we want to be introducing new subcontract partners and if we leave our projects to their own devices, this would quickly get forgotten about… we need somebody who's advocating for this stuff as a key part of their role. [PC-B-16]

The cost of educating subcontractors was also viewed as a potential risk to winning work, as explained by PC-B-13:

we’re pricing a whole heap of work for next year now, and depending on prices that come back in, we may have to go through and train a whole new group of subbies. Because of the commercial realities of pricing… do I accept a price from a plumber of say $1 million dollars that hasn’t contemplated all of the BEP requirements, or the price of someone who’s at $1.2 million dollars who actually understands [the BEP] and is going to be able to deliver. Because if I put that $200,000 onto my price, and I do it for the other ten subbies that come through to me, I might not win the job.

Principal contractors also identified the need to develop tools to implement the BEP to enable the *“estimation of hours across the different occupation groupings and then in a role level”.* These tools were essential in supporting subcontractors “as p*art of the tendering phase… and that continues in the delivery as well, because you’ve got the ongoing management and the ongoing validation process. [PC-B-16]*

Initiatives to attract the future pipeline of workers was also identified as a cost requiring additional time and resources. For example, PC-B-16 commented:

we’ve spent six – seven months over the last 12 months working with a trade that falls into that group, that doesn’t have women in their workforce traditionally. It’s not a skilled – no one’s going to do an apprenticeship in this trade, etcetera. So, finding women that want to come into there is a real challenge. We’ve worked extremely hard with them and with the training providers to try and get a solution. So, we’re spending our time in this space, a lot of energy and resources to try to get these outcomes in a group that perhaps is going to take five – 10 – 15 years to change. [PC-B-16]

Some participants reflected that their organisation was *“lucky to have had the resources to engage someone to lead all of this. It is not the norm amongst [all] the principal contractors”* [PC-B-23]. Further, there was concern about smaller contractors and their inability to absorb the additional costs associated with BEP projects. For example, PC-C-4 stated:

your poor mom and dad subby spends all day in the trenches digging holes in the rain and the sun and then gets home and has to do their admin, all their invoices. I personally feel so sorry for them because the information we have to pull from them constantly is ridiculous and their issue is that our documents are different to our competitors documents who are doing the same projects.

PC-B-30 concurred with PC-C-4 that not all organisations will be able to afford to employ a resource which specifically focuses on the BEP: *“a resource that can actually be applied to this, not every organisation will be in the position to have someone”* [PC-B-30].

There was also a perception that investing resources on implementing the BEP may be more viable on larger projects. For example, PC-B-17 commented: *“ultimately, we know some of these programs cost money and we need to make an allowance for that. On your big scale projects, you can do that, but on small scale projects, you can’t. You don't want to price yourself out of the market too.”*

Despite the costs associated with implementing of BEP, PC-B-20 argued that large tier one principal contractors should be supporting and leading this change to improve the industry:

just part of being a big builder… the same as safety… we set the tone so… if we want to affect change in industry, we have to invest that time and cost in affecting that change… it's just part of growing the construction community to be better and big builders have an obligation to do that. Yes, it costs us money, but everything costs us money, bad mistakes cost us money... I don't think anyone needs a trophy for doing it. I think it should just be being done.

Other participants agreed that investing resources to bring about change was important, however the investment had to be made in the “right” area:

businesses are happy to invest money where there is a return, but there's no point investing money into activities that just result in a happy snap on a LinkedIn post. They actually want an outcome and they're [builders and subcontractors] probably willing to make a financial investment if they understand what they get at the end of it.[PC-B-29]

#### Government buyers

These participants did not comment on this topic.

#### Industry support services

These participants did not comment on this topic.

#### Labour supply organisations

To capture data required for social procurement reporting, some organisations have employed additional people. For example, LS-SC-1 noted that they are developing new systems to record data and this has involved:

putting on more full-time project administrators just to assist… contracts administrators… with that process… we're actually working on a new procedure for it. [LS-SC-1]

#### Policy implementers

These participants did not comment on this topic.

### Poaching and the premium for women’s labour

#### Principal Contractors

Participants highlighted that the increasing demand for women working on government projects amid a limited supply had led to poaching practices. For example, a participant commented that organisations are *“plucking from the same talent pool and creating unhealthy competition, cannibalism”* [PC-B-32]. Similarly, PC-B-16 commented: *“One tangible impact of the BEP has been the recruitment strategies that we’re seeing across this competitive landscape… we’re cannibalising each other’s businesses to move talent, specifically women.”* PC-C-5 added that this approach is:

quite stressful, we're all trying to come up with innovative ways to hit those targets and it becomes a bit like Survivor. It’s a bit like trying to be the last person standing and stealing people from other people's organisations and it just becomes really unattractive. So, you can have the best teams and the best culture and the best systems and processes in place. But if the numbers aren't available and the appetite is not there, it's very hard to make those to meet those targets and it causes a lot of stress.

The poaching of women had inhibited some principal contractors and subcontractors from investing in apprentices: *“no one's going to take on a first year apprentice as a risk when a project has a five year pipeline. Due to competition, she may be gone to another company and [we then lose] all that we've invested all this time in her”* [PC-C-12].

Some participants had observed the escalating cost of employing women due to BEP targets. For example: “*we’re in an escalating market in terms of the cost of people already. This is another element that has already and will probably continue inflating costs”* [PC-B-18]. Some participants reflected on an emerging phenomenon in the area of labour procurement, referred to as *“pink cladding”*[PC-B-14], where companies develop a gender arm to their labour business by adding *“a 30 percent premium”* [PC-B-15]. For example one participant commented that some labour hire companies *“focusing on female recruitment…are charging exorbitant prices“[*PC-B-15]. PC-B-14 explained *“we’ve had these discussions with some subbies, and they’ve gone, ‘Look, you can hire us, bring us on to do this or this project it’s going to be this much, but if you use our Indigenous arm or our female employees, it comes at a 30 percent premium.’ Same job, same people, same skillsets, but you’ll be paying premium”* [PC-B-14].

As a result of the increasing demand for women, new businesses specialising in the supply of women for government jobs are emerging.

#### Government buyers

These participants did not comment on this topic.

#### Industry support services

Industry support service participants commented that there is the view that women are being poached rather than new talent being recruited: *“we're not growing talent. We're poaching talent”* [SS-IA-1].

Industry support service participants also observed that to meet senior management role targets, some organisations had created new roles due to the lack of women with sufficient experience to take on existing senior project roles:

they’re now creating senior management roles, but they’re new roles that they wouldn’t have had previously, like sustainability or equity roles. They’re senior roles and they’re filling them with women, which is great. But they weren’t traditional roles that companies had in the past… I would be keen to make sure that they’re not just filling new roles that have been created, that don’t necessarily – are the core functions of Big Build projects. [SS-NG-1]

SS-GD-1 also believed that industry’s response to the BEP in the face of a compliance environment was not aligned with its intent, creating roles for women to meet targets without considering meaningful change:

We see people focussing on this [the BEP] in terms of individual quotas. If they’ve met one, then they’ll stop trying to do things in that area. If they’ve got a shortage in another, they’ll come to us with, ‘How can we solve this?’ I don’t think that’s necessarily helpful and it does lead to, especially in the later phases of projects once again, that creation of roles for the sake of the target, rather than for meaningful opportunities or the desire to rotate people there for a period of time.... Which… I don’t think enhances the reputation or the perceived value of the policy. [SS-GD-1]

#### Labour supply organisations

Labour supply participants working in group training organisations had experienced women being moved around on projects and male apprentices replaced by women to meet a gender targets. LS-GTO-IA-4 commented that:

some of these male apprentices were sent back, and we were asked to replace them with females. Not for any other reason than that they wanted to meet the quotas…. those apprentices were doing really well, they were really settled…, and they were disadvantaged by being sent back to us… all the guys on that project knew that that had happened. Every single guy was pissed off... They don’t know these women; these women wouldn’t be here if it wasn’t for these quotas. And that sort of scenario creates mistrust and a lack of respect for the women that are coming onboard, who through no fault of their own, are now being put in a position where these guys have had their mates sent back. [LS-GTO-IA-4]

In another comment, LS-GTO-IA-4 noted that: “*we’ve also… heard about hosts or contractors that have employed women having ‘never even met them”* and observed attitudes from some employers of: *“We just need to get some females onboard. Don’t really care where they come from…, and who knows how long we’ll keep them once we employ them.”*

#### Policy implementers

Policy implementer participants noted principal contractors reporting instances of women being promoted to management roles without being fully qualified. There are also incidences of stacking of women onto government projects to meet the targets and the poaching of women from other projects.

### Potential inequality across organisations emerging from BEP implementation

#### Principal contractors

Many participants were concerned that the BEP targets would result in inequality within the sector due to some contractors’ inability to meet the BEP requirements, and therefore disadvantaging them at the tender stage. Central to the concerns raised were resource levels required to address the BEP, with a principal contractor noting; *“I wonder if this incentive-based thing creates an equity issue”* [PC-B-16]. PC-B-16 went on to comment that the:

top-end-of-town Collins Street type contract, like a [teir one organisation] versus us and then versus the next tier down, how are they going to have resources to be able to offset the fact that they might not meet a target by potentially investing in programs and training and whatever else.

The increasing costs associated with hiring women could add further constraints to a principal contractor's ability to price competitively while adhering to the requirements of the BEP:

it can be really difficult to match salaries for female candidates and larger businesses like [tier one organisation] and [tier one organisation] and [tier one organisation]. They have all the buying power, so they can just swallow up jobs and candidates. They've got money that companies like [names tier three and four contractors] don’t have. [PC-B-1]

The lack of resources required to implement initiatives aligned to achieving BEP Actions would then limit contractors’ ability to expand their scope of works. For example, BEP Actions could prevent a *“tier three [organisation] going to tier two [organisation] as they don’t have the standards, the programs of the tier ones”* [PC-B-3]. Consequently, resources would then become *“a barrier for a lot of subcontractors wanting to enter high end or, you know, commercial government projects”* [PC-B-28].

Participants acknowledged that principal contractors other than tier one may be committed to making the changes required to meet BEP requirements, but that change may be slower. In contrast, participants identified that organisations with a greater resource pool can *“make changes much more quickly”* [PC-B-1], which makes them an employer of choice in attracting more women *“because their pulling power and attraction to get women into organisations perhaps different to tier 3”* [PC-B-16].

The ability to enact cultural change in line with the BEP’s intent was also recognised as occurring more rapidly for those *“that have EBA's that can actually work on jobs more than $20 million”* [PC-B-28]. For principal contractors wanting to work in the $20 million project space, there was concern about how they *“can we fit into the category of work and actually genuinely make a change.”* [PC-B-28]. One principal contractor questioned if there was;

some mechanism that means it's [BEP Actions were] scalable? So, the smaller contractor, principal contractor dealing with a $10 million build as opposed to a $500 million build, could input into those [BEP] programs relative to the scale and the scope of the project. [PC-B-18]

A scalable approach would enable smaller principal contractors to contribute to gender equality outside the BEP project value trigger and enable those who want to prepare their organisation for future BEP-related projects.

Another potential bias raised by participants was the employment of women with caring responsibilities and their time allocation to a project. For example, PC-C-12 commented that:

If you break the job down into people and hours and look at the requirements around full time employment, we need three female labourers full time over the course of the project. Well, it's a 5-year project and she's 36, and she's going to have a kid at 37. How do you make it work? It can't work.

The interpretation of the BEP by PC-C-12 is incorrect, however. Trade and non-trade labour do not need to be full-time employees, rather, work onsite for 80 percent of their time. Importantly, the comment made by PC-C-12 shows how misinterpretation of the BEP could result in facilitating the inequity it is intended to overcome.

#### Industry support services

Amongst some industry support service participants, there was a perceived risk that larger metro-based companies could outcompete smaller regionally based contractors to win BEP-applicable project tenders. SS-IA-3 noted that meeting requirements could challenge entry for smaller companies who may want to bid on projects:

Our tier one subcontractors and our tier two subcontractors, etcetera, aren’t going to have all the wherewithal that I think those tier one builders have… is that going to be a barrier of entry for them to get onto those big projects? [SS-IA-3].

#### Government buyers

These participants did not comment on this topic.

#### Industry support services

These participants did not comment on this topic.

#### Labour supply organisations

One subcontractor had experienced a principal contractor requiring them to go above and beyond the targets in MPSG to win tenders. They anticipate this will be the same in BEP and note the inequality this creates between larger and smaller subcontractors competing for work when larger subcontractors have more capacity to meet targets. They described the tender process as *‘horrible’* because of this and noted this type of negotiation was typical. They observed that principal contractors:

know wholeheartedly that not all of their subbies will be able to meet these numbers…They come to… presumably all of their subbies with higher numbers than are required. So, on some particular sites in Melbourne last year, when we were quoting a job, they wanted 30 percent of apprentices onsite… And we said the MPSG only asked for 10 percent... I hope that's not going to be the norm. But that's what I've certainly experienced in the last 18 months. [LS-SC-2]

Being outcompeted in meeting targets was noted to be undermining any meaningful work on gender equality that subcontractors may undertake, for example:

We're trying to work out a proper… GEAP around all of this and have that in place. If we recruit, promote, and develop our people within our business to meet the matrix and be in a position to be able to quote based on that and… all of a sudden the other bigger players out there are going, no, the goalpost is actually here for you now. [LS-SC-2]

#### Policy implementers

These participants did not comment on this topic.

### Targets, tokenism, backlash and resentment

#### Principal contractors

Principal contractors identified that targets could sometimes lead to women being employed simply to make up numbers rather than placing them in roles with genuine career paths. PC-C-12 commented that the risk associated with targets is that *“projects play around with their numbers and put women into roles to hit targets regardless of whether they're right for the job or not”* [PC-C-12]. This approach to meeting BEP Action 1 and 2 means that contractors are *“ticking the box for government by getting more women onto site, but we’re not giving them a pathway to anything”* [PC-B-31].

Additionally, PC-B-23 commented that: “*when organisations are looking at placing resources, you hear people say we need more women on that job, so sometimes the best person for the job or the right role [is not employed]… she had to start the job because we need the number”* [PC-B-32]. Placing women into roles they are not qualified for *“isn’t fair to anybody”* [PC-C-5].

PC-B-13 commented that they “*hated the idea of bringing people onto the job as a tick a box - especially if it’s just costing you money for the sake of it.”* PC-B-13 gave an example of wasted money and opportunity, explaining how organisations placed women in traffic management roles:

So, on jobs where we can have one traffic manager, sometimes we’re pressured to have two traffic managers in case one needs to go to the toilet etc, and this is all well and good, but someone’s getting paid $200,000 a year to do this, and that cost balance is wrong. But it’s also really easy to fit females into that position to tick off on the seven percent on certain jobs, especially civil, because of the number of transport movements they have and plant and equipment….and that concerns me. [PC-B-13]

As a result of the tick box mentality, participants commented that these women recognise they are not employed for their *“skills, qualities and aptitude… [simply] to fill a quota”* [PC-B-14], and as a result, are *“marginalised by that business…[not] given any meaningful jobs…basically a figurehead on that site”* [PC-B-14]. The result of tokenistic employment can lead to a loss of *“confidence, sense of self-worth, and the recognition and satisfaction you get from having done a job”* [PC-B-14]. PC-B-13 also commented that this approach to employment failed to *“create opportunities”,* and held concerns for those women working in the civil sector where they play:

dodgy games with cadets and traineeships [by meeting the required number of trainees] through employing 100 people and putting them through a two day course as a traffic manager, and giving them a sheet of paper that says they’ve completed their traineeship after working for two years, and all they are is a traffic manager. Now, that stuff has been wiped out, but people – individuals will find gaps and try to plough into it. If you trying to cater for the lowest common denominator, it’ll be a failure. [PC-B-13]

Placing women in roles to meet targets also removes their ability to *“have control over their careers and where they go”* and may limit their work experience to only *“working on government jobs perhaps that are not as complex or not in your interest area*” [PC-B-16] or *“reduce gender diversity on other projects”* [PC-B-24] or *“come out of that after 10 years of working in infrastructure with no skills”* [PC-B-27].

The need to place women into roles at a higher cost can “*negatively impact culture, because people are sitting on projects going, ‘They’re only here because of the target’”* [PC-B-16*] “creating a different problem”* [PC-C-12] where women “*don’t want to be hired just because they’re female*” [PC-C-21] and experience resentment and backlash.

#### Government buyers

These participants did not comment on this topic.

#### Industry support services

Industry support service participants were enthusiastic about the increased interest from the industry in employing women, however, were concerned that some organisations were making superficial attempts at engaging services to meet BEP requirements.

#### Labour supply organisations

Labour supply organisation participants had observed that some women had experienced backlash when onsite due to the perception by men that women were taking “their” jobs. For example, LS-SC-1 had observed on their site that *“there was a bit of blowback from the guys…”* because of the view that women were *“going to be taking all their jobs”* [LS-SC-1]. LS-SC-2 recalled one of their male employees saying:

I feel like we could miss out on opportunities now, because you need women in those roles… if you don't get your 35 percent in supervisory roles, what chance have we [men] got of going up the tree? You're going to get somebody from outside because you need that over somebody who's had 15 years’ experience in the field who wants to develop.

Similarly, LS-GTO-IA-4 commented that men feel as though they are being disadvantaged:

some men feel like [gender quotas are] an unfair advantage, and that is something that’s often expressed… in such ignorant comments as, “You are taking men’s jobs. You don’t belong onsite, what are you doing here?” These sort of comments, unfortunately, the unconscious bias comes through. And it is something that my female apprentices have to deal with daily. Luckily, they’re made of strong stuff, and they get on with it. [LS-GTO-IA-4]

LS-GTO-IA-4 noted that the backlash was not from the older generation of men on site but the *“younger generation”* who are *“threatened by women that they feel are being given an inordinate amount of support… But they haven’t thought about it either, so maybe it’s just about educating people… Because people are afraid of the change… they fear a new perspective. And once you talk to people about it, that seems to disappear”.* As such, LS-GTO-IA-4 felt that “*that the cultural issue is not really being addressed once the women are brought onsite, great the door is open, they’re onsite, they’re working. But they still have to put up with that crap in the background.”*

#### Policy implementers

These participants did not comment on this topic.

## Supporting adoption of the BEP

### Government led initiatives to directly support BEP implementation.

Participants discussed a range of initiatives they considered as important for supporting principal contractors in the implementation of the BEP and its requirements.

#### Government communication with principal contractors about BEP targets

Participants stated they would like clear communication about how the gender equality targets were determined given their *“difficulty in achieving the targets”* [PC-B-17]. Principal contractors reasoned that an understanding of the “*logic behind the targets*” [PC-B-18] would help them address questions raised by their subcontractors in relation to their ability to meet BEP targets.

Principal contractors asked that the Government communicate and provide examples of projects that had successfully met targets to provide principal and subcontractors with *“a baseline as to where industry’s actually sitting”* [PC-B-16] because at present, they feel there is an *“inability for us to stand in front of the targets and say they’re achievable”* [PC-B-17][[62]](#footnote-63). Additionally, principal contractors felt Government should communicate “*what is actually reasonable and practical”* [PC-B-25] in terms of Government expectations of principal contractors and their subcontractors ability to meet the targets over the over the short, medium and long term. Principal contractors articulated that they would like an *“honest appraisal in terms of how long it will take”* for the industry to meet these targets,given the lack of data associated with women entering and working in the industry.

#### Government communication with principal contractors and subcontractors about BEP requirements

Principal contractors believed there was a need for clearer communication about the BEP requirements and the need for *“consistent processes put in place… very clearly articulated because it [the process] is still a bit wishy washy”* [PC-B-19]. A clear communication process where questions are answered consistently by the government and a coordinated, collaborative approach to sharing information was suggested by principal contractors[[63]](#footnote-64). Principal contractors also stated the need for more information related to what a high quality GEAP looks like.

#### Tools developed by Government to help principal contractors implement the BEP

Principal contractors identified a range of tools which Government could lead or develop to help them in their implementation of the BEP. These included:

* Engaging an organisation to audit principal contractor organisations and provide a list of recommendations about improving women's experience in their organisations. For example, “*Engage [named organisation] to do an audit of their project worksites and provide guidance background on how they could be more gender inclusive*”. [PC-C-34]
* Provide online videos and courses for principal contractors about appropriate workplace behaviours that could be implemented in organisations that could not afford to develop their own materials.
* Develop and provide reporting templates for principal contractors to share with their subcontractors to assist with BEP reporting requirements.

#### Support by Government to help connect women with opportunities created by the BEP

Principal contractors were concerned about their ability to access subcontractors who employed women due to a lack of awareness on where and how to access this cohort. Principal contractors suggested Government develop an information kit with the details of where principal contractors and subcontractors can access women in all stages of training. For example:

If the government gave us a package of where we can access apprentices or different kinds of skilled labour or unskilled labour, or subcontractors with women employees I think that's the only way it will work. [PC-B-2]

It was also suggested the Government develop of a list of subcontractors who meet the requirements of the BEP for principal contractors. Policy implementers also suggested that the government could assist principal contractors and subcontractors on how and where they can source women to work on their projects by providing a centralised source of information.

To assist principal contractors in the recruitment of women, one principal contractor suggested developing a funding program to establish positions within principal contractor organisations to solely focus on the attraction and recruitment of women on their projects. PC-C-22 noted, *“I think having someone dedicated to increasing the number of females on a project”.* [PC-C-22]

The development of a portal for employment services that is well advertised and easily located by those in industry was also suggested by principal contractors despite the existing Building Futures website. This was identified as difficult to navigate by those in the industry. It was noted that:

Joe Blow form worker would not know that he can go to the Building Futures website to find a female apprentice or that he could either go to [named organisation] to see if there might be an opportunity there. How does he know that he can go and speak to [named organisation] about a women apprentice. [PC-B-29]

#### Government led training for principal contractors and subcontractors to support BEP implementation

While principal contractors are happy to educate their subcontractors on the BEP and its requirements, there is still a lot of upskilling work to be undertaken. Principal contractors suggested that Government could develop education material on the BEP which can be shared with subcontractors. ICN were an identified as a possible resource to assist with education of subcontractors, but principal contractors were concerned ICN did not have the resources to educate all the subcontractors working in this space. PC-B-19 commented:

I think we [principal contractors] have a role to play, but I wouldn't say its all our responsibility. Whilst we might be engaging a subcontractor for this project and help to educate them, how is the ICN going to provide that support or that assistance to upskill those subbies or those other tier two and threes in the industry. [PC-B-19]

Industry support service participants also identified a need to train those who work in construction with the know-how to implement Actions of the BEP and create safe working environments for women. There was an identified need for supervisor training on working with women and minority groups to ensure: *“that we're doing everything we can in this space to protect the individuals who are coming through, and a training requirement of who the industry supervisor of the apprentice or trainees is a major requirement”* [SS-GD-1].

SS-IA-1 viewed subcontractor training as critical for getting them on board with the BEP and associated actions. Training subcontractors will involve time offsite and have a financial and time cost. SS-IA-1 suggested that financial incentives could be used to encourage subcontractors to take up BEP-related training.

Another industry support service participant described the work they are already doing with contractors regarding the BEP. They felt their role in delivering gender equality training as well as support in implementing the BEP through the various women’s health services across Victoria *“can’t be understated”* [SS-NG-6]. The indicated that they can continue to *“play a really key role in this culture change that needs to happen”* [SS-NG-6] as part of the BEP implementation however, as noted earlier, do not have long term funding support to do so beyond next year.

Again, similar to industry support services, labour supply participants also identified principal contractor and subcontractor training as important for creating safe spaces for women. LS-GTO-P-1 advocated for *“cultural capability type training for diversity and inclusion across the board.”* LS-GTO-P-1 suggested having a *“purple card”* to represent the completion of cultural capability training.

#### Better resourcing of ICN

There was also the view amongst some industry support service participants that ICN was under resourced with insufficient staffing to provide adequate support to the thousands of contractors in Victoria. There was a view that government buyers have four or five dedicated staff along with the support of the policy implementers, while two people are working at ICN to support contractors to meet SPF and BEP requirements on projects ranging from $1 million to hundreds of millions. There was a suggestion that ICN could have been better positioned to support industry in implementing the BEP if they had better resourcing. Currently, it was noted that the ICNs' work is reactive because of resource limitations.

#### Funding to support BEP implementation actions

Some participants identified a challenge around supporting smaller subcontractors on implementing the BEP. According to one participant:

everyone's [principal contractors] really nervous about subcontractors, but nobody's really doing anything about subcontractors… there's definitely a real opportunity for ICN to play that role but there's hundreds of thousands of subcontractors. And how to scale effectively, I think, is like the big question, especially when these businesses do not want to learn online, don't want to comply, and really need more one-on-one support [SS-NG-8].

SS-NG-8 suggests there may be an opportunity for Government to financially support smaller subcontractors so they have the resources to implement the BEP Actions.

BE-C-4 felt that because the principal contractor does not directly hire trades and apprentices and has limited control over subcontractors, there should be financial incentivisation provided by the government for the principal contractor to hire apprentices, trainees, and cadets directly. A financial incentive in the form of a payment for each person hired would encourage companies to go beyond the targets. For example: *“for every apprentice you put on, there's additional bonuses or rewards for the organisation”* [BE-C-4].

### Government-led initiatives beyond the scope of the BEP

Participants discussed a range of initiatives they saw as important for supporting the attraction of women to the industry but that sit beyond the scope of the BEP.

#### Continuity of funding for existing programs

Industry support service participants described a range of initiatives to support training pathways into the industry, gender equity training, and industry support services for addressing Actions 1, 2 and 3 of the BEP. Most participants were involved in such programs in some capacity and expressed the need to fund various programs that they observed have been successful and that ultimately support the BEP in achieving its goals.

Clarity around funding opportunities for programs that can support the BEP and certainty for future funding of successful programs were key needs for this participant group. The short term nature of the pathways programs made it difficult to establish strong partnerships with key stakeholders such as schools. SS-NGD-5 commented: “*who trusts someone who's only going to be around for potentially a year?”* [SS-NGD-5]. This participant also observed that new programs are easily funded while successful existing programs lose funding over time. They questioned: *“why are we rolling out new initiatives when we can just fund the ones that are successful and have been running really well?”* [SS-NGD-5]. Participants were also concerned about the long-term viability of programs without continued funding:

our project has been funded for three years at least by the Federal Government so currently, there’s not even an equivalent on a state government level… while now everything is starting to really gain momentum in the work that we’re doing, we know we’ve got less than 12 months to continue this vital work and then we don’t know what will happen after that…. we know the need is there and the demand is there. [SS-NG-7]

#### Pathway initiatives

Support service participants identified a need for better communication around initiatives aligned with the attraction of women to the industry. SS-IA-3 suggested that their construction pathway and apprenticeship training programs would benefit from more communication from the government to raise awareness of these training opportunities amongst women. They explained that if *“the government is pounding away at their comms, and then you’ve got the other components, the industry doing their bit, mentors doing their bit, they [industry] are getting the information from a minimum of seven avenues, it will actually sink in”* [SS-IA-3].

Like industry support services, labour supply organisations felt their initiatives would benefit from additional government communications regarding pathways for women to enter construction and where contractors can work with existing programs. LS-SC-1 believed the government played an essential role in *“active advertising”* of construction industry opportunities and training pathways. There was also an opportunity for the government to better connect contractors with existing training pathway programs to recruit women:

I think more education can be done [with] the major contractors about how they can work with programs like ours, and programs that are running out there, to make it easier for them to meet their quota. [LS-GTO-IA-3]

Currently, there was the view that the government’s support for various pathway initiatives *“felt a little bit like a scattergun approach... here's all this funding for all these initiatives to get women into construction”* [SS-NG-3]. Participants felt that there is an opportunity for better connectivity between different initiatives and for more contractor involvement to improve the success of the initiatives: “*there’s a lot of groups that do it without the employer involvement, and I think that’s where it fails. You’ve got to have the employers involved”* [SS-NG-1].

There was the view that government needs to play a key role in the attraction of women into the industry: *“it’s only government that can get the policy settings right to create the pipeline”* [SS-IA-2]. Investment in skills supply is considered a necessary component of the policy:

If you’re trying to significantly increase the number of participants from a particular cohort into an industry, that’s going to require a skills solution. You simply can’t broadly change the demographics of an employment base and an industry unless you’re re-skilling or upskilling the members of that cohort. [SS-GD-1]

SS-GD-1 further argued that *“the TAFE network and the broader training providers do not have the capacity to train the current demand, let alone what’s expected going out. There is no viable solution for the current level of training capacity to where we need to get to”* [SS-GD-1].

Options regarding pre-employment programs, taster programs, support for employers, and financial incentives for those entering trades or training were ideas presented by SS-NG-1 which could be supported by the government.

In regional areas, there was a critical need for government support of pathway programs to build the skills pool:

the skill pool… in our region… is not necessarily there yet… [Construction industry are] saying, “The responsibility can’t be completely on us as the industry but also, what is actually happening in the education system, in schools, awareness building but also then up into TAFEs?” So, what are the incentives… for more women to come into the industry and wanting… to stay in the industry? It can’t be all up to the industry to meet those targets if they’re grappling in the first place of even having that more diverse skill pool to even tap into. [SS-NG-7]

LS-SC-1 suggested that the government should provide funding support for high school programs and retraining schools counsellors to understand opportunities for women in the construction industry.

#### Training school careers advisors

Some industry support service participants felt that the existing knowledge and potential biases of high school careers advisors are limiting the opportunities for women to enter construction. Informing career advisors in high schools is needed to overcome biases and ensure advice and information provided to students is accurate.

One industry support service participant described the experience of one young woman they had in their high school construction pathways program. The student told SS-NG-6: *“I did childcare. My teacher just put me into that. I hated it”*. The participant noted that the student’s career advisor did this *“even though [the student] had a clear interest in doing a trade”.* SS-NG-6 explained that *“what we’re finding is stereotypes, part of it is the path of least resistance and careers teachers are really busy and they will just go with what they’ve always done….”* [SS-NG-6]. As such, more initiatives to address these barriers is needed so that high school advisors are not limiting opportunities for women and encouraging them away from construction when they might otherwise be interested in that career pathway.

#### Increase awareness of construction as a viable career path

Given the concern about the number of women in the pipeline, contractors felt that it was vital to the success of the BEP to focus on increasing the number of women entering the sector. Contractors felt the government could promote the value of trades as a career and raise awareness of the sector more broadly to girls in school. PC-B-26 commented, *“there’s no real promotion of trades or the value of a trade.”*  In addition to educating girls on the value of trades, contractors also felt there needed to be more awareness and education around the management roles in construction. PC-B-27 commented: *“The effort should all be up front, get more girls into the courses, whatever those courses may be, including the trades. All the effort should be aimed back at the high schools”.* [PC-B-27]

Contactors suggested the need to establish a coordinating body focussing on growing the pipeline that could *“coordinate information days on career pathways [to schools as required] within the construction industry whether they be trades, architecture or engineering, building and construction”* [PC-B-13].

#### Support for women in training

An identified barrier to attracting women into the sector as a second career path was the additional cost of engaging an adult apprentice. Contractors suggested that the government could subsidise adult apprenticeships, addressing the *“she's over a certain age, it's going to be too expensive for us”* [PC-B-1] barrier. Contractors also felt a government-run GTO would assist in connecting women to jobs and training while providing a source of labour for employers struggling to meet their Action 2 targets.

There was the view that more funding is needed to financially support women who would like to move into trades, as the current system assumes that those doing apprenticeships are *“all young, white men that still live at home, so they don't need any kind of financial support… That’s not who the women are that are going into apprenticeship”* [SS-UN-2]. SS-UN-2 explains that:

it takes nine months for a woman to think that they want to do a trade or believe they can, to actually get to the point of getting or starting an apprenticeship… The average age is 30 of starting an apprenticeship for women.

Like industry support service participants, labour supply organisation participants also viewed wage subsidies as critical for women's uptake. LS-GTO-IA-4 described the key to success of the women apprenticeship program was due to: “*the fact that we’ve been subsidising adult female wages” [LS-GTO-IA-4].* LS-GTO-IA-4 noted that women apprentices are:

being sought out by leading hands as the preferred apprentice. And once they get their foot in the door through these wage subsidies, there’s no stopping them. But it’s just getting that initial foot in the door. And it would be great if the government would actually provide that opportunity as an ongoing element to provide that equity, because that is the pivotal point.

# Examining the pipeline of women in construction

Section 6 firstly uses secondary data (data available in the public domain) to examine the gender composition of women in and entering into construction by drawing on the WGEA, ABS, NCVER, Commonwealth Government Higher Education Student Data Collection and Victorian On Track Survey data sets. The roles that women occupy, current and historical data on commencement and completion of apprenticeship and pre-apprenticeship, and enrolment in degree programs are considered. This provides an indication of the pipeline of women commencing or working towards trade and technical roles and professional roles. The data also provides insight into the numbers of women in VET and Higher Education (HE) training and education programs pre and post the introduction of the BEP.

The research team acknowledges that there is an ongoing debate over what terms are most appropriate when describing gender. Different gender terms are used in different data sets such as male/female, women/man, non-binary. In this section we replicate the terms used by the dataset owner.

## Gender composition in the Australian construction workforce

The WGEA dataset provides a snapshot of the gender balance in the Australian construction industry in organisations with more than 100 employees, which includes 213 construction businesses operating in Australia.

The data, as summarised in Table 4, shows that women dominate in community and personal service roles and clerical and administrative roles. Women are almost at parity with men in sales roles while occupying just under 30 percent of professional roles. Management type roles range from 21.5 percent to 11.4 percent women, and 6.1 percent of CEO positions are held by women. Labourers and other staff roles are approximately 23 percent women and women in machinery operator and driver and technician and trade roles make up 7.9 percent and 5.7 percent of the workforce in these roles respectively.

Table 4 Number and percentage of women employed in WGEA reporting construction organisations in Australia

|  |  |  |
| --- | --- | --- |
| Role | Number of women | Percentage of women employed in role |
| Community and personal service | 7706 | 80.2% |
| Clerical and administrative staff | 10806 | 70.4% |
| Sales staff | 1585 | 45.9% |
| Professionals | 8303 | 29.8% |
| Labourers | 6213 | 23.5% |
| Other staff | 110 | 23.0% |
| Key management personnel (KMP) | 174 | 21.5% |
| Senior managers | 670 | 17.9% |
| Other managers | 2329 | 17.8% |
| Other executives/general managers | 191 | 17.5% |
| Head of business | 20 | 11.4% |
| Machinery operators and drivers | 810 | 7.9% |
| CEO | 15 | 6.1% |
| Technicians and trade | 2351 | 5.7% |

Source: ([Workplace Gender Equality Agency, 2023](#_ENREF_43))

2021 WGEA data shows that in Victoria, 31 percent of the construction sector workforce are women ([Duncan et al., 2022](#_ENREF_14)). This compares to 36.7 percent nationally shown in the WGEA data above. Professional roles dominate in large principal contractor organisations and therefore this data does not reflect the wider construction industry that includes subcontractors working on site with less than 100 employees.

## Gender composition in Victorian construction workforce

ABS Labour Force data[[64]](#footnote-65) shows that there are 355,300 people employed in the Victorian Construction industry as of May 2023 ([ABS cited in Department of Jobs Skills Industry and Regions, 2023](#_ENREF_13)). The ABS Characteristics of Employment, 2014 to 2022 data provides a more extensive indication of the number of females working in the construction industry in Victoria according to occupation using the ANZSCO framework[[65]](#footnote-66).

It should be noted that for this ABS data collection, a number of figures have a relative standard error of between 25 and 50 percent (noted by the single asterix) and therefore should be used with caution. Some figures have a relative standard greater than 50 percent (noted with a double asterix) which are considered too unreliable for general use ([Australian Bureau of Statistics, 2021](#_ENREF_4)). Additionally, as highlighted in

Table 5, there are gaps in data for some years, for example 1800 female labourers were reported in August 2019, and 0 in August 2020. Data gaps can be seen in females working in professional roles and technician and trade roles also. Furthermore, the ABS data reports that there are no females working as machinery operators and drivers between 2014 and 2022. As such, the following ABS data on roles occupied by females in the Victorian construction industry drawing on ANZSCO roles should be considered with caution.

Table 5 shows the number of females employed in all ANZSCO occupation groupings in the Victorian Construction industry as their main job between 2014 and 2022[[66]](#footnote-67). The data highlights that clerical and administrative roles in the industry have the largest female representation for all time periods, followed by professionals and managers, although, since 2020 technicians and trade workers have seen greater female representation than professional and management roles respectively. Overall, the data shows that female representation in the industry has grown from 24,400 in 2014 to 42,500 in 2022.

Table 5 Number of females working in all occupations in the Victorian Construction Industry

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Aug-14 | Aug-15 | Aug-16 | Aug-17 | Aug-18 | Aug-19 | Aug-20 | Aug-21 | Aug-22 |
| Managers | 1,700\*\* | 4,100\* | 1,600\*\* | 6,500\*\* | 6,000\*\* | 8,300\* | 2,800\*\* | 5,900\* | 6,900\* |
| Professionals | 2,800\*\* | 0 | 0 | 1,700\*\* | 2,300\*\* | 6,200\* | 3,500\*\* | 5,100\* | 9,100\* |
| Technicians and Trades Workers | 2,400\*\* | 1,900\*\* | 6,200\* | 0 | 3,300\*\* | 1,900\*\* | 5,400\* | 6,600\* | 11,400 |
| Community and Personal Service Workers | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Clerical and Administrative Workers | 16,900 | 16,400 | 15,700 | 12,800 | 19,900 | 19,800 | 24,400 | 18,300 | 17,700 |
| Sales Workers | 0 | 0 | 1,600\*\* | 0 | 1,900\*\* | 0 | 1,900\*\* | 1,800\*\* | 0 |
| Machinery Operators and Drivers | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Labourers | 0 | 0 | 0 | 0 | 1,500\*\* | 1,800\*\* | 0 | 0 | 2,700\*\* |
| Total | 24,400 | 26,200 | 23,700 | 23,700 | 35,600 | 37,800 | 40,500 | 35,600 | 42,500 |

\*\*Estimate has a relative standard error greater than 50 percent and is considered too unreliable for general use

\*Estimate has a relative standard error of 25 percent to 50 percent and should be used with caution

ABS data shows that the number of males working in the industry has also increased between 2014 and 2022, however as shown in Table 6, the percentage of females compared with males increased from 10.5 percent in 2014 to 12.3 percent in 2022.

Table 6 Percentage of total females and males working in the construction industry as their main occupation

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Aug-14 | Aug-15 | Aug-16 | Aug-17 | Aug-18 | Aug-19 | Aug-20 | Aug-21 | Aug-22 |
| Males | 89.5% | 89.5% | 91.0% | 91.7% | 88.8% | 87.6% | 86.5% | 88.8% | 87.7% |
| Females | 10.5% | 10.5% | 9.0% | 8.3% | 11.2% | 12.4% | 13.5% | 11.2% | 12.3% |

Table 7 through Table 11 show data on roles aligning with the BEP report requirements including:

* Group 1 and 2 occupations (Professionals and managers)
* Group 3 occupations (Technicians and Trades Workers)
* Group 7 and 8 occupations (Machinery Operators and Drivers, and Labourers)

Table 7 shows an increase in the number of females working in technician and trade base roles in the industry. While some data reported for some years should be used with caution, overall the percentage of females working in these roles has increased from 1.7 percent in 2014 to 6.1 percent in 2022. In particular, between 2019 and 2020 the percentage of females increased by 1.2 percent to 3.4 percent (see Table 8). As such, 2020 through to 2022 had the most significant increase in the percentage of females in trade and technician roles.

Table 7 Number of males and females working as Technicians and Trade Workers in the Victorian construction industry between 2014 and 2022

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Aug-14 | Aug-15 | Aug-16 | Aug-17 | Aug-18 | Aug-19 | Aug-20 | Aug-21 | Aug-22 |
| Males | 138,800 | 124,900 | 146,100 | 159,600 | 161,700 | 154,400 | 151,500 | 168,800 | 175,800 |
| Females | 2400\*\* | 1900\* | 6200\* | 0 | 3300\*\* | 1900\*\* | 5400\* | 6600\* | 11,400 |
| Total | 141,200 | 126,800 | 152,300 | 159,600 | 165,000 | 156,300 | 156,900 | 175,400 | 187,200 |

\*\*Estimate has a relative standard error greater than 50 percent and is considered too unreliable for general use

\*Estimate has a relative standard error of 25 percent to 50 percent and should be used with caution

Table 8 Percentage of males and females working as Technicians and Trade Workers in the Victorian construction industry between 2014 and 2022

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Aug-14 | Aug-15 | Aug-16 | Aug-17 | Aug-18 | Aug-19 | Aug-20 | Aug-21 | Aug-22 |
| Males | 98.3% | 98.5% | 95.9% | 100.0% | 98.0% | 98.8% | 96.6% | 96.2% | 93.9% |
| Females | 1.7% | 1.5% | 4.1% | 0.0% | 2.0% | 1.2% | 3.4% | 3.8% | 6.1% |

Based on the available ABS data, there are no females working in machinery operation and driving roles in the Victorian construction industry (see Table 5) and therefore this data is not explored further. For females working in labouring positions, some data exists however all figures for the number of female labourers are considered too unreliable for general use. The most recent data from 2022 (see Table 9) indicates that females in labouring roles make up approximately 5.2 percent of those working in labouring roles.

Table 9 Number of males and females working as Labourers in the Victorian construction industry between 2014 and 2022

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Labours in VIC Construction | Aug-14 | Aug-15 | Aug-16 | Aug-17 | Aug-18 | Aug-19 | Aug-20 | Aug-21 | Aug-22 |
| Males | 29,800 | 41,900 | 35,000 | 42,800 | 41,100 | 49,100 | 43,100 | 50,900 | 49,100 |
| Females | 0 | 0 | 0 | 0 | 1500\*\* | 1800\*\* | 0 | 0 | 2700\*\* |
| Total | 29,800 | 41,900 | 35,000 | 42,800 | 42,600 | 50,900 | 43,100 | 50,900 | 51,800 |

\*\*Estimate has a relative standard error greater than 50 percent and is considered too unreliable for general use

\*Estimate has a relative standard error of 25 percent to 50 percent and should be used with caution

There has also been an increase in females working in management and professional roles in the construction industry between 2014 and 2022. This data must be used with caution and figures for some years shown in Table 10 and Table 11 are too unreliable for general use. Table 10 shows that females occupied 16.4 percent of management roles in 2022 and Table 11 shows that females occupied 38.9 percent of professional roles in the same year.

Table 10 Number of males and females working as Managers in the Victorian construction industry between 2014 and 2022

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Managers in VIC Construction | Aug-14 | Aug-15 | Aug-16 | Aug-17 | Aug-18 | Aug-19 | Aug-20 | Aug-21 | Aug-22 |
| Males | 19,600 | 30,300 | 24,100 | 29,400 | 34,200 | 27,600 | 28,200 | 26,300 | 35,200 |
| Females | 1700\*\* | 4100\* | 1600\*\* | 6500\* | 6,000 | 8300\* | 2800\* | 5900\* | 6900\* |
| Total | 21,300 | 34,400 | 25,700 | 35,900 | 40,200 | 35,900 | 31,000 | 32,200 | 42,100 |

\*\*Estimate has a relative standard error greater than 50 percent and is considered too unreliable for general use

\*Estimate has a relative standard error of 25 percent to 50 percent and should be used with caution

Table 11 Number of males and females working as Professionals in the Victorian construction industry between 2014 and 2022

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Aug-14 | Aug-15 | Aug-16 | Aug-17 | Aug-18 | Aug-19 | Aug-20 | Aug-21 | Aug-22 |
| Males | 2300\*\* | 11,000 | 6300\* | 7400\* | 11800\* | 8900\* | 15,300 | 14,200 | 14,300 |
| Females | 2800\*\* | 0 | 0 | 1700\* | 2300\*\* | 6200\* | 3500\* | 5100\* | 9100\* |
| Total | 5100 | 11000 | 6300 | 9100 | 14100 | 15100 | 18800 | 19300 | 23400 |

\*\*Estimate has a relative standard error greater than 50 percent and is considered too unreliable for general use

\*Estimate has a relative standard error of 25 percent to 50 percent and should be used with caution

## Gender composition in VET enrolments, apprenticeships and traineeships

The NCVER provides a platform to access and download VET statistics across various data collections, including VET enrolment and apprenticeship and traineeship data. Data from two collections are reported on in this section:

* Total VET Students and Courses data collection
* Apprentices and Trainees (A&T) collection.

Data for each collection is reported at different intervals and collected via different methods [[67]](#footnote-68). As a result, there are some minor differences in data where these collections overlap.

### NCVER total VET students and courses data collection

The following data[[68]](#footnote-69) includes only VET enrolments/completions in the state of Victoria for the following training packages:

* Construction, Plumbing and Services Integrated Framework (BCF, BCG, BCP, CPC) (referred to as Construction, Plumbing and Services below)
* Electrotechnology (UEE, UTE, UTL) (referred to as Electrotechnology below)

#### Total VET Students and Courses data collection

NCVER data on Total VET Students and Courses enrolments includes all persons enrolled in all year levels of a program for each of the data time periods. Table 12 shows the total enrolments in Victoria in Construction, Plumbing and Services training packages and shows that total enrolments increased in the five year period between 2018 and 2022 by 8,050. The percentage of females enrolled has increased from 4.7 percent to 6.3 percent over this same period.

Table 12 Number of total enrolments in Victoria in Construction, Plumbing and Services training packages

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | 2018 | 2019 | 2020 | 2021 | 2022 |
| Males | 36,810 | 37,900 | 36,960 | 42,670 | 43,710 |
| Females | 1,815 | 2,405 | 2,430 | 2,895 | 2,940 |
| Not known | 50 | 35 | 45 | 145 | 80 |
| Total | 38,680 | 40,340 | 39,435 | 45,710 | 46,730 |

Table 13 shows the total enrolments in Victoria in Electrotechnology training packages. Total enrolments increased in the five year period between 2018 and 2022 by 6,065. The percentage of females enrolled has increased from three percent to 4.3 percent over this period.

Table 13 Number of total enrolments in Victoria in Electrotechnology training packages

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | 2018 | 2019 | 2020 | 2021 | 2022 |
| Males | 12,710 | 13,530 | 13,640 | 15,470 | 18,310 |
| Females | 390 | 450 | 465 | 600 | 830 |
| Not known | 10 | 10 | 15 | 15 | 30 |
| Total | 13,105 | 13,990 | 14,120 | 16,080 | 19,170 |

Table 12 and Table 13 show that both training packages have seen increased interest and enrolments from women over the five year time period. When considering the Construction, Plumbing and Services and Electrotechnology training packages together, the number of women enrolled has increased from 4.3 percent in 2018 to 5.7 percent in 2022 (see Table 14).

Table 14 Percentage of male and female enrolments in Victoria in Construction, Plumbing and Services and Electrotechnology training packages combined

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Gender | 2018 | | 2019 | | 2020 | | 2021 | | 2022 | |
| **%** | **n** | **%** | **n** | **%** | **n** | **%** | **n** | **%** | **n** |
| Male | 95.6% | 49,520 | 94.7% | 51,435 | 94.5% | 50,600 | 94.1% | 58,140 | 94.1% | 62,015 |
| Female | 4.3% | 2,205 | 5.2% | 2,850 | 5.4% | 2,895 | 5.7% | 3,495 | 5.7% | 3,770 |
| Not known | 0.1% | 60 | 0.1% | 45 | 0.1% | 60 | 0.3% | 160 | 0.2% | 115 |
| Totals | 100.0% | 51,785 | 100.0% | 54,330 | 100.0% | 53,555 | 100.0% | 61,795 | 100.0% | 65,900 |

A further breakdown in the above enrolment data is shown in Table 15. This data includes total female enrolments in all construction programs in Victoria. The table shows that Certificate IV in Building and Construction (Building) and the Diploma of Building and Construction (Building) have seen the most female enrolments over the 5-year period. Certificate III in Carpentry and Certificate II in Construction Pathways that have seen the third and fourth most enrolments in that time, with almost triple the enrolments in these two programs. Female enrolments in Certificate III level courses in Carpentry, Painting and Decorating, Plumbing, Construction Waterproofing and Rigging have seen the most significant increases between 2018 and 2022, along with Certificate II in construction pathways and the Advanced Diploma of Building Surveying.

Table 15 Number of female enrolments in Construction, Plumbing and Services programs in Victoria

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | 2018 | 2019 | 2020 | 2021 | 2022 | Total |
| CPC10111/ CPC10120 - Certificate I in Construction | 385 | 180 | 10 | 25 | 15 | 615 |
| CPC20112 - Certificate II in Construction | - | - | - | 5 | - | 5 |
| CPC20211/ CPC20220 - Certificate II in Construction Pathways | 75 | 410 | 210 | 190 | 225 | 1110 |
| CPC30111 - Certificate III in Bricklaying/Blocklaying | 10 | 10 | 10 | 5 | - | 35 |
| CPC30116/ CPC30120 - Certificate III in Shopfitting | 5 | 10 | - | 5 | 5 | 25 |
| CPC30211/ CPC30220 - Certificate III in Carpentry | 125 | 175 | 185 | 285 | 365 | 1135 |
| CPC30216 - Certificate III in Signs and Graphics | 10 | 10 | 10 | 20 | 20 | 70 |
| CPC30313/ CPC30318/ CPC30320 - Certificate III in Concreting | 10 | 5 | 5 | 5 | 5 | 30 |
| CPC30420 - Certificate III in Demolition | - | - | - | 5 | 5 | 10 |
| CPC30611/ CPC30620 - Certificate III in Painting and Decorating | 65 | 85 | 90 | 145 | 150 | 535 |
| CPC30711/ CPC30720 - Certificate III in Rigging | 5 | 10 | 5 | - | 35 | 55 |
| CPC30812/ CPC30820 - Certificate III in Roof Tiling | 5 | 5 | 5 | 10 | 5 | 30 |
| CPC30911 - Certificate III in Scaffolding | 10 | 15 | 10 | 15 | 5 | 55 |
| CPC31211/ CPC31220 - Certificate III in Wall and Ceiling Lining | 5 | 5 | 5 | 5 | 10 | 30 |
| CPC31311/ CPC31320 - Certificate III in Wall and Floor Tiling | 10 | 10 | 15 | 25 | 20 | 80 |
| CPC31411/ CPC31420 - Certificate III in Construction Waterproofing | 5 | 15 | 25 | 30 | 25 | 100 |
| CPC31812 - Certificate III in Shopfitting | 5 | - | - | - | - | 5 |
| CPC31912/CPC31920 - Certificate III in Joinery | 10 | 15 | 10 | 10 | 15 | 60 |
| CPC32313 - Certificate III in Stonemasonry (Monumental/Installation) | - | 5 | - | - | - | 5 |
| CPC32413/CPC32420 - Certificate III in Plumbing | 60 | 85 | 105 | 120 | 165 | 535 |
| CPC32813 - Certificate III in Fire Protection | - | 5 | 5 | 5 | - | 15 |
| CPC32920 - Certificate III in Construction Crane Operations | - | - | - | - | 10 | 10 |
| CPC33020 - Certificate III in Bricklaying and Blocklaying | - | - | - | - | 10 | 10 |
| CPC40110 - Certificate IV in Building and Construction (Building) | 530 | 625 | 710 | 755 | 355 | 2975 |
| CPC40120 - Certificate IV in Building and Construction | - | - | - | 30 | 375 | 405 |
| CPC40208 - Certificate IV in Building and Construction (Contract Administration) | 15 | 20 | 20 | 10 | 10 | 75 |
| CPC40308 - Certificate IV in Building and Construction (Estimating) | 20 | 15 | 30 | 55 | 15 | 135 |
| CPC40320 - Certificate IV in Building Project Support | - | - | - | - | 35 | 35 |
| CPC40508 - Certificate IV in Building and Construction (Site Management) | 5 | 5 | 5 | 10 | 5 | 30 |
| CPC40912/ CPC40920 - Certificate IV in Plumbing and Services | 10 | 10 | 5 | 10 | 10 | 45 |
| CPC50210/ CPC50220 - Diploma of Building and Construction (Building) | 355 | 500 | 720 | 850 | 800 | 3225 |
| CPC50308/ CPC50320 - Diploma of Building and Construction (Management) | 50 | 65 | 110 | 135 | 95 | 455 |
| CPC60115/ CPC60121 - Advanced Diploma of Building Surveying | 35 | 110 | 115 | 125 | 135 | 520 |
| Total | 1820 | 2405 | 2420 | 2890 | 2925 | 1820 |

Table 16 shows the total female enrolments in Electrotechnology programs in Victoria. Certificate III in Electrotechnology Electrician and Certificate II in Electrotechnology (Career Start) both have the highest total female enrolments over 2018 to 2022 time period. Enrolments in the Certificate III in Electrotechnology Electrician have increased 176 percent since 2018.

Table 16 Number of female enrolments in Electrotechnology programs in Victoria

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | 2018 | 2019 | 2020 | 2021 | 2022 | Total |
| UEE20111/UEE20120- Certificate II in Split Air-conditioning and Heat Pump Systems | 5 | 5 | 5 | 5 | 10 | 30 |
| UEE20511/UEE20520 - Certificate II in Computer Assembly and Repair | 5 | 5 | 5 | 5 | 50 | 70 |
| UEE21911 - Certificate II in Electronics | 15 | 5 | - | - | - | 20 |
| UEE22011/ UEE22020 - Certificate II in Electrotechnology (Career Start) | 105 | 135 | 130 | 160 | 190 | 720 |
| UEE30111 - Certificate III in Business Equipment | 15 | - | - | - | - | 15 |
| UEE30811/ UEE30820 - Certificate III in Electrotechnology Electrician | 170 | 220 | 240 | 320 | 470 | 1420 |
| UEE30911 - Certificate III in Electronics and Communications | - | - | 5 | - | - | 5 |
| UEE31211 - Certificate III in Instrumentation and Control | - | - | - | 5 | 10 | 15 |
| UEE31411/ UEE31420 - Certificate III in Security Equipment | 5 | 5 | - | 5 | 5 | 20 |
| UEE32211/ UEE32220 - Certificate III in Air-conditioning and Refrigeration | 20 | 20 | 20 | 25 | 25 | 110 |
| UEE33011/ UEE33020 - Certificate III in Electrical Fitting | 5 | 30 | 30 | 35 | 40 | 140 |
| UEE40411 - Certificate IV in Electrical - Instrumentation | 5 | - | 5 | 5 | 5 | 20 |
| UEE41211/ UEE41220 - Certificate IV in Electrical - Rail Signalling | - | - | - | 5 | 5 | 10 |
| UEE42211 - Certificate IV in Instrumentation and Control | 5 | - | - | - | - | 5 |
| UEE43211 - Certificate IV in Industrial Automation and Control | 5 | - | - | - | - | 5 |
| UEE60211 - Advanced Diploma of Electronics and Communications Engineering | 5 | 5 | 5 | 5 | - | 20 |
| UEE60411 - Advanced Diploma of Computer Systems Engineering | 5 | 5 | 5 | 5 | 5 | 25 |
| UEE62111 - Advanced Diploma of Engineering Technology - Electrical | 10 | 10 | 10 | 10 | 10 | 50 |
| Total | 380 | 445 | 460 | 590 | 825 |  |

#### Completions

NCVER data shows that there has been an increase in females completing training in construction and electrical training packages in Victoria. Completions by females in these two packages in Victoria have risen by 190 completions (65 percent) since December 2018. The percentage of completions by females in these two training packages has also risen from three percent in 2018 to 4.53 percent in December 2022. Table 17 shows the number of completions by training package between December 2018 and December 2022. The increase in the number of female completions is shown in Figure 5.

Table 17 Number of qualification completions in Victoria by training package (Females and Males)

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | 2018 | | 2019 | | 2020 | | 2021 | | 2022 | |
|  | C | E | C | E | C | E | C | E | C | E |
| Males | 6,490 | 2,790 | 5,840 | 2,730 | 5,430 | 2,560 | 7,395 | 3,375 | 6,685 | 3,395 |
| Females | 200 | 90 | 225 | 90 | 240 | 100 | 370 | 140 | 305 | 175 |
| Not known | 25 | 5 | 10 | 5 | 10 | 10 | 30 | - | 15 | - |
| Totals | 6,715 | 2,880 | 6,075 | 2,825 | 5,680 | 2,670 | 7,795 | 3,515 | 7,000 | 3,575 |

C= Construction, Plumbing and Services, E = Electrotechnology

Figure 5 Female completions in Construction, Plumbing and Services and Electrotechnology training packages combined in Victoria

While the percentage of females completing qualifications has increased between 2018 and 2022, male completions also rose over this same period. Table 18 shows that female completions remain a small percentage of overall completions in these training packages however this percentage has increased by 1.4 percent for Construction, Plumbing and Services and 1.8 percent for Electrotechnology between 2018 and 2022. This data includes all certificate completions for both training packages including those in apprenticeships and those enrolled without apprenticeships.

Table 18 Percentage of female completions in Victoria by training package

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | 2018 | 2019 | 2020 | 2021 | 2022 |
| Construction, Plumbing & Services | 3.0% | 3.7% | 4.2% | 4.7% | 4.4% |
| Electrotechnology | 3.1% | 3.2% | 3.7% | 4.0% | 4.9% |

The breakdown of data for completion of different certificate levels within the Construction, Plumbing and Services and Electrotechnology training packages is also available.

Table 19 shows the number of females completing a certificate in the construction and electrical training packages between 2018 and 2022. Certificate IV in Building and Construction (Building) has had the most completions in the package which increased 461 percent over the five year data period. Certificate II has had a 150 percent increase in completions followed by Certificate III in carpentry with a 75 percent increase in completions. All programs combined saw a 51 percent increase in completions.

Table 19 Number of completions by females in Victoria by certificate: Construction, Plumbing and Services

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | 2018 | 2019 | 2020 | 2021 | 2022 | Total |
| CPC20211/ CPC20220 - Certificate II in Construction Pathways | 10 | 30 | 20 | 30 | 25 | 115 |
| CPC30211 - Certificate III in Carpentry | 20 | 25 | 15 | 35 | 35 | 130 |
| CPC30216 - Certificate III in Signs and Graphics | - | - | - | 5 | 5 | 10 |
| CPC30220 - Certificate III in Carpentry | - | - | - | 5 | 5 | 10 |
| CPC30313 - Certificate III in Concreting | 5 | - | - | - | - | 5 |
| CPC30420 - Certificate III in Demolition | - | - | - | 5 | - | 5 |
| CPC30611/ CPC30620 - Certificate III in Painting and Decorating | 10 | 10 | 10 | 20 | 20 | 70 |
| CPC31311 - Certificate III in Wall and Floor Tiling | - | 5 | - | 5 | - | 10 |
| CPC31411/ CPC31420 - Certificate III in Construction Waterproofing | 5 | 5 | 10 | 15 | 10 | 45 |
| CPC31912 - Certificate III in Joinery | - | - | 5 | 5 | - | 10 |
| CPC32413 - Certificate III in Plumbing | 10 | 15 | 5 | 15 | 10 | 55 |
| CPC32920 - Certificate III in Construction Crane Operations | - | - | - | - | 5 | 5 |
| CPC40110 - Certificate IV in Building and Construction (Building) | 130 | 115 | 150 | 205 | 130 | 730 |
| CPC40120 - Certificate IV in Building and Construction | - | - | - | - | 20 | 20 |
| CPC40208 - Certificate IV in Building and Construction (Contract Administration) | - | 5 | 5 | - | 5 | 15 |
| CPC40308 - Certificate IV in Building and Construction (Estimating) | 5 | 5 | 10 | 20 | 20 | 60 |
| CPC40508 - Certificate IV in Building and Construction (Site Management) | - | 5 | - | - | 5 | 10 |
| Totals | 195 | 220 | 230 | 365 | 295 |  |

Table 20 shows the number of females that completed a certificate in Electrotechnology training packages between 2018 and 2022. The number of females that completed the Certificate II in Electrotechnology (Career Start) has doubled since 2018, and the number of completions of the Certificate III in Electrotechnology Electrician have increased by 200 percent from 15 in 2018 to 45 in 2022.

Table 20 Number of completions by females in Victoria by certificate: Electrotechnology

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Electrotechnology | 2018 | 2019 | 2020 | 2021 | 2022 |
| UEE20111 - Certificate II in Split Air-conditioning and Heat Pump Systems | - | - | - | - | 5 |
| UEE20511 - Certificate II in Computer Assembly and Repair | - | 5 | - | - | 5 |
| UEE22011/ UEE22020 - Certificate II in Electrotechnology (Career Start) | 50 | 55 | 70 | 75 | 100 |
| UEE30111 - Certificate III in Business Equipment | 15 | - | - | - | - |
| UEE30811 - Certificate III in Electrotechnology Electrician | 15 | 30 | 30 | 50 | 45 |
| UEE31211 - Certificate III in Instrumentation and Control | - | - | - | - | 5 |
| UEE32211 - Certificate III in Air-conditioning and Refrigeration | - | - | - | 5 | 5 |
| UEE33011 - Certificate III in Electrical Fitting | - | - | - | - | 5 |
| UEE42211 - Certificate IV in Instrumentation and Control | 5 | - | - | - | - |
| Totals | 85 | 90 | 100 | 130 | 170 |

Importantly for trade qualifications associated with apprenticeships, Table 21 shows that completion of Certificate III level programs in both Construction, Plumbing and Services and Electrotechnology combined, have almost doubled with 165 completions in 2022 compared with 85 in 2018. Table 22 however shows that not all completions were by females undertaking apprenticeship training. 55 of the 100 completions for the Certificate III level programs in the Construction, Plumbing and Services training packages and 40 out of the 65 Certificate III level completions in the Electrotechnology training packages were completed by females while undertaking apprenticeships. This is likely due to some training organisations offering training only certificates without the apprenticeship (off-site training) component. This is to assist those who wish to study full time or are unable to secure an apprenticeship (for example see [TIV (2023)](#_ENREF_41)). Further data on apprenticeships and certificate level is presented in the following Section 6.3.2.

Table 21 Number of qualification completions by females in Victoria by certificate level

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | | 2018 | 2019 | 2020 | 2021 | 2022 |
| Certificate IV | Construction, Plumbing & Services | 135 | 130 | 165 | 230 | 175 |
| Electrotechnology | 5 | - | - | - | 5 |
| Certificate III | Construction, Plumbing & Services | 55 | 65 | 55 | 110 | 100 |
| Electrotechnology | 30 | 30 | 30 | 55 | 65 |
| Certificate II | Construction, Plumbing & Services | 10 | 30 | 20 | 30 | 25 |
| Electrotechnology | 50 | 60 | 70 | 80 | 110 |
|  | Total | 285 | 315 | 340 | 505 | 480 |

Table 22 Number of qualification completions by females in Victoria undertaking apprenticeships and traineeships by certificate level

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | | 2018 | 2019 | 2020 | 2021 | 2022 |
| Certificate IV | Construction, Plumbing & Services | 5 | - | - | - | 5 |
| Electrotechnology | 5 | - | - | - | - |
| Certificate III | Construction, Plumbing & Services | 25 | 35 | 30 | 55 | 55 |
| Electrotechnology | 10 | 20 | 25 | 40 | 40 |
| Certificate II | Electrotechnology | - | - | - | - | 10 |
|  | Total | 45 | 55 | 55 | 95 | 110 |

### NCVER Apprentices and Trainees (A&T) collection

The following NCVER data is drawn from the Apprentices and Trainees (A&T) collection. This data is collected and reported on at different intervals than the Total VET enrolments shown in the previous section (Section 6.3.1) and only focuses on apprentices and trainees, and associated enrolment in VET training. In other words, rather than all people completing a certificate or diploma, it counts only those who are enrolled as apprentices and trainees as part of their VET training.

Table 23 shows the total number of female apprenticeship and traineeship completions in Victoria by training package. The data on completions from the Apprentices and Trainees Collection differs somewhat to data on qualification completions of females in Victoria undertaking apprenticeships and traineeships from the total VET students and courses data collection (Table 22). It is likely this is due to different data collection methods for the two collections. The overall figures however show similar trends with a 69 percent increase in completions for the selected training packages.

Table 23 Number of female apprenticeship and traineeship completions in Victoria by training package

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | 12 months ending 31 March 2018 | 12 months ending 31 March 2019 | 12 months ending 31 March 2020 | 12 months ending 31 March 2021 | 12 months ending 31 March 2022 |
| Construction, Plumbing & Services | 30 | 40 | 40 | 45 | 55 |
| Electrotechnology | 35 | 25 | 25 | 35 | 55 |
| Totals | 65 | 65 | 65 | 85 | 110 |

The Apprentices and Trainees collection also reports on commencement of and withdrawals from apprenticeships and traineeships in Victoria. Commencements of apprenticeships and traineeships with training in the selected training packages have risen significantly in Victoria in the 2021 to 2022 period from 280 in 2020 to 415 in 2021 and 610 in 2022. This shows a 118 percent increase in commencements over the three years.

Table 24 Number of female apprenticeship and traineeship commencements in Victoria by training package

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | 12 months ending 31 March 2018 | 12 months ending 31 March 2019 | 12 months ending 31 March 2020 | 12 months ending 31 March 2021 | 12 months ending 31 March 2022 |
| Construction, Plumbing & Services | 135 | 170 | 180 | 300 | 390 |
| Electrotechnology | 70 | 100 | 100 | 120 | 215 |
| Totals | 205 | 270 | 280 | 415 | 610 |

While is it important to consider commencements, particularly since the introduction of the BEP in 2022, it is also important to understand withdrawal/cancelation data. The data shows that along with increases in commencements, there are also increases in the number of withdrawals from apprenticeships. Table 25 presents withdrawal data and shows that there has been a 156 percent increase in withdrawals in the five year period.

Table 25 Number of female apprenticeship and traineeship withdrawals/cancelations in Victoria by training package

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | 12 months ending 31 March 2018 | 12 months ending 31 March 2019 | 12 months ending 31 March 2020 | 12 months ending 31 March 2021 | 12 months ending 31 March 2022 |
| Construction, Plumbing & Services | 95 | 100 | 130 | 140 | 230 |
| Electrotechnology | 30 | 45 | 60 | 65 | 90 |
| Totals | 125 | 150 | 190 | 205 | 320 |

Finally, Table 26 shows the percentage of female apprenticeship and traineeship commencements, completions and withdrawals in Victoria in Construction, Plumbing and Services and Electrotechnology training packages. From the percentages shown, there is a clear increase in the representation of females commencing apprenticeships and a slight increase in the females completing apprenticeships. The increase in the percentage of women withdrawing from apprenticeship training suggests that there is opportunity to better match females with apprenticeship options and to also improve the experiences of females in order support them through to completion of their trades qualification.

Table 26 Percentage of female apprenticeship and traineeship commencements, completions and withdrawals in Victoria in Construction, Plumbing and Services and Electrotechnology training packages

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | 12 months ending 31 March 2018 | 12 months ending 31 March 2019 | 12 months ending 31 March 2020 | 12 months ending 31 March 2021 | 12 months ending 31 March 2022 |
| Commencements | 2.1% | 2.6% | 3.1% | 4.0% | 4.9% |
| Completions | 1.4% | 1.3% | 1.3% | 1.7% | 1.9% |
| Withdrawals | 1.7% | 1.8% | 2.2% | 3.1% | 3.7% |

## Gender composition of Victorian construction related degree programs

The Commonwealth Government Higher Education Student Data Collection ([Department of Education, 2023](#_ENREF_12)) encompasses enrolments, equivalent full time student load (unit of study data) and completions. The data is collected from all HE providers in Australia and the data builder can provide state based data on gender composition by degree program area. Data is available from 2017 to 2021. Degree programs in Architecture and Building and Engineering and Related Technologies are reported in this section.

From the data shown in Table 27 we can see that the representation of females in architecture and building degree programs in Victoria has ranged between 43 percent and 46 percent between 2017 and 2021. Figure 6 shows the increase in both male and female enrolments in these degree programs over this time period.

Table 27 Percentage of bachelor enrolments in Architecture and Building (Victoria) by male, female and non-binary persons

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | 2017 | | 2018 | | 2019 | | 2020 | | 2021 | |
|  | n | % | n | % | N | % | n | % | n | % |
| Female | 2502 | 43.0% | 3,159 | 44.9% | 3,673 | 46.0% | 3,978 | 46.5% | 4,097 | 46.3% |
| Male | 3308 | 56.9% | 3,867 | 54.9% | 4,281 | 53.6% | 4,556 | 53.3% | 4,730 | 53.5% |
| Non-binary | 7 | 0.1% | 12 | 0.2% | 27 | 0.3% | 16 | 0.2% | 20 | 0.2% |
| Total | 5817 | 100% | 7038 | 100% | 7981 | 100% | 8550 | 100% | 8847 | 100% |

Figure 6 Number of bachelor enrolments in Architecture and Building (Victoria)

Table 28 shows that female representation in engineering and related technologies programs in Victoria has increased by 1.6 percent between 2017 and 2021. In 2021 females had 17.2 percent representation in these programs. As shown in Figure 7, females are less represented in engineering programs than in architecture and building programs over the five year period.

Table 28 Percentage of bachelor enrolments in Engineering and Related Technologies (Victoria) by male, female and non-binary persons

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | 2017 | | 2018 | | 2019 | | 2020 | | 2021 | |
|  | n | % | n | % | N | % | n | % | n | % |
| Female | 3120 | 15.6% | 3455 | 16.2% | 3677 | 16.5% | 3787 | 16.9% | 3796 | 17.2% |
| Male | 16832 | 84.3% | 17831 | 83.7% | 18634 | 83.5% | 18570 | 83.0% | 18261 | 82.7% |
| Non-binary | 3 | 0.0% | 7 | 0.0% | 18 | 0.1% | 26 | 0.1% | 30 | 0.1% |
| Total | 19955 | 100% | 21293 | 100% | 22329 | 100% | 22383 | 100% | 22087 | 100% |

Figure 7 Number of bachelor enrolments in Engineering and Related Technologies (Victoria)

## 2022 work destinations of Victorian School leavers

It is also interesting to consider data on the work destinations of Victorian high school student who complete year 12 and those who do not. The Victorian Government collects data via an annual On Track Survey to determine what people are doing in the months after the end of the high school year. The data provides insight into destinations of Victorian students shortly after they leave school from years 10, 11 and 12 along with demographic data ([State Government of Victoria, 2023e](#_ENREF_34)). Figure 8 shows that employment in building and construction is the most popular choice for those students who do not complete Year 12 (20.6 percent). According to the Victorian Government, 34.4 percent of all non-year 12 completers undertake apprenticeship and traineeships. A gender breakdown of this data is not included in the available data provided by the Victorian Government.

Figure 8 Victorian On Track Survey data: 2022 work destinations upon leaving high school

A graph of employment destination

Description automatically generated

Image source: [State Government of Victoria (2023f)](#_ENREF_35)

## Example Workforce size on example government-funded construction projects

This section provides a snapshot of workforce size modelling for two example infrastructure projects (school and road), as developed by the DTF. The workforce model shows the number and type of FTE positions typically required on such projects to provide context for the number of women who are likely to be required on these project types under the BEP targets.

### Road project

DTF has used the EEIM to estimate the number of FTE positions required every year and as an average during the construction phase of an example five year, $177m road project commencing in 2024 (see Appendix 9.4 for model parameters). Figure 9 shows the estimated total number of FTE employees required in the top 10 occupations. Non-trade and professional positions make up the majority of the workforce on this civil project.

Figure 9 Total annual FTE positions required for the top 10 occupations for an example road project

Table 29 shows the estimated number of all FTE positions required over the construction phase generated for this example road project. In the example, year one is shown as 2024.

Table 29 Estimated number of FTE positions required by an example five year road project

| Occupation | Estimated number of FTE positions required | | | | | |
| --- | --- | --- | --- | --- | --- | --- |
| Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Total |
| Architects and Landscape Architects | 31.13 | 28.16 | 23.00 | 15.77 | 6.59 | 104.65 |
| Civil Engineering Professionals | 27.21 | 25.35 | 21.07 | 14.51 | 5.82 | 93.96 |
| Construction Managers | 13.97 | 18.74 | 18.96 | 14.90 | 6.80 | 73.37 |
| Building and Plumbing Labourers | 7.92 | 15.65 | 17.92 | 15.04 | 7.32 | 63.85 |
| Other Miscellaneous Labourers | 11.52 | 11.29 | 11.07 | 10.85 | 10.64 | 55.37 |
| Contract, Program and Project Administrators | 16.39 | 14.81 | 12.05 | 8.18 | 3.27 | 54.7 |
| Architectural, Building and Surveying Technicians | 6.66 | 13.09 | 15.10 | 12.93 | 6.83 | 54.61 |
| Earthmoving Plant Operators | 8.18 | 11.06 | 11.17 | 8.67 | 3.70 | 42.78 |
| Surveyors and Spatial Scientists | 7.02 | 6.54 | 5.44 | 3.74 | 1.50 | 24.24 |
| Truck Drivers | 4.74 | 6.01 | 5.89 | 4.44 | 1.74 | 22.82 |
| Plumbers | 3.86 | 3.79 | 3.71 | 3.64 | 3.56 | 18.56 |
| Concreters | 1.99 | 4.65 | 5.44 | 4.47 | 1.84 | 18.39 |
| Structural Steel and Welding Trades Workers | 2.33 | 2.68 | 2.76 | 2.58 | 2.15 | 12.5 |
| Finance Managers | 3.51 | 3.16 | 2.55 | 1.70 | 0.61 | 11.53 |
| Telecommunications Trades Workers | 2.31 | 2.27 | 2.22 | 2.18 | 2.14 | 11.12 |
| Automobile Drivers | 1.18 | 2.76 | 3.23 | 2.65 | 1.09 | 10.91 |
| Other Specialist Managers | 3.14 | 2.84 | 2.31 | 1.57 | 0.63 | 10.49 |
| Occupational and Environmental Health Professionals | 2.65 | 2.39 | 1.95 | 1.32 | 0.53 | 8.84 |
| Paving and Surfacing Labourers | 1.72 | 2.25 | 2.25 | 1.74 | 0.75 | 8.71 |
| Metal Fitters and Machinists | 1.57 | 1.80 | 1.85 | 1.73 | 1.45 | 8.4 |
| Other Engineering Professionals | 2.32 | 2.09 | 1.69 | 1.12 | 0.41 | 7.63 |
| Electricians | 1.39 | 1.38 | 1.36 | 1.33 | 1.29 | 6.75 |
| Fencers | 0.71 | 1.65 | 1.93 | 1.58 | 0.65 | 6.52 |
| Software and Applications Programmers | 1.35 | 1.33 | 1.30 | 1.27 | 1.25 | 6.5 |
| Supply, Distribution and Procurement Managers | 1.96 | 1.76 | 1.42 | 0.95 | 0.34 | 6.43 |
| Environmental Scientists | 1.90 | 1.72 | 1.40 | 0.95 | 0.38 | 6.35 |
| Civil Engineering Draftspersons and Technicians | 0.78 | 1.52 | 1.74 | 1.47 | 0.72 | 6.23 |
| General Clerks | 1.17 | 1.15 | 1.13 | 1.10 | 1.08 | 5.63 |
| Office Managers | 0.95 | 0.93 | 0.91 | 0.89 | 0.87 | 4.55 |
| Bookkeepers | 0.93 | 0.91 | 0.90 | 0.88 | 0.86 | 4.48 |
| Structural Steel Construction Workers | 0.48 | 1.13 | 1.32 | 1.09 | 0.45 | 4.47 |
| ICT Managers | 0.87 | 0.85 | 0.83 | 0.82 | 0.80 | 4.17 |
| Forklift Drivers | 0.54 | 1.06 | 1.19 | 0.96 | 0.39 | 4.14 |
| Accounting Clerks | 0.85 | 0.83 | 0.81 | 0.80 | 0.78 | 4.07 |
| Product Quality Controllers | 1.24 | 1.11 | 0.90 | 0.60 | 0.22 | 4.07 |
| Database and Systems Administrators, and ICT Security Specialists | 1.01 | 0.91 | 0.74 | 0.51 | 0.20 | 3.37 |
| Geologists, Geophysicists and Hydrogeologists | 0.68 | 0.62 | 0.50 | 0.34 | 0.14 | 2.28 |
| Chemical and Materials Engineers | 0.48 | 0.43 | 0.35 | 0.24 | 0.10 | 1.6 |
| Metal Engineering Process Workers | 0.30 | 0.34 | 0.35 | 0.33 | 0.27 | 1.59 |
| Other Machine Operators | 0.33 | 0.32 | 0.31 | 0.29 | 0.27 | 1.52 |
| Crane, Hoist and Lift Operators | 0.21 | 0.38 | 0.42 | 0.33 | 0.14 | 1.48 |
| Engineering Production Workers | 0.30 | 0.30 | 0.29 | 0.29 | 0.28 | 1.46 |
| Transport and Despatch Clerks | 0.28 | 0.27 | 0.27 | 0.26 | 0.26 | 1.34 |
| ICT Support and Test Engineers | 0.27 | 0.27 | 0.26 | 0.26 | 0.25 | 1.31 |
| Secretaries | 0.26 | 0.26 | 0.25 | 0.25 | 0.24 | 1.26 |
| Other Mobile Plant Operators | 0.37 | 0.33 | 0.27 | 0.18 | 0.06 | 1.21 |
| Airconditioning and Refrigeration Mechanics | 0.25 | 0.25 | 0.24 | 0.24 | 0.23 | 1.21 |
| Telecommunications Technical Specialists | 0.22 | 0.22 | 0.21 | 0.21 | 0.20 | 1.06 |
| Gardeners | 0.01 | 0.06 | 0.16 | 0.31 | 0.51 | 1.05 |
| Engineering Managers | 0.15 | 0.22 | 0.24 | 0.21 | 0.14 | 0.96 |
| Drillers, Miners and Shot Firers | 0.25 | 0.26 | 0.23 | 0.16 | 0.06 | 0.96 |
| Electrical Engineers | 0.18 | 0.18 | 0.18 | 0.17 | 0.17 | 0.88 |
| Clay, Concrete, Glass and Stone Processing Machine Operators | 0.19 | 0.23 | 0.22 | 0.16 | 0.06 | 0.86 |
| Electrical Engineering Draftspersons and Technicians | 0.16 | 0.16 | 0.15 | 0.15 | 0.15 | 0.77 |
| Sheetmetal Trades Workers | 0.16 | 0.15 | 0.15 | 0.15 | 0.15 | 0.76 |
| General Managers | 0.15 | 0.15 | 0.15 | 0.14 | 0.14 | 0.73 |
| Painting Trades Workers | 0.01 | 0.06 | 0.12 | 0.21 | 0.31 | 0.71 |
| Chief Executives and Managing Directors | 0.15 | 0.14 | 0.14 | 0.14 | 0.14 | 0.71 |
| Telecommunications Engineering Professionals | 0.12 | 0.12 | 0.12 | 0.11 | 0.11 | 0.58 |
| Payroll Clerks | 0.11 | 0.11 | 0.11 | 0.11 | 0.11 | 0.55 |
| Insulation and Home Improvement Installers | 0.01 | 0.03 | 0.08 | 0.14 | 0.22 | 0.48 |
| Interior Designers | 0.00 | 0.02 | 0.07 | 0.13 | 0.20 | 0.42 |
| Other Building and Engineering Technicians | 0.05 | 0.08 | 0.09 | 0.08 | 0.05 | 0.35 |
| Mechanical Engineering Draftspersons and Technicians | 0.06 | 0.06 | 0.06 | 0.05 | 0.05 | 0.28 |
| Carpenters and Joiners | 0.02 | 0.06 | 0.06 | 0.05 | 0.02 | 0.21 |
| Other Construction and Mining Labourers | 0.04 | 0.04 | 0.04 | 0.04 | 0.04 | 0.2 |
| Garden and Nursery Labourers | 0.04 | 0.04 | 0.04 | 0.04 | 0.04 | 0.2 |
| Electronic Engineering Draftspersons and Technicians | 0.05 | 0.05 | 0.04 | 0.03 | 0.01 | 0.18 |
| Other Miscellaneous Technicians and Trades Workers | 0.02 | 0.04 | 0.04 | 0.03 | 0.02 | 0.15 |
| Plasterers | 0.00 | 0.01 | 0.02 | 0.04 | 0.06 | 0.13 |
| Freight and Furniture Handlers | 0.02 | 0.02 | 0.02 | 0.02 | 0.02 | 0.1 |
| Wall and Floor Tilers | 0.00 | 0.00 | 0.01 | 0.02 | 0.03 | 0.06 |
| Timber and Wood Process Workers | 0.005 | 0.012 | 0.014 | 0.012 | 0.005 | 0.048 |
| Industrial, Mechanical and Production Engineers | 0.000 | 0.002 | 0.006 | 0.011 | 0.017 | 0.036 |
| Electronics Trades Workers | 0.003 | 0.008 | 0.009 | 0.007 | 0.003 | 0.03 |
| Industrial Spray-painters | 0.000 | 0.002 | 0.004 | 0.007 | 0.011 | 0.024 |
| Electronics Engineers | 0.005 | 0.005 | 0.004 | 0.004 | 0.004 | 0.022 |
| Total | 183.4 | 205.9 | 195.8 | 154.9 | 85.0 | 824.9 |

Using data from Table 29, positions can be grouped by BEP targets under Action 1 including qualified trade labour, non-trade labour and management/supervisory and specialist roles. As described in Section 2.3.3, for BEP reporting against the Action 1 targets, the VMC reporting platform uses the Australian and New Zealand Standard Classification of Occupations (ANZSCO) to classify roles ([Australian Bureau of Statistics, 2022b](#_ENREF_6)):

* ANZSCO Group 3 occupations (Technicians and Trades Workers) are classified as trade positions.
* ANZSCO Group 7 and 8 occupations (Machinery Operators and Drivers, and Labourers) are classified as non-trade labour positions.
* ANZSCO Group 1 and 2 occupations (Managers and Professionals), as relevant to construction are classified as management, supervisory and specialist positions.

Figure 10 shows the percentage of the total FTE required for the example road project categorised under the BEP Action 1 target groupings using the ANZSCO occupation groups above. It shows that 45 percent of FTE positions required are for management, supervisory and specialist positions. Non-trade labour FTE positions account for 31 percent and trade labour positions count for 15 percent. Clerical and administrative positions that fall under the ANZSCO Group 5 occupations do not count towards BEP targets and make up the remaining nine percent of FTE positions for an example road project.

Figure 10 Total FTE positions categorised using BEP Action 1 targets for an example road project

Table 30 shows the total FTE positions required for this example road project and the number of FTE positions that should be occupied by women to meet the Action 1 BEP targets. The gender target for each target occupation group under Action 1 is noted in the first column. Table 30 shows that to meet BEP Action 1 gender targets for each target occupation group, 3.8 trade labour FTE positions, 17.6 non-trade labour FTE positions, and 129.9 management/supervisory and specialist labour FTE positions should be occupied by women.

Table 30 Total FTE positions required on an example road project aligned with the BEP Action 1 targets

|  |  |  |
| --- | --- | --- |
| BEP Action 1 target occupation groups | Total FTE position | Women FTE positions required |
| Trade labour (ANZSCO Group 3 occupations) - 3% | 125.2 | 3.8 |
| Non-trade labour (ANZSCO Group 7 and 8 occupations) - 7% | 251.9 | 17.6 |
| Management/supervisory and specialist labour (ANZSCO Group 1 and 2 occupations) - 35% | 371.0 | 129.9 |
| Total | 748.1 | 151.2 |

Figure 11 shows the labour demand generated by a five year road project across each year of the project. Figure 11 shows that 70 percent of the workforce is required in the first three years of a five year road project.

Figure 11 Labour demand generated by a five year road project

Project years

Number of FTE positions

### School project

DTF has used the EEIM to estimate the number of FTE positions required every year and as an average during the construction phase of an example three year, $19m school project commencing in 2024 (see Appendix 9.4 for model parameters). Figure 12 shows the top 10 occupations required for this example project on an annual basis. Trade positions make up over half of the workforce on this building project. Nine of the top ten occupations are trade and non-trade labour positions.

Figure 12 Total annual FTE positions required for the top 10 occupations for an example school project

Table 31 shows the estimated number of FTE positions required over the construction phase generated by the example school project.

Table 31 Estimated number of all FTE positions required by an example school project

| Occupation | Estimated number of FTE positions required | | | |
| --- | --- | --- | --- | --- |
| Year 1 | Year 2 | Year 3 | TOTAL |
| Plasterers | 3.88 | 3.82 | 3.73 | 11.43 |
| Electricians | 3.04 | 2.98 | 2.93 | 8.95 |
| Carpenters and Joiners | 2.86 | 2.90 | 2.74 | 8.50 |
| Glaziers | 0.26 | 1.82 | 4.83 | 6.92 |
| Building and Plumbing Labourers | 1.54 | 2.40 | 1.48 | 5.42 |
| Construction Managers | 1.84 | 1.43 | 0.68 | 3.95 |
| Concreters | 1.04 | 1.73 | 1.00 | 3.77 |
| Earthmoving Plant Operators | 1.75 | 1.34 | 0.53 | 3.63 |
| Plumbers | 0.83 | 1.28 | 0.80 | 2.90 |
| Structural Steel and Welding Trades Workers | 0.85 | 1.14 | 0.81 | 2.80 |
| Truck Drivers | 1.08 | 0.82 | 0.32 | 2.22 |
| Civil Engineering Draftspersons and Technicians | 0.60 | 0.59 | 0.58 | 1.78 |
| Painting Trades Workers | 0.10 | 0.47 | 1.07 | 1.64 |
| Wall and Floor Tilers | 0.07 | 0.42 | 1.05 | 1.55 |
| Industrial, Mechanical and Production Engineers | 0.52 | 0.51 | 0.50 | 1.54 |
| Metal Fitters and Machinists | 0.45 | 0.55 | 0.43 | 1.44 |
| Structural Steel Construction Workers | 0.32 | 0.59 | 0.31 | 1.23 |
| Floor Finishers | 0.04 | 0.28 | 0.74 | 1.07 |
| Paving and Surfacing Labourers | 0.27 | 0.31 | 0.40 | 0.98 |
| Airconditioning and Refrigeration Mechanics | 0.32 | 0.32 | 0.31 | 0.95 |
| Electrical Distribution Trades Workers | 0.30 | 0.30 | 0.31 | 0.91 |
| Fencers | 0.24 | 0.43 | 0.23 | 0.90 |
| Architectural, Building and Surveying Technicians | 0.23 | 0.22 | 0.22 | 0.67 |
| Crane, Hoist and Lift Operators | 0.18 | 0.25 | 0.12 | 0.56 |
| Insulation and Home Improvement Installers | 0.08 | 0.17 | 0.30 | 0.56 |
| General Clerks | 0.14 | 0.14 | 0.14 | 0.42 |
| Bricklayers and Stonemasons | 0.14 | 0.14 | 0.13 | 0.41 |
| Cabinetmakers | 0.14 | 0.13 | 0.13 | 0.40 |
| Other Miscellaneous Technicians and Trades Workers | 0.01 | 0.10 | 0.27 | 0.38 |
| Architects and Landscape Architects | 0.13 | 0.12 | 0.12 | 0.37 |
| Office Managers | 0.12 | 0.11 | 0.11 | 0.34 |
| Bookkeepers | 0.11 | 0.11 | 0.11 | 0.34 |
| Civil Engineering Professionals | 0.11 | 0.11 | 0.10 | 0.32 |
| Interior Designers | 0.01 | 0.08 | 0.22 | 0.31 |
| Forklift Drivers | 0.15 | 0.11 | 0.04 | 0.31 |
| Accounting Clerks | 0.10 | 0.10 | 0.10 | 0.30 |
| Other Machine Operators | 0.11 | 0.10 | 0.08 | 0.29 |
| Metal Engineering Process Workers | 0.09 | 0.10 | 0.08 | 0.27 |
| Electrical Engineers | 0.09 | 0.09 | 0.08 | 0.26 |
| Other Construction and Mining Labourers | 0.09 | 0.10 | 0.05 | 0.23 |
| Electrical Engineering Draftspersons and Technicians | 0.08 | 0.08 | 0.07 | 0.23 |
| Engineering Production Workers | 0.07 | 0.07 | 0.07 | 0.21 |
| Contract, Program and Project Administrators | 0.07 | 0.06 | 0.06 | 0.19 |
| Roof Tilers | 0.05 | 0.09 | 0.05 | 0.18 |
| Engineering Managers | 0.05 | 0.05 | 0.05 | 0.15 |
| Other Mobile Plant Operators | 0.07 | 0.06 | 0.02 | 0.15 |
| Drillers, Miners and Shot Firers | 0.07 | 0.05 | 0.02 | 0.14 |
| Electronics Trades Workers | 0.00 | 0.03 | 0.09 | 0.13 |
| Clay, Concrete, Glass and Stone Processing Machine Operators | 0.05 | 0.05 | 0.03 | 0.13 |
| Sheetmetal Trades Workers | 0.04 | 0.04 | 0.04 | 0.11 |
| Transport and Despatch Clerks | 0.03 | 0.03 | 0.03 | 0.10 |
| Mechanical Engineering Draftspersons and Technicians | 0.03 | 0.03 | 0.03 | 0.10 |
| Secretaries | 0.03 | 0.03 | 0.03 | 0.09 |
| Surveyors and Spatial Scientists | 0.03 | 0.03 | 0.03 | 0.08 |
| Timber and Wood Process Workers | 0.02 | 0.03 | 0.03 | 0.08 |
| Other Building and Engineering Technicians | 0.01 | 0.02 | 0.04 | 0.07 |
| Industrial Spraypainters | 0.01 | 0.02 | 0.03 | 0.06 |
| General Managers | 0.02 | 0.02 | 0.02 | 0.06 |
| Chief Executives and Managing Directors | 0.02 | 0.02 | 0.02 | 0.05 |
| Telecommunications Trades Workers | 0.00 | 0.01 | 0.03 | 0.05 |
| Payroll Clerks | 0.01 | 0.01 | 0.01 | 0.04 |
| Other Specialist Managers | 0.01 | 0.01 | 0.01 | 0.04 |
| Electronic Engineering Draftspersons and Technicians | 0.01 | 0.01 | 0.01 | 0.03 |
| Occupational and Environmental Health Professionals | 0.01 | 0.01 | 0.01 | 0.03 |
| Safety Inspectors | 0.00 | 0.01 | 0.02 | 0.03 |
| Freight and Furniture Handlers | 0.001 | 0.007 | 0.019 | 0.03 |
| Environmental Scientists | 0.008 | 0.008 | 0.007 | 0.02 |
| ICT Managers | 0.006 | 0.006 | 0.006 | 0.02 |
| Filing and Registry Clerks | 0.005 | 0.005 | 0.005 | 0.02 |
| Database and Systems Administrators, and ICT Security Specialists | 0.004 | 0.004 | 0.004 | 0.01 |
| Geologists, Geophysicists and Hydrogeologists | 0.003 | 0.003 | 0.003 | 0.01 |
| Chemical and Materials Engineers | 0.002 | 0.002 | 0.002 | 0.01 |
| Total | 25.1 | 29.6 | 29.1 | 83.8 |

Using data from Table 31, positions can be grouped by BEP targets under Action 1 including qualified trade labour, non-trade labour and management/supervisory and specialist roles. As described in Section 2.3.3, for BEP reporting against the Action 1 targets, the VMC reporting platform uses the Australian and New Zealand Standard Classification of Occupations (ANZSCO) to classify roles ([Australian Bureau of Statistics, 2022b](#_ENREF_6))

Figure 13 shows the percentage of the total FTE required for an example school project categorised under the BEP Action 1 target groupings using the ANZSCO occupation groups. It shows that trade labour positions count for 64 percent of FTE positions. 25 percent of FTE positions required are management, supervisory and specialist positions and non-trade labour FTE positions account for nine percent. Clerical and administrative positions that fall under the ANZSCO Group 5 occupations do not count towards BEP targets and make up the remaining two percent of FTE positions for the example school project.

Figure 13 Total FTE positions categorised using BEP Action 1 targets for an example school project

Table 32 shows the total FTE positions required for the example school project and the number of FTE positions that should be occupied by women to meet the Action 1 BEP targets. The gender target for each target occupation group under Action 1 is noted in the first column. Table 32 shows that to meet BEP Action 1 gender targets for each target occupation group, 1.6 trade labour FTE positions, 0.5 non-trade labour FTE positions, and 7.4 management/supervisory and specialist labour FTE positions should be occupied by women.

Table 32 Total FTE positions required on an example school project aligned with the BEP Action 1 targets

|  |  |  |
| --- | --- | --- |
| BEP Action 1 target occupation groups | Total FTE position | Women FTE positions required |
| Trade labour (ANZSCO Group 3 occupations) - 3% | 53.6 | 1.6 |
| Non-trade labour (ANZSCO Group 7 and 8 occupations) - 7% | 7.2 | 0.5 |
| Management/supervisory and specialist labour (ANZSCO Group 1 and 2 occupations) - 35% | 21.2 | 7.4 |
| Total | 82.0 | 9.5 |

Figure 14 shows the labour demand generated by the example project across each of the project years. Figure 14 shows that workforce requirements are relatively evenly spready over the duration of the project.

Figure 14 Labour demand over the construction phase generated by an example school project

Project years

Number of FTE positions

## Summary of data on women working and entering into the construction industry

Data on the employment of women working in the Victorian construction industry is available, however due to the sample size of the datasets and the low participation rates of women across many construction occupations, much of the data must be read with caution. This data nonetheless shows that the percentage of females in the Victorian construction industry increased from 10.5 percent in 2014 to 12.3 percent in 2022. Notably, in the context of the BEP, women working in trade-based roles increased between 2019 and 2020 from 1.2 percent to 3.4 percent.

NCVER provide data on all VET enrolments, completions and apprenticeship enrolments, completions and withdrawals in Victoria which shows clear increases in female enrolments across many construction based trade training and pathways programs between 2018 and 2022. Notably, both training packages for trade based construction roles (Construction, Plumbing and Services and Electrotechnology packages) have seen an increase in enrolments from females over this time from 4.3 percent in 2018 to 5.7 percent in 2022 for all certificate levels. Overall completions by females in these two packages in Victoria have risen by 190 completions (65 percent) since December 2018. There has also been a 69 percent increase in female completions of apprenticeships for the two construction training packages.

Another important data point that corresponds with the BEP implementation is the number of female commencements of courses in the two training packages. Commencements of apprenticeships and traineeships associated with the construction based training packages have risen significantly in Victoria in the 2021 to 2022 period from 280 in 2020 to 415 in 2021 and 610 in 2022. This shows a 118 percent increase in commencements over the three years. Furthermore, completion of Certificate III level programs in both Construction, Plumbing and Services and Electrotechnology combined, have almost doubled with 165 completions in 2022 compared with 85 in 2018.

In construction related degree programs, percentages of women have generally remained similar between 2017 and 2021, with increases in both females and males undertaking degree programs.

Overall, this indicates that there is increasing number of women working and entering the industry, particularly in the last three years for trade-based roles. Women entering into professional roles from higher education degree programs have risen slightly over a similar time frame.

Data from the Victorian On Track Survey indicates that the construction industry is the leading employer for Victorian Year 12 non-completing students, and as such indicates an opportunity to target women in early Secondary Years to promote the construction industry as a viable career pathway should they wish to pursue training in the VET sector.

According to contract information available on the Buying for Victoria website, there are 80 current government contracts with suppliers for construction projects beginning after January 1st 2022 with a value of $20 million or more ([State Government of Victoria, no date-b](#_ENREF_39)). While it is difficult to estimate the total workforce working across these government-funded construction projects due limited availability of precise project workforce data, DTF has generated workforce modelling data for two theoretical, but realistic example infrastructure projects to determine the number of women required to meet BEP targets. Using the FTE positions required for an example road and school project, this section has mapped the number of women required to meet BEP Action 1 position targets.

For an example road project there are 825 FTE positions required, 45 percent in management/supervisory and specialist roles, 31 percent in non-trade labour and 15 percent in trade labour. To meet BEP position targets on the example road project such as this, 3.8 trade labour FTE positions, 17.6 non-trade labour FTE positions, and 129.9 management/supervisory and specialist labour FTE positions should be occupied by women.

For an example school project the workforce size is much smaller and the labour required across ANZSCO occupation groupings differs substantially to the model civil project. For the example school project 83.3 FTE positions are required, 64 percent of FTE positions are trade labour, 25 percent are management, supervisory and specialist positions and nine percent are non-trade labour positions. To meet BEP position targets on the example school project such as this, 1.6 trade labour FTE positions, 0.5 non-trade labour FTE positions, and 7.4 management/supervisory and specialist labour FTE positions should be occupied by women.

# Discussion

Using procurement as a leaver, the State government established the BEP to increase women's participation in the construction industry. Given that it was intended that the BEP would "shock" the industry, leading to a change in current operations, governance systems of support focussed explicitly on each of the established three BEP actions. The governance framework designed to include a number of delivery partners was thought to be sufficient to promote and build capacity among buyers and principal contractors to successfully implement the BEP and achieve its intentions. Section 4 of the report outlines the governance framework and responsibilities for implementation of the BEP. The following discusses key findings about how stakeholders have responded to the BEP, evidence of its impact in the transition period and ways that BEP implementation can be improved.

## Support for the intent of the BEP

Our findings reveal that industry supports the intent of the BEP. Some principal contractors and subcontractors indicated that the intent of the BEP is aligned with the intent of their organisation, therefore implementation was relatively straightforward. For other organisations, implementation of the BEP had not been anticipated and while some contractors and subcontractors had not felt prepared to meet the requirements of the BEP, they agreed with its intent and were putting systems in place to meet Actions 1, 2, and 3.

There was overwhelming support to retain the current targets outlined in Action 1 and Action 2 of the BEP. It was agreed that while achieving the targets will be challenging due to the number of women currently working in construction, targets were considered an important lever in driving change across the industry. Furthermore, occupation-based targets were identified as vital to ensuring women were trained and employed into all occupations across the industry. There was broad agreement that $20 million was the right value in which to apply the BEP.

Participants implementing the BEP acknowledged that it is a significant undertaking and that meeting targets will take some time. Importantly, despite not meeting all targets, contractors and subcontractors should be acknowledged for the initiatives they are undertaking to help the industry move forward and realise gender equality. While they may not be meeting targets, many are making incremental improvements.

A key impact emerging from the BEP has been the substantial focus on increasing the participation of women in construction. Prior to the BEP, many participants indicated that employing women in the industry had not been given prominence. In addition, the creation of a safe and inclusive workplace for women had not been an area of focus. As a result of the BEP, progress and reporting on actions related to the BEP was occurring at the most senior level of organisations. Furthermore, some contractors indicated that in their organisation, BEP requirements had been implemented at a national scale and had informed the revision of organisational policies. On a national basis, Victoria is considered to be leading in this space and other states and territories are learning from the BEP implementation.

While support for the BEP has been wide-reaching, there are some segments of the construction workforce who perceive that women employed on projects are there only to help the contractor meet their targets. There is also a segment of men in the industry who perceive that women are taking “their” jobs. In both instances, women are met with hostility and scepticism. Such attitudes are harmful for women and can impact on their career pathway, desire to remain in the industry, and their wellbeing ([Galea et al., 2020](#_ENREF_18), [Holdsworth et al., 2020](#_ENREF_19), [Holdsworth and Turner, 2022](#_ENREF_20)).

## Implementation can be improved

A key finding emerging from the study is the inconsistency of awareness of the BEP across the Victorian construction prior to its commencement. This was particularly the case for subcontractors and principal contractors in the civil sector. Consequently, stakeholders who were unaware of the BEP struggled to meet tender requirements and did not feel well prepared for implementing associated actions.

Our findings show that many stakeholders are still in the learning phase and require accurate and timely support and advice, however this was not always provided. For example, government buyers and principal contractors noted that information provided was often inaccurate and did not reflect the requirements as specified in the BEP. This has led to inconsistencies in how the BEP is applied by different government buyers in project contracts, and for contractor organisations with multiple contracts, this caused confusion and frustration.

During the project tender stage, there were frequent incidents where government buyers and principal contractors required more support and consistent advice on the BEP. Clearer and more consistent information, support and advice would address existing frustration experienced by principal contractors and government buyers increasing the support of the BEP across these stakeholder groups.

To support stakeholders in the application of the BEP, a governance structure was put in place which sets out responsibilities for BEP implementation. Under the structure, each group has a particular set of responsibilities. Moving forward, it is imperative that responsible stakeholders refine their processes so that government buyers, principal contractors, and subcontractors feel well supported.

While the BEP sought to bring together existing social procurement initiatives and policies, its alignment is not clear to buyers and principal contractors. BEP requirements differ slightly to existing policies creating additional work and frustration. To further support the implementation of the BEP, there was broad agreement that the BEP should sit within the LJF*.* Relocating the BEP would enable alignment with existing reporting and feedback mechanisms.

## Implementation cost

Implementation of the BEP requirements had resulted in additional cost for some organisations. Many tier one contractor organisations indicated that they had employed people to undertake activities such as targeted recruitment and training, development of GEAPs, implementation and revision of organisational policies, and setting up data collection and reporting systems.

In particular, collecting and reporting on BEP data emerged as a significant task for contractors, many of whom have created new roles and employed additional people to undertake this task. BEP reporting was not aligned with other reporting requirements (such as LJF), therefore reporting was experienced by some as time consuming, inefficient, laborious, and an additional layer of reporting. Additionally, the VMC system was considered as unwieldy and did not support efficient data entry.

It was considered that smaller principal contractors may be disadvantaged if they could not afford to invest in resources to support implementation of the BEP. Smaller principal contractors (such as those operating in tier three and four) with access to fewer resources may struggle to meet BEP targets. The findings revealed that there was a perception amongst some participants that for smaller principal contractors, meeting BEP requirements could add a barrier to tender for BEP applicable projects and that supporting smaller principal contractors to do this requires further consideration. It is important therefore for buyers to review tenders with consideration for the suppliers’ capacity and maturity regarding gender equality in their organisation.

Additionally, given their scarcity in construction, women have become a valuable resource which is driving up employment costs and increasing the cost of delivering a BEP applicable project. As more women enter the industry it is likely that this premium will reduce.

## Gender Equality Action Plans (GEAPs)

The findings Identified that some participants found the organisational and project specific GEAPs to be effective in driving change across the organisation and the project. Other participants believed that there are some limitations with the project specific GEAPs. GEAPs are developed at the tender stage, yet there can be a considerable time lag between lodgement of tender documentation and project commencement. Therefore, project specific GEAPs can lack context and buy-in from team members. For many projects, project specific GEAPs are still in their early stages of development and implementation, however there are indications that project specific GEAPs need additional guidance to ensure that are being applied in a manner that achieves the onsite cultural change that is intended for this BEP requirement.

There was agreement that pay parity between genders is important and this is covered in the project specific GEAP. Yet, principal contractors are unable to influence pay parity outside of their own organisation. This has emerged as a point of contention in the case of joint ventures as well as with subcontractors. The findings also indicate that the GEAPs are limited in their capacity to capture cumulative data showing change across project duration.

Sensitivity around gender workforce data collected and reported in the project GEAPs was also identified by some stakeholders who were concerned about whether this was appropriate for subcontractors to share.

## Compliance

While there is genuine good will and support for the BEP, support may be challenged if non-compliant contractors perceive that they are being set up to fail in cases where they are unable to meet Action 1 and Action 2 targets despite their best efforts. In this early stage of BEP implementation, it is imperative that the approach taken to compliance is to incentivise rather than punish. The BEP transition period has been extended by six months and a staged approach to compliance applied (see Appendix 9.1). This was based on feedback that there is a possibility that if a punitive approach is taken to compliance, contractors may “game” the system to meet targets or they may incorporate the cost of a fine into tender documentation. Furthermore, taking a punitive approach is likely to drive reactive behaviour rather than encourage positive behaviour which is likely to have longer term and sustainable outcomes.

Stakeholders supported an incentivised approach to compliance that allows for principal contractors to undertake alternative initiatives in line with BEP objectives where targets cannot be met. The following characteristics were noted as important for an incentivised approach to compliance:

* Scalability that acknowledges capacity to meet BEP requirements according to size of contractor and size of project.
* Suite of government-approved initiatives that support the BEP which contractors can contribute to.
* Accept targeted initiatives being implemented by the contractor to address BEP requirements.

Findings identified that some reactive behaviour has emerged and is being driven by targets and fear of being non-compliant. In some instances, contractors are moving women between projects so that targets can be achieved, and on completion of projects women may be advised that they are no longer required. This treatment of women does not support their skill development. Further, gaining respect and support from their crew takes time and when achieved provides women with support, and at times, protection and support from their crew. When women are moved from one project to another these relationships cannot form, and women may be left feeling exposed and vulnerable ([Holdsworth et al., 2020](#_ENREF_19)). Moving women across projects is reactive and short-sighted and is not aligned with the intent of the BEP. This example highlights that compliance can drive particular behaviours and it is important that moving forward, compliance drives behaviour aligned with the intention of the BEP.

## Supporting the attraction of women into construction

Action 1 and Action 2 targets of the BEP are driving efforts to bring more women into construction.

Many stakeholders are working in this space and various initiatives are being undertaken to bring more women into the industry. At this stage however, there is a lack of a coordinated approach from industry support services, labour supply organisations, contractors, community organisations, and education bodies which has meant that some initiatives are occurring in isolation, some initiatives are being duplicated, and some initiatives are lacking altogether.

There was particular concern in relation to meeting targets for trades and apprentices. The findings outlined in Section 5 of the report show that the number of women apprentices in Victoria is increasing. For example, VET training in construction-based training packages has increased from 280 in 2020 to 610 in 2022. ABS data shows a 1.8 percent increase in women working in construction between 2014 to 2022. While these figures are positive, more work must be done to bring women into apprenticeships and support them to completion.

Women are over-represented in some roles in construction, such as traffic management. Women in these roles often do not have a clear career pathway mapped to ensure they can upskill. A focus should be on employers working with women to identify career aspirations and put in place pathways for women to reach their goals.

In the broader community, construction is reputed as being unsafe and unwelcoming of women ([Aboagye-Nimo et al., 2019](#_ENREF_1)). To address this concern, education and awareness of construction as a career pathway for women in integral. This can happen with women in high school through the education system. It is also important to reach women who may be considering a career change.

# Recommendations

A key aim of this research is to examine the experience of stakeholders during the initial stages of BEP implementation and identify possible areas of refinement. There is much support for the intent of the BEP by stakeholders, and our findings indicate that the BEP is playing an integral role in raising awareness of women in construction and creating the change required to increase women’s workforce participation. In order to strengthen implementation of the BEP, a range of recommendations are aligned with:

* Location of BEP and alignment with other policies
* Policy amendments and implementation improvements
* Compliance
* Consultation prior to BEP modification
* Guidance and feedback on BEP requirements
* BEP education and awareness
* Supporting the pipeline of women into construction

The BEP governance framework described in Section 4 notes that policy amendments and associated consultation are the responsibility of the Policy owner and the Minister. Recommendations regarding guidance and feedback on BEP requirements are predominantly the responsibility of the BEP implementation group. Responsibility for BEP education and awareness lies with the BEP implementation group, government buyers and the Policy owner.

## Location of BEP and alignment with other policies

**Policy owner**

**Current:** The BEP is implemented through the SPF ([State Government of Victoria, 2022c](#_ENREF_29)).

**Proposed**: Move the BEP out of the SPF and align it with LJF and the MPSG compliance framework*.* The BEP can be moved across to LJF as a policy while consideration is given to any legislative changes. This move will position the BEP within a workforce outcomes perspective rather than being aligned with disadvantage and marginalisation. Organisations already report against LJF and therefore such a move will streamline BEP-related reporting. Embedding the BEP in legislation ensures that women’s equality remains a focus of the Victorian Government.

**Proposed:** Align the BEP with the MPSG.

**Current:** As part of the Victorian Government’s Fair Job Code, suppliers must obtain a Pre-Assessment Certificate before commending government-funded work that indicates compliance with five standards under the code. Fair Jobs Code Pre-Assessment Certificate is issued to suppliers and businesses that have a history of complying with existing industrial relations and workplace health and safety laws ([State Government of Victoria, 2023g](#_ENREF_36)).

**Proposed:** Consider opportunities to add BEP requirements to the Fair Jobs Code Pre-Assessment Certificate.

## Policy Amendments and implementation improvements

### Action 1 and Action 2 targets

**Policy owner**

**Current:** The current project gender equality targets outlined in the BEP are challenging for contractors to achieve but are supported by industry and are driving cultural change.

**Proposed:** Maintain the targets as currently outlined in the BEP ([State Government of Victoria, 2022c](#_ENREF_29)) and enable time for systems to be put in place so that targets can bet achieved. Undertake a review of barriers to employment and retention of women in the future with a view of increasing the targets.

### Action 1: Managerial, specialist and supervisory definition[[69]](#footnote-70)

**Policy owner**

**Current:** Managerial, specialist and supervisory occupations only count towards Action 1 targets if they are working onsite on a BEP applicable project. The onsite requirement however does not reflect the nature of how these occupations work on a project. These occupations regularly work offsite on tasks directly related to the project delivery.

**Proposed:** Update management, supervisory or specialist labour definition to include hours spent offsite that directly relate to project delivery.

**Current:** Managerial, specialist and supervisory occupations only count towards Action 1 targets when they ‘spend 80 per cent of their time dedicated to a specific project’ ([State Government of Victoria, 2022c](#_ENREF_29)). However, in practice senior project members often work across multiple projects and rarely spend 80 percent of their time on one project.

**Proposed:** Consider amending the policy to enable women who work in these occupations across multiple BEP applicable projects to be counted towards Action 1 targets. This change will enable women in senior project roles to be contribute to targets and support their ongoing employment in these roles.

### Action 3 – Gender Equality Action Plans (GEAPs)

**BEP implementation group**

**Current:**  Principal contractors are required to provide a project specific GEAP when submitting an

expression of interest or tender for government-funded construction work ([State Government of Victoria, 2022c](#_ENREF_29)).

**Proposed:** Consider a mechanism to provide context to the project specific GEAP after the contract has been awarded and the team is being established.

**Current:** Principal contractors are required to undertake organisational wide gender workplace audit to assess the state and nature of gender inequality in the workplace. The results of the audit must be included in the GEAP and the strategies and measures to promote gender equality must be based on the audit’s results ([State Government of Victoria, 2022c](#_ENREF_29)). There are no mechanisms in place to incentivise a principal contractor to update their organisational GEAP from one project to the next.

**Proposed:** Consider mechanisms that encourage contractors to continually improve on their organisational GEAPs from one project to the next.

**Current:** Principal contractors are required to develop one organisational GEAP regardless of the number of BEP applicable projects they are contracted to deliver. However, principal contractors with multiple BEP applicable projects have received contradictory feedback from different buyers on their organisational GEAP, resulting in multiple versions of their organisational GEAP to meet different buyer requirements. There are no processes in place to guide principal contractors to reconcile these differences.

**Proposed:** Establish guidelines to enable principal contractors to manage their organisational GEAPs across multiple BEP projects and increase communication across buying agencies regarding organisational GEAPs.

## Compliance

**Policy owner**

**Current:** The compliance framework for the BEP has yet to be determined and communicated to industry.

**Proposed:** Due to the challenges in meeting gender targets, implement a staged alternative approach to non-compliance**[[70]](#footnote-71)** for contractors who can demonstrate that actions have been undertaken to support them in meeting BEP requirements. Alternative compliance measures may comprise:

* Scalability that acknowledges capacity to meet BEP requirements according to size of contractor and size of project.
* Suite of government-approved initiatives that support the BEP which contractors can contribute to.
* Accept targeted initiatives being implemented by the contractor to address BEP requirements.

**BEP implementation group**

**Current:** According to feedback from buyers, contractors and policy implementers, some buyers may apply penalties for BEP non-compliance at the end of the transition period despite not being required to do.

**Proposed:** Ensure consistency amongst buyers in applying compliance measures (including updated staged compliance approach). Establish a mechanism which enables this to occur.

**Current:** From 1 January 2024**[[71]](#footnote-72)**, contract provisions will provide remedies for non- compliance. Model contract clauses will be developed to reinforce a graduated approach to compliance ([State Government of Victoria, 2022c](#_ENREF_29)).

**Proposed:** At the end of the transition period provide clear communication regarding compliance expectations and ensure that the approach to compliance incentivises rather than punishes.

**Proposed**: Link alternative initiatives proposed by organisations to the priority areas of the 2nd Strategy*: Building Equality Strategy 2023-2031 - Women in Construction*

**Proposed:** To ensure consistency and fairness across projects, establish an objective external body to assess alternative actions proposed by contractors.

**Proposed**: Apply a financial penalty for non-compliance after an agreed staged approach has not resulted in significant improvement in meeting BEP-related requirements**[[72]](#footnote-73)**.

**Proposed:** Review the staged alternative approach to non-compliance in five years based on industry’s progress against Action 1 and Action 2 and modify as required.

**Proposed:** Establish a compliance framework which explains the process and illustrates what an appropriate action could be.

**Proposed:** Ensure model clauses are developed which are consistent with the staged non-compliance framework.

## Consultation prior to BEP modification

Contractors have made considerable investment in setting up systems to comply with requirements as outlined in the BEP. Any policy changes require consultation with contractors and buyers. The policy implementers must consult with internal and external stakeholders if they are proposing changes to systems and procedures. Proposed changes must be mapped, and impacts understood prior to change occurring.

## Guidance and feedback on BEP requirements

Several recommendations emerged from the data on additional guidance required by contractors and buyers to support them in meeting BEP requirements. Recommended actions are outlined according to responsible stakeholder group:

**BEP implementation group**

* Increased communication with contractors and government buyers which is consistent with the intent of the BEP requirements. Ensure that the Buying for Victoria website contains accurate information on the BEP so that messaging is consistent and accurate.
* Upgrade the Buying for Victoria website to increase usability by making information such as templates more accessible for buyers and contractors.
* Development of tools and templates that buyers and suppliers can incorporate into their reporting and communication systems.
* Development of tools and templates that can support principal contractors to have a meaningful engagement with their subcontractors regarding the BEP.
* Update RFT documents to remove any incorrect information.
* Ensure that systems are in place for quality assurance so that reporting and compliance initiatives undertaken by suppliers and reviewed by buyers are consistent with BEP requirements and intensions.
* Allocate additional resources to ICN to help them to meet the demand for their services and enhance their ability to support principal contractors to implement the BEP (noting DGS have limited ability to influence budget allocation to ICN).
* Allocate resources to ICN to support subcontractors to implement the BEP (noting DGS have limited ability to influence budget allocation to ICN).
* Update the VMC so that it has a live responsive dashboard system that contractors can use as part of their workforce planning.
* Update the VMC so that all data is captured using the ANSZCO codes to streamline the reporting and allow for comparisons to be drawn both within Victoria and potentially across jurisdictions.
* Ongoing communication on the calculation of hours to meet BEP related targets on a project related to Action 1 and Action 2.
* Ensure that buyers and contractors are aware that the calculation of the hours worked on each project aligns with the MPSG.
* Provision of consistent information and feedback for buying agencies and the ICN around organisational and project GEAP which is aligned with BEP Action 3.
* Inclusion of a section in the GEAP template which enables contractors to provide context to data outlined in their reporting in relation to Action 3.
* Ensure that principal contractors are provided with advice and feedback on GEAPs throughout the lifecycle of their project.
* Develop model organisational and project specific GEAPs to assist buyers and suppliers.

**Policy owner**

* Clarification on how trade and non-trade positions align to ANZSCO occupation codes required by Action 1 and Action 2 of the BEP.
* Funding for smaller contractors to support BEP implementation such as in the development of internal data collection and reporting procedures.

## BEP education and awareness

Several recommendations emerged from the findings on education and awareness that are relevant to specific stakeholders as outlined below. Many of the actions are above and beyond what has been occurring. Actions are outlined according to responsible stakeholder group:

**BEP implementation group**

* Communicate with the industry the rationale informing the BEP and how it aims to address the existing culture of women’s exclusion and mechanisms to overcome existing employment barriers for women to enter and remain in the industry.
* Messaging within and across the industry to ensure women do not feel like a “number”, and men do not perceive that women are taking “their” jobs.
* Messaging across industry that job security should be the priority for women under the BEP, which will be at risk if women are moved between projects solely for the purposes of meeting BEP targets.
* An increase in communication and education for subcontractors, including the development of education packages and tools.
* Facilitate training sessions for principal contractors which they can then implement across their supply chain.
* Development of case studies that enable organisations to share and learn from each other in their experience of implementing the BEP.
* Communication about the BEP intent and rationale for calculating target percentages.
* Development of guidance to underpin a staged approach to non-compliance.
* Communication with industry support services (associations, peak bodies) about BEP requirements and sharing of templates and materials so that they can better support principal contractors to apply the BEP, particularly smaller contractors.
* Monitor expectations placed on subcontractors by principal contractors (such as targets) and support principal contractors to set realistic expectations that are consistent with the intent of the BEP requirements.

**Government buyers**

* Actively engage with the BEP implementers to build knowledge and understanding of the BEP and its requirements for all stages of the project life cycle.
* Monitor expectations placed on subcontractors by principal contractors (such as targets) and support principal contractors to set realistic expectations that are consistent with the intent of the BEP requirements.

## Supporting the pipeline of women into construction

A range of government-led initiatives are recommended to support the recruitment and retention of women into construction as well as support contractors and subcontractors to engage with and recruit women. These actions fall outside of the scope of the BEP yet are essential for its success.

It is important to note that a great deal of work is already occurring both within and outside of the construction industry. Therefore, underpinning the recommendations outlined in this section is the importance of identifying what is already being done, build on success, and establish a coordinated approach where stakeholders are working in sync with one another.

**Establish a steering committee of education and training providers:** Facilitate communication between the Education Department, Apprenticeships Victoria, industry associations, GTOs, VET and schools to increase awareness of construction as a viable career path for women which targets schoolgirls, parents and educators.

**Promote construction as a viable career option for women**: Development and distribution of material coordinated through the steering committee of education and training providers which is circulated broadly to men and women which seeks to dispel norms that women do not belong in construction.

**Educate secondary school career advisors:** Some industry support service participants indicated that the existing knowledge and potential biases of secondary school career advisors are limiting the opportunities for women to enter construction. To overcome limited knowledge and potential bias, educate secondary school advisors across Victoria, including metro and regional areas. Development and distribution of material coordinated through the steering committee of education and training providers.

**Promote construction job opportunities to women:** Develop and distribute recruitment opportunities through the establishment of partnerships with the Department of Education, Apprenticeships Victoria, Building Futures website, and other relevant organisations targeted to women of all ages and career stage on roles aligned with Action 1 and Action 2 of the BEP.

**Funding to offset the low wages of apprentices**: Offer a subsidy for women who are undertaking an apprenticeship as a second career.

**Fund support training pathways:** Industry support service participants described a range of initiatives to support training pathways into the industry, gender equity training, and support services for addressing Actions 1, 2 and 3 of the BEP. Most participants were involved in such programs in some capacity and expressed the need to fund various programs that they observed have been successful and that ultimately support the BEP in achieving its goals.

**Establish a government run GTO and labour hire organisation:** To coordinate and place women into employment and facilitate career pathways.

**Increase funding and services connecting women to employment opportunities:** To provide continuation of existing services as well as expansion of new services with a specific focus on women’s recruitment and retention.

**Establish a skills development fund:** To facilitate the skills development, upskilling, and employment of women which promotes a career pathway and secure employment.

**Connect subcontractors with the pipeline of women**: Support subcontractors to connect with programs and resources that support women to enter the industry.

## Further research

The evaluation revealed areas which require further research to enable:

* A better understanding of how to engage subcontractors and raise awareness of BEP requirements, as well as promote the recruitment and retention of women in the industry.
* How BEP applies in the civil sector and how reporting in the civil sector can be better supported to assist the implementation of the BEP in this sector.
* How to best manage information sharing between organisations for project GEAPs and reporting.
* How GEAPs have influenced workplace culture and women’s’ experience.

# Appendices

## Policy Updates

The following summarises the changes to the policy following the 2023 updates based on stakeholder feedback collected and periodically reported to the policy owner.

###### Application

* Clarification that the threshold for policy application is considered at a whole of project level which is the combined value of all packages of work, and not the value of individual contracts.
* The policy may be applied to individual contracts that are less than $20 million if they form part of a project that is valued at over $20 million.
  + Example 1: if $10 million of a $30 million project is for the construction component, and the remainder is for consultancy fees and/or provision of goods and services, the policy applies to the total project value -$30 million.
  + Example 2: a project to deliver a new building has a total project value of $120 million and is delivered via two construction contracts. The first to deliver early works, with a contract value of $15 million, and the second to deliver the main scope. The policy applies to both contracts as the total project value is $120 million.

###### Transitional compliance period

* The transitional compliance period has been extended by six months. It ends on 30 June 2024.

###### Staged approach to non-compliance

* The introduction of a staged approach to non-compliance.
* It comes into effect on 1 July 2024. After this time, non-compliance will be managed using a staged approach in the following steps:

1. Contractors must notify the contract manager[[73]](#footnote-74) if they are having trouble or expect to be unable to meet their BEP contractual obligations. This needs to be done in writing as soon as practical and include:

* details of the BEP actions that cannot be met and reasons for non-compliance.
* evidence demonstrating the steps taken to meet the BEP obligations. The contract manager will then determine whether the Contractor’s evidence is sufficient to demonstrate why compliance with the BEP cannot be achieved[[74]](#footnote-75).
* any other relevant supporting documentation.

1. Contract managers will work with principal contractors experiencing or anticipating difficulties and mutually agree an alternative appropriate obligations, including alternative actions or targets, to achieve suitable levels of compliance, with support from the Department (DGS) where applicable[[75]](#footnote-76).
2. The contract manager must write to the Contractor to confirm the agreed alternative actions and set out the evidentiary and reporting requirements.

* Contractors that demonstrate exemplary levels of compliance will be recognised by being placed on a register for high performing contractors. This register will be maintained by the IRV and will be available to delivery agencies.
* Detailed guidance will be developed, including best practices approaches, to underpin the staged approach to non-compliance. The purpose of the guidance is to ensure Contract Managers and Contractors have a consistent approach to non-compliance.

###### Action 1: Requires Contractors to set gender equality targets

* Clarification that the targets are calculated on the total estimated hours of work on the project which is the combined value of all packages of work.
* As the calculation of the targets does not apply at an individual contract level, contract managers have flexibility across the packages of work to meet the target requirements.
* The management, supervisory or specialist definition has been updated to clarify that hours spent offsite that directly relate to project delivery count towards the targets.

###### Action 2: Requires Contractors to engage women apprentices, trainees or cadets

* Cadets are now included in the targets to align with the Major Project Skills Guarantee. This change comes into effect on 1 January 2024.
* Hours spent offsite for training and education are counted towards the four percent requirement.

###### Action 3: Requires Gender Equality Action Plans

* The workplace gender equality indicators now align with the indicators under the Gender Equality Act 2020.
  + (The indicators are now:
    - Gender pay equity
    - Gender composition at all levels of the workforce
    - Gender composition of governing bodies
    - Sexual harassment
    - Recruitment and promotion
    - Gendered workforce segregation
    - Leave and flexibility ([State Government of Victoria, 2023h](#_ENREF_37)))
* The mandatory standards and guidance information supporting BEP/GEAP implementation are now included in the policy to ensure there is a central reference point for all obligations. These requirements previously sat separately to the policy.

The full version of the updated BEP can be found at <https://content.vic.gov.au/sites/default/files/2023-12/Building-Equality-Policy-2023.PDF>

## Interview questions

### Principal Contactors (with BEP projects)

* Name:
* Organisation:
* Role:

**Support when tendering**

1. When you first began thinking about tendering for a project required to comply with the BEP was the policy guidance available to you clear and easy to comprehend?
2. Did the policy and associated guidance clearly identify the critical implementation steps?
3. When preparing the BEP tender response, was any assistance provided to you - who offered that help, and has it been helpful?

**Meeting the requirements of the policy**

1. Are there any challenging aspects to implementing the BEP requirements? If so, why and how are you dealing with this? Is it easier to achieve some targets than others, and if so, which targets were easier to achieve and why?
2. What are your thoughts on the **gender targets**? Are they proving difficult to meet? If so, how? What are you doing to address this
   * Do you know where to find women workers? Where are you currently looking for women to employ?
   * What assistance do you need to meet the gender targets? Do you need more assistance with this, and how? (Have you partnered with other organisations to assist with implementing the BEP, such as specialist employment and training providers?
3. What about the **GEAPs**?
4. Would a compliance approach where you can nominate alternative actions that meet the policy intent, like providing respectful workplace training to all contractors, be helpful?
5. Do you feel adequately equipped or supported t
6. o implement the BEP requirements in your organisation?

**For principal contractors:** What can the government do to help you support your subcontractors to meet BEP requirements?

1. Given your experiences complying with all the policy aspects, what are your thoughts about the transition period ending on the 1st of January 2024?

**Actions to address BEP requirements.**

1. What initiatives have been implemented in your organisation to meet the BEP requirements?
   1. Meet project specific gender equality targets?
   2. Engage women as apprentices and trainees?
   3. Implement GEAPs?
2. What inputs and resources were required to implement the policy? Were all of these inputs and resources available?
3. What time and costs were involved in meeting the BEP requirements?

**Impact of the BEP in your organisation/project site**

1. What initiatives have most effectively met the BEP Actions in your org/project, why?
2. What factors best explain the performance against the targets under BEP Action 1 and 2?
3. How do you communicate the requirements and implementation plans in your organisation and those you work with?
4. Have you observed any changes in the number of women employed, their role type and/or workplace culture within your organisation or the industry more broadly since the implementation started?
5. Has the BEP changed the experience of women working in construction, and if so, how? What aspects of meeting the BEP actions have had the greatest/least impact on women working in your organisation?
6. What data are you currently collecting and reporting?
7. Are there any unintended consequences of implementing the policy? Has the BEP impacted project/service/supply delivery, and if so, why and how?
8. How has the BEP impacted your project delivery? Ie cost, time – in the context of the organisation/project has this been a negative/positive overall?

**Regarding potential changes to BEP:**

1. Is the SPF a suitable implementation mechanism? Could the BEP move from the SPF to sit with the Local Jobs First (LJF) Major Projects Skills Guarantee, with a well-established implementation, compliance and monitoring framework?
2. Should the government establish a panel of experts where contractors can obtain a certificate of compliance with the BEP at the tender stage, which is valid for 12-18 months?
3. $20 million project threshold (Do you think the $20 million threshold is too low? If yes, what should it be and why?)
4. Does there need to be a definition of women in the policy, and should this align with other government policies such as the *Victorian Government Equality Strategy*?
5. If I was to ask you in a few sentences summarise your experience implementing the BEP so far what would you say?

### Principal contractors (no BEP projects)

* Name:
* Organisation:
* Role:

1. What are your perceptions of the BEP?
2. What are the requirements in the BEP, i.e. GEAPS and targets?
3. How must you respond to these in the tendering process? Do you know if there is support provided as part of the tendering process?
4. Do you think you would be able to meet the BEP requirements? Gender/GEAP.
5. Do you have women working organisation?
6. Do you undertake any initiatives/have any strategies to:

* address the underlying causes of gender pay gaps?
* achieve gender balance across the organisation?
* ensure gender-balanced boardrooms?
* ensure equitable outcomes for women?
* report experiences of sexual harassment?
* achieve a more gender-diverse workplace?
* support more men to work flexibly and share caring responsibilities?

1. What would be required of your organisation to implement the BEP, and do you think this is achievable?
2. What support would you need to meet the BEP requirements?
3. Have you observed any other organisations implementing the BEP? Could you comment on this?
4. Does the BEP influence your decision to tender for government projects?
5. The transition period is almost at an end, would a compliance approach where you can nominate alternative actions that meet the policy intent, like providing respectful workplace training to all contractors, be helpful/change your thinking about the Policy and applying for associated works?
6. Currently, the BEP is required for works to the value of $20 million (Do you think the $20 million threshold is too low? If yes, what should it be and why?)

### Labour hire

* Name:
* Organisation:
* Role:

1. What are your perceptions of the BEP? I.e. what are its objectives?
2. What are the requirements of the BEP, i.e. GEAPS and targets?
3. Has the policy requirements influenced the demand and demographics of labour on-site?
4. How has the BEP influenced the operations of your organisation?
5. Has the policy requirements influenced/encouraged more women to enter the industry? If so, how and why?
6. Given that organisations are struggling to meet the required gender target, what is needed to encourage more women to work in construction?
7. What initiatives have you observed being implemented in organisations to meet the requirements of the BEP? (gender representation on-site; organisational change associated with GEAPs)
8. Have you observed or heard about how these influenced the experiences of women (and men) on-site? (is the workplace more inclusive of women or just tolerating them)
9. Given the role of your organisation what do you think is needed to increase and improve the number of women on-site?

### Subcontractors

* Name:
* Organisation:
* Role:

1. What are your perceptions of the BEP? I.e., what are its objectives?
2. What are the requirements of the BEP, i.e., GEAPS and targets?
3. How did you become aware of the BEP? – where did you get your information/how helpful was that information?
4. Do you subcontract to a project required to comply with the Policy?

**Support when tendering/quoting for work**

1. When you first began thinking about quoting/tendering for a project required to comply with the BEP, who provided guidance around the policy requirements on that project? Was it clear and easy to comprehend?
2. Were there any challenging aspects to meeting the BEP requirements associated with winning work? If so, why and how are you dealing with this?

* What are your thoughts on the gender targets? Are they proving difficult to meet? If so, how?
* Has your organisation implemented initiatives to help ensure you can win work on projects with BEP requirements?
  + Meet project-specific gender equality targets.
  + Engage women as apprentices and trainees.

1. Did receive any support from the main contractor/government to help you meet BEP requirements? If so, what kind of support would be best?
2. The responsibility for meeting the BEP requirement sits with the Principal contractor, but the subcontractors provide the labour, ie are vital for meeting Action 1 (Trade/Non-Trade)/2 (Appr/Trainees). How are Principal contractors transferring/assigning the responsibility of meeting gender target requirements to sub-controls such as yourself?
3. I.e. what are the consequences if you cannot meet the requirement once work on the project commences?)

* Are you concerned about these, given the difficulty meeting gender targets? As the implementation period ends 1st Jan 2024.

**On Site**

1. In the organisations that are implementing the BEP, are/how are requirements and implementation plans communicated when on-site?

* What is communicated?
* As part of the policy – gender targets must be reported - is there a clear process for capturing this process/who established this?

1. Once the project commences, how do you find meeting the gender targets? Are they proving difficult to meet? If so, how? What are you doing to address this?

* What assistance do you need to meet the gender targets?

1. The BEP requires an organisation to develop a project GEAP? What are the objectives of a GEAP? Are you aware of any initiatives occurring on any of the sites you work on? If so, what? How are they communicated?
2. How has the BEP impacted your organisation? I.e. cost, time – in the context of the organisation/project, has this been a negative/positive overall?
3. Do you/your organisation feel adequately equipped or supported to implement the BEP requirements? (Have you partnered with other organisations to assist with implementing the BEP, such as specialist employment and training providers?
4. Have you observed any changes in the number of women employed, their role type and/or workplace culture within the industry since the implementation started?
5. Do you think the BEP is changing the experience of women working in construction, and if so, how? What aspects of meeting the BEP actions have had the greatest/least impact on women working in construction?

**Regarding potential changes to BEP:**

1. Would updates to any of the following be of benefit to you in meeting BEP targets and requirements?

* How hours are calculated
* Definition of site based work
* Roles and type of work? i.e., the inclusion of cadets with apprentices and trainee requirements
* Alignment of policy with other policy instruments/ requirements, including submission dates and timeframes or indicators
* GEAP reporting requirements (i.e., simplify/streamline mandatory actions)
* Monitoring of GEAPs and outputs
* $20 million project threshold (Do you think the $20 million threshold is too low? If yes, what should it be and why?)
* Does there need to be a definition of women in the policy, and should this align with other government policies such as the Victorian Government Equality Strategy?

### Industry support services

* Name:
* Organisation:
* Role:

1. What are your perceptions of the BEP? I.e., what are its objectives?
2. What are the requirements of the BEP, i.e., GEAPS and targets?
3. How did you become aware of the BEP? – where did you get your information/how helpful was that information?
4. In your knowledge, is the policy guidance clear and easy to comprehend? Does the policy and associated guidance clearly identify the critical implementation steps?
5. Are your members aware of the BEP? – where did/do they get their information from /how helpful was that information?
6. Do organisations you are involved with feel adequately equipped or supported to implement the BEP requirements?
7. What have been your observations of organisations implementing the BEP so far?
8. What initiatives have you observed being implemented in organisations to deliver the BEP? Specifically, what actions have you observed being undertaken to:

* Meet project specific gender equality targets.
* Engage women as apprentices and trainees.
* Implement GEAPs.

1. Are there any challenging aspects to implement? If so, why and how are organisations dealing with this? Are there any aspects that have been easy to implement? If so, why?
2. In the organisations that are implementing the BEP, how are requirements and implementation plans communicated?
3. Has the BEP impacted project/service/supply delivery, and if so, why and how?
4. Are you aware of any external factors that influence the implementation?
5. In your observations, has government assistance been adequate? Why or why not?
6. In your observations, what inputs and resources are required to implement the policy, and are these available to organisations? What time and costs were involved in meeting the BEP requirements?
7. Where are organisations looking for women to employ? Is more assistance with this required?
8. Have you observed any unintended consequences of implementing the policy?
9. In your view, what initiatives have most effectively met the BEP Actions and why?/What initiatives have been least effective in meeting the BEP Actions and why?
10. Have you observed any changes in the number of women employed, their role type and/or workplace culture within the industry since the implementation started?
11. Do you think the BEP is changing the experience of women working in construction, and if so, how? What aspects of meeting the BEP actions have had the greatest/least impact on women working in construction?
12. Are organisations partnering with others to assist with implementing the BEP? For example, specialist employment and training providers?

**Regarding potential changes to BEP:**

1. The targets are proving difficult to meet. Do your members have concerns about compliance with your contract, and if so, how could these be addressed?

* Would having these issues raised in the tendering process be helpful? For example, having a conversation with the buyer about whether your organisation can realistically achieve the targets and how this can be managed in the contract.

1. Would a compliance approach where you can nominate alternative actions that meet the policy intent, like providing respectful workplace training to all contractors, be helpful?
2. Is the SPF a suitable implementation mechanism? Do you think the BEP could move from the SPF to sit with the Local Jobs First (LJF) Major Projects Skills Guarantee, with a well-established implementation, compliance and monitoring framework?
3. Do you think the government should establish a panel of experts where contractors can obtain a certificate of compliance with the BEP at the tender stage, which is valid for 12-18 months?
4. Would updates to any of the following be of benefit to you in meeting BEP targets and requirements?

* How hours are calculated
* Definition of site based work
* Roles and type of work? i.e., the inclusion of cadets with apprentices and trainee requirements
* Alignment of policy with other policy instruments/ requirements, including submission dates and timeframes or indicators
* GEAP reporting requirements (i.e., simplify/streamline mandatory actions)
* Monitoring of GEAPs and outputs
* $20 million project threshold (Do you think the $20 million threshold is too low? If yes, what should it be and why?)
* Does there need to be a definition of women in the policy, and should this align with other government policies such as the Victorian Government Equality Strategy?

### Government buyers

* Name:
* Organisation:
* Role:

1. When was the BEP first announced were you provided with sufficient information about the policy to clearly understand implications for tendering process? Did the policy and associated guidance clearly identify the critical implementation steps?
2. What support are you receiving in the implementation of the BEP? What additional support do you require?

**Tendering**

1. What has been your experience with the implementation process? What steps do you take to address the BEP during tendering? I.e., How do you communicate with the contractors?
2. Have contractors asked you for clarification about the BEP in the tendering process, and if so, what are their concerns?
3. Who assists you in addressing these concerns, and has it been helpful?
4. What are the barriers (meeting the Actions/Contract Clauses) to implementing the BEP, and how can these be overcome?
5. Are the model clauses in the contracts suitable for the BEP?
6. Are contractors concerned about the three Actions of the BEP? How do they communicate this with you, do they ask for guidance/support/feedback? Are you in a position to provide this?
7. Do you know if contractors communicate the requirements of the BEP with the subcontractors at the tender stage?
8. Is the minimum weighting recommended for BEP requirements of five percent enough to incentivise contractors to apply the BEP Actions into their practice?
9. What is the extent of your communication with contractors, i.e. How would you characterise your relationship with the contractors?
10. What are the positives associated with the BEP, and what can be done to improve the engagement/experience of the BEP?

**Compliance/Monitoring**

1. Do you think contractors comply with the BEP at the tender stage, i.e. GEAPs? Are contracts being awarded with uncertainty around the GEAPs?
2. How are the Actions of the BEP monitored? What does progress against the Actions of the BEP look like, given that Action 1 is not achievable at this stage?
3. Should a central mechanism be established to take responsibility for developing and/or compliance with the GEAPS? For example, ICN or should this remain with the contract manager?
4. Do you think there is alignment across agencies with the policy? Would a central body assist in achieving this?
5. What data is currently being collected? What needs to be collected? What data is difficult to collect/report?
6. What happens with the data reported by the contractors, i.e., are they provided with feedback etc? Do you think this should happen?
7. Given that the transition period ends on the 1st of January 2024, are you concerned about the contractual compliance of projects? Are further actions as a result of non-compliance clear?
8. Would a compliance approach where contractors can nominate alternative actions that meet the policy intent, like providing respectful workplace training to all contractors, be helpful? At the tender stage or during the completion of the project?
9. There could be a 3-step process where:

* contractors experiencing or anticipating difficulties meeting the policy must notify the contract manager.
* the contract manager will then work with the contractor to identify alternative actions that can be put in place to achieve compliance.
* as a last resort, it may be determined that this represents a breach of contract.

1. How could a staged process such as this sit in a contract? Should this only be operational at the tendering stage or across the life of the project? How could this be managed to ensure consistency across agencies?
2. What are the implications of your contractors not meeting compliance with regard to your Social Procurement Plan and yearly reporting to the government?
3. Do you feel adequately equipped or supported to implement the BEP requirements in your organisation?

**Regarding potential changes to BEP:**

1. Is the SPF a suitable implementation mechanism? Could the BEP move from the SPF to sit with the Local Jobs First (LJF) Major Projects Skills Guarantee with a well-established implementation, compliance and monitoring framework?
2. Should the government establish a panel of experts where contractors can obtain a certificate of compliance with the BEP at the tender stage, which is valid for 12-18 months?
3. $20 million project threshold (Do you think the $20 million threshold is too low? If yes, what should it be and why?)
4. Does there need to be a definition of women in the policy, and should this align with other government policies such as the Victorian Government Equality Strategy?
5. If I was to ask you in a few sentences summarise your experience implementing the BEP so far, what would you say?

## Thematic summary of 2022 stakeholder feedback documents

All 2022 feedback issued to IRV for the BEP review was collated and summarised in the IRV (2022) *BEP Review of Feedback* document. This document was thematically analysed by the RMIT team as part of this evaluation prior to the interview data collection. In addition to reviewing the IRV document, RMIT also reviewed the following documents summarised in the IRV document:

* Department of Jobs, Skills, Industry and Regions (DJPR)/ Department of Treasury and Finance (DTF) (Nov, 2022) *BEP Feedback For Policy Review*
* CGEPS (2022) *BEP* *Action 3 Review*
* ICN (Nov, 2022) *BEP Industry Engagement Report*

The following table presents the key themes identified by RMIT emerging from the IRV *BEP Review of Feedback* table. The table identifies the key topic areas for discussion from the thematic analysis and links to the related feedback areas from the IRV *BEP Review of Feedback* table.

Key Themes emerging from existing feedback documentation

| Topic | Related topic areas and subareas from IRV feedback document (topic areas from IRV document in red) |
| --- | --- |
| 1. Representation of women in construction projects  * Calculation of hours * Definition of site based work * Roles and type of work | **Targets:** (1) Targets unachievable based on the number of women working & studying in the sector. Remove per position & use an aggregate  (3) Engineering cadets should be explicitly included in the Action 2 targets. This would align BEP with the MPSG.  **Definitions:** (14) ‘Onsite’ definition developed to include the physical worksite and principal workplace (inc. home) for Management, Supervisory, and Specialist Labour roles.  **Hours and Management & Specialist Labour**: (13) 80 percent of hours on a project does not align with role requirements for engineers, designers etc. Reduce the 80 percent requirement  **Penalties:** (8) Unfair to penalise companies who cannot meet targets beyond the transitional period.  **Transition Period:** (35) Extend the transition period beyond 1 January 2024 to allow the pipeline of women required to meet BEP targets to mature allowing contractors to meet targets and not be set up to fail.  **Pipeline of workers:**  (9) Increase visibility of programs driving the recruitment of women into the construction workforce, including predictive analytics.  (10) Tools for industry to identify transferable skills during recruitment. Review & promote Women in Construction website.  (11) Insufficient women in construction, particularly regionally. Provide data & reaffirm expectations with industry.  Reporting (4) Reporting by occupation “unrealistic” and “burdensome” and a deterrent to smaller suppliers limiting the effect of the BEP. |
| 2. Alignment of policy with other policy instruments/ requirements including:   * Submission dates and timeframes * Indicators | **Targets:** (2) Deemed Hours calculation method for apprentice hours no longer aligns with the Major Project Skills Guarantee (MPSG) policy.  **Workplace Gender Equality Indicators**: (26) The Workplace Gender Equality Indicators listed in the policy are inconsistent with the GE Act indicators as well as the indicators used within the WGA and GEAP templates. CGEPS recommend aligning the indicators in the policy with the workplace gender equality indicators under section 3 of the GE Act, which is reflected in the WGA and GEAP templates, to promote consistency.  **Project Specific WGA submission dates:** (27) Currently the Project Specific GEAP is due every six months for the duration of the Project. The Project Specific WGA is due at practical completion. These dates should be aligned, to ensure that the WGA informs the strategies in the GEAP. CGEPS suggest that both be submitted together every 12 months.  **Submission dates for WGA, GEAP and GEAP reporting:** (28) CGEPS suggest that as submission of WGAs and GEAPs are currently linked to project start and completion dates, organisations would be required to submit the same documents many times each year. CGEPS proposes linking submission dates for these documents to the financial year to simplify the process and prevent DTF and CGEPS marking the same document. |
| 3. Organisational change   * Reporting via GEAPs - Clarify GEAP reporting requirements and simplify/streamline mandatory actions. * Industry limitations * Monitoring and compliance | **Gender Equality Action Plans:**  (25) Streamlining - HV suggest that the number of GEAPs should be reduced to a single GEAP per project, with a shortform option for smaller projects. GEAP templates should also be reduced in length, contain fewer expectations and focus on most impactful changes.  (18) CGEPS and stakeholders request that the mandatory actions be   * + - Simplified & shortened Streamlined     - Clarified to include the frequency     - Specific to project specific or organisation wide   (19) Timeframe - Stakeholders request that the yearly GEAP frequency be extended as a year does not provide sufficient time to enact change  (20) Timeframe - Current wording in the model clause creates ambiguity over when a new GEAP is required vs when a GEAP report is required. CGEPS suggest extending the submission requirement to every two years and with annual reporting to allow contractors to make measurable progress on their original GEAP.  (23) Propose that plans be approved, and compliance certificates issued at any time, and not solely as part of the tender process.  (24) Lead contractors report barriers to enforcing pay gap analyses on subcontractors. Request more mandatory actions and better GEAPs guidance to support subcontractors to deliver obligations.  **Feedback for Review – Data Collection**: (7) Depts should immediately collect, measure & analyse data to create a benchmark & track progress to understand how compliance will be measured, and to improve with quantitative tracking. |
| 4. Characteristics of industry and appropriateness of current requirements and definitions | **Contract timeframes:** (30) BEP does not apply to contracts, or invitations to supply prior to 1 Jan’ 22. Amend the policy to include contract renewals.  **Multiple contracts:** (31) Projects > $20 million, split over several smaller contracts/sites, may be impractical to apply BEP. Amend BEP to apply to contracts over $20 million rather than total project value.  **Definitions**: (15) ‘Construction’ definition required to ensure all relevant work is captured, with consideration for -  • JV’s or partnerships  • Large non construction projects, with construction elements  • Remove early works and demolition, or over a threshold  • Align with MPSG definition  • A definition of maintenance and what it covers is required  • Policy to apply to construction work performed offsite |

## DTF workforce shortages analysis

###### Key notes and caveats

* + OPV has used the Estimating Employment Impacts Model (EEIM) to estimate the labour demand. For example, Victorian infrastructure projects.
  + The outputs of this analysis are useful for planning purposes and developing an initial understanding of the number of workers required to build infrastructure projects.
  + However, this analysis is only a stylised representation of real-world impacts. It provides ‘order of magnitude’, or approximate estimates.
  + Historical data is drawn from the models based on anticipated investment per year and does not represent actual employment data from projects.
  + The estimate is limited to the construction industry workforce required for public infrastructure projects.
  + The estimated direct impact of current and planned major public infrastructure projects on employment is based on the average profile of reference projects currently incorporated into the model for each sector.
  + The model assumes the estimated resources required are recruited to and able to work immediately.
  + Please provide any documents that reference OPV's modelling to OPV for review prior to sharing outside of RMIT.

***Key contacts:*** *Jane.Hendry@opv.vic.gov.au and Lisa.Prosper@opv.vic.gov.au*

The model requires parameters to produce employment estimates for the construction phase of infrastructure projects. These parameters are provided in the tables below.

|  |  |
| --- | --- |
| Table i - Example project 1: Education project |  |
| **parameter** | **value** |
| Project name | RMIT test school |
| Start date | 2024-01-01 |
| End date | 2026-12-31 |
| Sector | Education |
| Location | Metro |
| Project value ($ million) | 19 |
| Escalation rate (% p/a) | 2 |
| Productivity growth rate (% p/a) | 0 |
| Materials price growth rate (% p/a) | 1.4 |
| Wage price growth rate (% p/a) | 2.5 |

|  |  |
| --- | --- |
| Table ii - Example project 2: Road project |  |
| **Parameter** | **value** |
| Start date | 2024-01-01 |
| End date | 2028-12-31 |
| Sector | Road |
| Location | Metro |
| Project value ($ million) | 177 |
| Escalation rate (% p/a) | 2 |
| Productivity growth rate (% p/a) | 0 |
| Materials price growth rate (% p/a) | 1.4 |
| Wage price growth rate (% p/a) | 2.5 |

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1. The BEP has now been updated so that management, supervisory or specialist hours spent offsite that directly relate to project delivery count towards the targets. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-2)
2. The BEP has now been updated to Targets for apprentices and trainees. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-3)
3. The BEP has now been updated so that Action 2 targets include cadets in line with LJF MPSG. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-4)
4. The BEP has now been updated to extend the transitional period by six months. The transitional period now ends on the 30 June 2024. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-5)
5. The BEP has now been updated to include a staged approach to non-compliance. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-6)
6. The research team acknowledges that there is an ongoing debate over what terms are most appropriate when describing gender. Different gender terms are used in different data sets such as male/female, women/man, non-binary. In this report we replicate the terms used by the dataset owner. [↑](#footnote-ref-7)
7. Construction, Plumbing & Services Integrated Framework (BCF, BCG, BCP, CPC) and Electrotechnology (UEE, UTE, UTL) [↑](#footnote-ref-8)
8. Bachelor programs in Architecture and Building, and Engineering and Related Technologies [↑](#footnote-ref-9)
9. Advice on the Buying for Victoria website **incorrectly** stated that ‘Buyers may negotiate and finalise the social procurement commitments including Building Equality Policy, made by the tenderer' ([State Government of Victoria, 2023c](#_ENREF_32)). [↑](#footnote-ref-10)
10. The BEP has now been updated and the wording for requirements under Action 1 has been clarified. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-11)
11. The BEP has now been updated so that management, supervisory or specialist hours spent offsite that directly relate to project delivery count towards the targets. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-12)
12. The BEP has now been updated so that Action 2 targets include cadets in line with LJF MPSG. See Appendix 9.1 for updates to the BEP [↑](#footnote-ref-13)
13. The BEP indicators have now been updated to align with those in the Victorian Government's *Gender Equality Act 2020*, which requires all Victorian public sector organisations to develop plans and implement initiatives to support workplace gender equality, including public reporting against the Act's indicators. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-14)
14. Organisation-wide GEAP template source: [State Government of Victoria (2022b)](#_ENREF_28) [↑](#footnote-ref-15)
15. Project Specific GEAP template source: [State Government of Victoria (2022a)](#_ENREF_27) [↑](#footnote-ref-16)
16. The BEP has now been updated to include a staged approach to non-compliance. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-17)
17. In 2024, the MoU was amended to include additional activities associated with Staged approach to non-compliance effective from the 1st of July 2024 and additional tools, training reporting requirements. [↑](#footnote-ref-18)
18. In 2024, the MoU was amended to include the monitoring and compliance responsibilities of DGS. [↑](#footnote-ref-19)
19. Prior to 1st of January 2023, the implementation of the BEP was through the SPF in the Department of Jobs Precincts and Regions (DJPR). The Department of Treasury and Finance (DTF) was responsible for compliance and monitoring. The Commission for Gender Equality in the Public Sector (CGEPS) was responsible for providing guidance, resources and assistance regarding the purpose, process and evaluation of GEAPs and providing support and capacity-building to both DTF and DJPR. The support provided by CGEPSs was intended to support internal capability uplift enabling these agencies to develop industry understandings of, and capacity to meet, the GEAP component of the BEP. From the 1st of January 2023, Machinery Government of Changes (MoG) took place which changed governance arrangements. The business units in DJPR and DTF which had been separately responsible for administering the BEP moved to DGS and formed the current implementation team within that department that perform both implementation and compliance functions for the BEP. [↑](#footnote-ref-20)
20. There are government funded services available that provide job matching, for example Incolink Job Matching Portal. [↑](#footnote-ref-21)
21. According to communications with government (West, M. IRV, pers. Comm. 3/1/2024), VMC upgrades have started the process to update LJF data collection to capture data for the BEP. [↑](#footnote-ref-22)
22. The interview did not identify which studies this participant was referring to. [↑](#footnote-ref-23)
23. The BEP has now been updated and the wording for requirements under Action 1 has been clarified. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-24)
24. The BEP has now been updated so that Action 2 targets include cadets in line with LJF MPSG. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-25)
25. The new staged approach to compliance adopted in the 2023 BEP update aims to address this issue. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-26)
26. This comment indicates a misunderstanding about how the BEP applies. It does not apply on a contract-by-contract basis but to the total value of the project. [↑](#footnote-ref-27)
27. During the two year transition period of the BEP implementation, reporting was based on aggregate category groupings (managerial, trade, non-trade, apprentice/trainee). From the 1st of January 2024, reporting will be undertaken on individual occupations on a project (see section 2.3.3). [↑](#footnote-ref-28)
28. Under the BEP, trade qualified means completing an apprenticeship. If not trade qualified, then this is captured under non-trade BEP targets. [↑](#footnote-ref-29)
29. Victoria’s Occupational Health and Safety Act 2004, requires all employers to ensure that workplaces protect the health, safety and welfare of employees and other people at work. [↑](#footnote-ref-30)
30. Currently, this is the role of the compliance and assurance team in DGS. [↑](#footnote-ref-31)
31. The government provided dedicated funding to support buying agencies. [↑](#footnote-ref-32)
32. There was a dedicated role in the Commission for Gender Equality in the Public Sector to assist with the implementation of the GEAPs. It was funded for two years. [↑](#footnote-ref-33)
33. The BEP has now been updated to include a definition of women. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-34)
34. According to the MoU (refer to Section 4), responsibility for supporting principal contractors (suppliers) also sits with DGS implementation team. [↑](#footnote-ref-35)
35. Under the BEP, buyers should be applying the policy consistently with assistance from the policy implementers. [↑](#footnote-ref-36)
36. Note that BEP requirements did not change during the transition period and buyers should be applying the BEP consistently. [↑](#footnote-ref-37)
37. Under the established BEP governance framework, policy implementers have responsibility to support buyers and suppliers to apply the policy. [↑](#footnote-ref-38)
38. Under the established BEP governance framework, policy implementers have responsibility to support buyers and suppliers to apply the policy. [↑](#footnote-ref-39)
39. While the interview data indicates that buyers are applying the BEP differently in tendering, contractual agreements, and project delivery, the BEP requirements and weightings are established in the policy and should be applied consistently according to the policy. [↑](#footnote-ref-40)
40. Under the BEP, targets are set and should not be adjusted by government buyers. [↑](#footnote-ref-41)
41. Under the BEP, model contract clauses should not be modified to change the requirements of the BEP. If there are issues with the contract clauses this should be raised with the policy implementers so that they can address the issues to ensure the intent of the BEP is being met. [↑](#footnote-ref-42)
42. Under the BEP, the requirements should be applied consistently across all BEP applicable projects. [↑](#footnote-ref-43)
43. Under the BEP, the requirements should be applied consistently across all BEP applicable projects. [↑](#footnote-ref-44)
44. BEP requirements and weightings are set in the policy and should be applied consistently according to the policy. [↑](#footnote-ref-45)
45. Under the BEP, the requirements should be applied consistently across all BEP applicable projects. [↑](#footnote-ref-46)
46. The BEP requirements should be applied consistently by all government buyers to BEP-applicable contracts in line with the Government’s compliance requirements see appendix 9.1. [↑](#footnote-ref-47)
47. BEP compliance announced in December 2023 sets out a staged approach with a process for addressing organisations unable to meet Action 1 and 2 targets see appendix 9.1. [↑](#footnote-ref-48)
48. According to the Buying for Victoria website, the minimum weighting recommended for Building Equality Policy requirements is 5%. The recommended minimum 5-10% weighting for other Social Procurement Framework objectives is separate. [↑](#footnote-ref-49)
49. Although some contractors believed cost is the predominant factor in determining winning tenders, the Financial Management Act 1994 (Vic) gives the Victorian Government Purchasing Board powers to direct how government organisations buy goods and services. This includes requirements to consider a range of factors beyond costs when buying goods and services. [↑](#footnote-ref-50)
50. The BEP has now been updated so that management, supervisory or specialist hours spent offsite that directly relate to project delivery count towards the targets. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-51)
51. The BEP has now been updated so that Action 2 targets include cadets in line with LJF MPSG. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-52)
52. The BEP Action 2 has been designed to align with the MPSG requirements, i.e., if a contractor employs four percent of women apprentices and trainees within their MPSG requirements, they will have also met the requirements of the BEP Action 2. [↑](#footnote-ref-53)
53. Such comments indicate a misunderstanding of the application of the policy. Targets for BEP Actions 1 and 2 only apply to occupations that are used on a project. For example, if no trades are required on a project, then BEP targets for trade occupations do not apply to that project. [↑](#footnote-ref-54)
54. The BEP has now been updated so that Action 2 targets include cadets in line with LJF MPSG. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-55)
55. The correct application should be hours for only the BEP applicable project. [↑](#footnote-ref-56)
56. This is an incorrect application of the BEP requirements which should be applied consistently by all government buyers to BEP applicable contracts. [↑](#footnote-ref-57)
57. The VMC is an automated end-to-end information management system that collects social and sustainable procurement data to support Victorian Government procurement activities. [↑](#footnote-ref-58)
58. Note that these are legal requirements in the Fair Work Act which sets minimum requirements. [↑](#footnote-ref-59)
59. According to the MoU (refer to Section 4), DGS hold responsibility for ongoing auditing and compliance of commitments under Action 3. [↑](#footnote-ref-60)
60. According to the MoU (refer to Section 4), DGS hold responsibility for managing the relationship with ICN to ensure the VMC is updated to capture BEP requirements. Upgrades to VMC are in a phased. Stage 4 of the development process was completed in December 2023. The main changes include capturing commitments and reporting at an occupation level for each category and improvements to usability for buyers and suppliers. [↑](#footnote-ref-61)
61. According to the MoU (refer to Section 4), DGS hold responsibility for ongoing auditing and compliance of commitments under Action 3. [↑](#footnote-ref-62)
62. Accompanying the update of the BEP has been the identification by IRV and inclusion of a list of exemplary projects. [↑](#footnote-ref-63)
63. Under the MoU, it is the responsibility of DGS to provide this role. [↑](#footnote-ref-64)
64. Based on the annual Labour Force Survey (LFS) with a sample of approximately 24,000 households including 50,000 people in Australia ([Australian Bureau of Statistics, 2022a](#_ENREF_5)) [↑](#footnote-ref-65)
65. This data is collected by the ABS with the LFS data, yet with seven-eighths of the LFS sample. The Characteristics of Employment data is collected via interviews or self-completion questionnaire ([Australian Bureau of Statistics, 2022a](#_ENREF_5)) [↑](#footnote-ref-66)
66. Some data has been randomly adjusted by the ABS to avoid the release of confidential data. Discrepancies may occur between sums of the component items and totals. Continuous variables in this table have been randomly adjusted to avoid the release of confidential data. [↑](#footnote-ref-67)
67. More detail can be found about the data collections and reporting periods here <https://www.ncver.edu.au/research-and-statistics/vet-statistics-explained>. [↑](#footnote-ref-68)
68. Retrieved in October, 2023, from Total VET students and courses data collection from the NCVER DataBuilder ([NCVER, 2023](#_ENREF_23)) [↑](#footnote-ref-69)
69. The BEP has now been updated so that management, supervisory or specialist hours spent offsite that directly relate to project delivery count towards the targets. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-70)
70. The BEP has been updated to apply a staged approach to compliance. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-71)
71. The BEP has been updated to extend the transition period by six months. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-72)
72. This has been included in the staged approach to compliance in the updated BEP. See Appendix 9.1 for updates to the BEP. [↑](#footnote-ref-73)
73. The contract manager is the person nominated in the contract as responsible for managing the day-to-day matters of the contract on behalf of the State. [↑](#footnote-ref-74)
74. An example of non-compliance may include an undersupply of women in specific trade, non-trade, management and specialist roles. [↑](#footnote-ref-75)
75. Detailed guidance for contract managers and Contractors underpins the non-compliance clause to ensure there is a common understanding of the ‘alternative appropriate obligations’ that can be adopted to ‘achieve suitable levels of compliance’. [↑](#footnote-ref-76)