Practice note for progress audits: administering an employee experience survey under the *Gender Equality Act 2020*

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| Disclaimer: This document contains guidance relating to the privacy, confidentiality, and safety of employees. This guidance is general in nature and does not constitute legal advice. Defined entities are responsible for their own compliance with privacy laws, including the *Privacy and Data Protection Act 2014* (Vic) (PDP Act). The Information Principles (IPPs) contained in Schedule 1 of the PDP Act set out the minimum standards for how Victorian public sector bodies should manage personal information. |

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Introduction

The Gender *Equality Act 2020* (the Act) requires defined entities to prepare and submit a progress report two years after submitting a Gender Equality Action Plan. Under section 19(3)(c) of the Act, one of the requirements of your progress report is to report on progress against the [seven gender equality indicators](https://www.genderequalitycommission.vic.gov.au/workplace-gender-equality-indicators). Collecting employee experience data via a survey will support you in measuring progress against these indicators.

Collecting employee experience data is critical because it complements workforce data to tell a more complete story about the state and nature of gender inequality in your workplace. However, employee experience data can be very sensitive. If its collection and reporting are mishandled, it has the potential to cause unintended harm. For this reason, we strongly recommend that you engage a third-party survey provider to administer your survey.

This practice note is designed to ensure that third-party survey providers and defined entities are aware of important standards for administering and handling employee experience survey data. It also steps through critical information on survey methodology, specifications and contract considerations when engaging with a third-party survey provider.

Using the People Matter Survey 2023 for data collection

Public sector organisations[[1]](#footnote-2) can use their 2023 People matter survey results (including the employee experience survey data) for their progress audit to help measure progress against the seven gender equality indicators. Local councils can also opt-in to use the 2023 People Matter Survey for local government for a nominal fee.

The Victorian Public Sector Commission (VPSC), which administers the People matter survey, applies strict rules to protect the privacy and anonymity of survey participants. CGEPS recommends using the VPSC’s 2023 People Matter Survey service, as it will provide your defined entity with the most complete data set with minimal financial and administrative burden.

Defined entities who do not wish to use the 2023 People Matter Survey or who do not have access to it can engage a third-party provider to administer the employee experience survey.

Engaging another third-party provider for data collection

Your defined entity may select another third-party provider to collect your employee experience data. The survey questions can either be run as a specific gender equality survey or be integrated into an existing employee experience survey.

# Privacy and confidentiality

We strongly recommend that you engage an external third-party provider to administer your survey. This is because some of the demographic information requested is considered sensitive information under the PDP Act and *Privacy Act 1988* (Cth), including cultural identity and sexual orientation, and most other information would be considered personal information. Information about person’s disability is also considered health information under the *Health Records Act 2001* (Vic), and therefore the Health Privacy Principles will apply to that information. In addition, other collected information, such as reports of sexual harassment and bullying, is extremely sensitive.

Employee participation in the employee survey should be voluntary, and all employees[[2]](#footnote-3) should be invited to participate anonymously.

#### What sort of privacy protocols should be in place?

It is essential that your third-party provider is familiar with laws affecting data collection and has robust data security systems in place, including:

* Ensuring that your data collection complies with IPPs found in the PDP Act and Australian Privacy Principles (APP) found in the *Privacy Act 1988* (Cth). For more on the IPPs, see [https://ovic.vic.gov.au/‌privacy/‌for-agencies/information-privacy-principles/](https://ovic.vic.gov.au/privacy/for-agencies/information-privacy-principles/). For more on the APPs, see [www.oaic.gov.au/privacy/australian-privacy-principles-guidelines/](http://www.oaic.gov.au/privacy/australian-privacy-principles-guidelines/). When choosing data collection and storage systems, you should either ensure that your data remain in Australia at all times or that you make appropriate disclosures (see APP 8 and IPP 9).
* Ensuring that you seek appropriate guidance tomeet your organisation’s privacy and confidentiality requirements and comply with enterprise agreements, workplace determinations and modern awards.
* Ensuring that access to survey systems and identifiable data is restricted to authorised staff, where the minimum number of staff possible are provided access.
* If your third-party provider offers a paper-based survey completion method, ensure that completed surveys are handled extremely carefully, e.g. deposited by respondents into a secure box that is only accessed by the third-party provider.
* De-identifying data and deleting identifiable data as soon as feasible, including on backup systems. De-identification is not as simple as removing direct identifiers, as it may be possible to identify staff based on indirect identifiers, such as a combination of responses to questions.

We recommend that the agreement between you and your third-party provider includes contractual obligations for the provider to comply with the PDP Act and to maintain secure systems.

#### Privacy collection statement

You must include a privacy collection statement in the survey. IPP 1.3 states that when collecting personal information about an individual from the individual, an organisation must take reasonable steps to ensure the individual is aware of matters including:

* the identity of the organisation and how to contact it
* the fact that the individual can gain access to the information
* the purposes for which the information is collected
* to whom (or the types of individuals or organisations to which) the organisation usually discloses information of that kind
* any law that requires the particular information to be collected
* the main consequences (if any) for the individual if all or part of the information is not provided.

Protecting confidentiality by de-identifying survey results

Because individuals can be identified from tables of data[[3]](#footnote-4), to protect the confidentiality of staff, it is essential that your third-party provider applies strong privacy controls during the survey and in reporting on the survey data.

Aggregated results for demographic groups

Your third-party provider should only provide aggregated employee experience results for demographic groups (e.g. women or men who have a disability) if the following conditions are met:

* the survey has a total of 30 or more respondents
* the demographic group has 10 or more respondents
* no more than 2 demographic variables are used to create a demographic group. For example, combining gender and age is acceptable, but combining gender, age, and disability is not
* results for a demographic group should not be provided if they can be used to reveal the results of a suppressed group (i.e. that has fewer than 10 respondents). For example, the aggregated results of non-Aboriginal respondents should not be provided if there are fewer than 10 Aboriginal respondents
* demographic group results should only be viewed at a sub-organisation level where there are 30 or more responses. For example, demographic results should not be provided for work groups within an organisation (i.e. for divisions, teams, units) and not be provided for other workplace identifiers such as questions on occupation, where there are fewer than 30 responses in that work group.

***Particularly sensitive questions***

Results for questions asked only of those who experienced bullying, discrimination or sexual harassment should be:

* excluded from all demographic group reporting beyond gender
* only provided to the defined entity if 10 or more people experienced the behaviour.

Voluntary free-text comments should be provided to defined entities in a separate report with no other identifying information. We strongly recommend that you require your third-party provider to check the free-text comments for potentially identifying details (for example, names or dates) and remove them before providing you with the results. We also strongly recommend securely storing free-text comments to prevent unauthorised access (for example, in a restricted access folder and/or password protecting the file).

***Raw/individual participant response data***

Raw participant response data (e.g. the responses that each survey participant gives in the survey) should only be provided to or reviewed by the defined entity if the following has been **removed**:

* demographic responses
* the questions asked only of those that experienced bullying, discrimination or sexual harassment
* free text responses

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| Privacy obligations under the Gender Equality Act  Under the Act (section 51), defined entities have important privacy obligations:   1. to remove any personal information from their GEAPs or progress reports 2. when submitting any material that is likely to be published, advise the Commissioner whether the material contains any personal information   Personal information is defined in the PDP Act. It means information or an opinion (including information or an opinion forming part of a database) that is recorded in any form and, whether true or not, is about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. |

# Distress protocol to protect the wellbeing of respondents

Some of the questions being asked in the survey (for example, questions about sexual harassment or bullying) may cause distress to the employees responding.

The survey introduction should note that, although it is desirable for employees to complete the survey, they can stop responding to the survey at any time.

At the end of the survey, or at specific points in your survey that are higher risk, we recommend providing information about support services, either to all respondents or by asking whether the respondent wishes to receive information about support services.[[4]](#footnote-5)

# Survey methodology – question wording, order and response options

Please ensure that questions are asked using the exact wording provided in the employee experience survey questionnaire Excel document (available on our website) —including demographics—and in the recommended order indicated in the first column. Response options should also be in the exact order and wording outlined by the Commission.

Small differences in question wording can have large effects on survey results. Similarly, the order in which questions are asked and responses are presented can affect results, as respondents can interpret later questions in light of earlier questions they have answered. This can impact answers to questions that are difficult to predict in advance.

By following this advice, you will also assist the Commission in comparing results across organisations to understand the state of gender inequality across defined entities under the Act.

# Specification

#### Materials to be used in developing the survey

The following artefacts are available on our website and should be used by your survey provider to develop the survey

1. Employee experience survey questions and responses
2. This guidance note.

Employee experience survey questions and responses

The survey questions and responses are contained within an Excel spreadsheet containing the following sheets

1. Instructions – for guidance on how to use the spreadsheet
2. Survey Questions – providing the questions and responses for the survey
3. Indicator Key – outlining the workplace gender equality indicator corresponding to each number in the indicator column in sheet 2 (Survey Questions)

Definitions for each column in the **Survey Questions** sheet are as follows

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| **Column** | **Definition** |
| Suggested order | Indicates the order in which the question should be presented to the respondent |
| Suggested section | Indicates which section this question should be contained within |
| Question ID | The unique identifier for this question |
| Question | The text of the question to be presented to the respondent |
| Routing | Indicates any preconditions - i.e. whether or not this question should be shown based on answers to a previous question |
| Response required | Indicates whether respondents who are shown this question need to answer it to complete their survey |
| Response type | Indicates whether respondents:   * Must select a single response * May select multiple responses * Can enter a free text response, or * A combination of the above |
| Explanatory text and definition | Provides supporting explanatory text that should be shown to the respondent alongside the question |
| Response options | A list of responses to be presented to the respondent, in the specified order |
| Indicator | Indicates which workplace gender equality indicator this question relates to (this information does not need to be presented to the respondent) |
| What to report to CGEPS | Information about how to calculate results to report to the Commission (this information does not need to be presented to the respondent) |

#### Response data

Once the survey has been closed and the results generated, they must be provided in a specific format.

**Note: The Commission strongly recommends that your survey provider deliver the response data information to you in the format described below.**

The employee experience reporting template is an Excel workbook. It contains the following sheets

1. Instructions – providing instructions for the population of the spreadsheet.
2. Results – the container into which the responses must be populated.
3. Indicator Key – outlining the workplace gender equality indicator corresponding to each number in the indicator column in sheet 2 (Results)

Definitions for each column of the **Results** sheet are as follows

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| **Column** | **Definition** |
| Suggested section | Text to make the context of the question clear |
| Question ID | The unique identifier for this question |
| Question | The text of the question |
| Indicator | Indicates which workplace gender equality indicator this question relates to |
| Measure | Indicates which response or responses to report in this row |
| Measure calculation notes | Describes how to calculate the result in this row |
| Gender | One of the following   * Woman * Man * Self-described |
| Intersectional group | One of the following   * N/A * Age * Aboriginal and/or Torres Strait Islander * Caring responsibility * Country of birth * Disability * Language other than English spoken with family or community * Sexual orientation |
| Intersectionality | A demographic attribute describing the group captured in this row |
| Result | Holds the value associated with this combination of attributes. Must be populated either with   1. A decimal value between 0 and 1 (inclusive) as described in the Measure calculation notes column; or 2. The letter N, to indicate that a result has been redacted to protect participants’ confidentiality, per the method described in this practice note |

Notes:

1. The collection template is presented in a fully-populated format – that is a row is populated for every valid combination of question + response + gender + intersection
2. Each value must be populated as described in the table above. Blank values are not acceptable.

# Maximising response rates

Your defined entity should aim to maximise the number of people completing the survey, with a **minimum** of 30 complete responses. This will ensure that any demographic group data can be aggregated in a way that maintains confidentiality and is representative of your workforce.

Your defined entity can take several steps to ensure you receive as many responses from your employees as possible. We recommend, for example:

* Making sure you have confidentiality and privacy protocols throughout the administration of the survey, and communicate this to participants
* Being clear and upfront with your employees about how your third-party provider is going to handle and report on the data
* Promoting the survey and committing to taking action on the results
* Using generic links (not personalised invites) wherever possible
* Providing survey links that are accessible via mobile phones for non-desk-based employees
* Making a dedicated workstation with a computer or iPad available for completing the survey
* Scheduling work time for employees to complete the survey
* Ensuring your third-party provider follows the protections for confidentiality described above.

# Quality assurance and compliance

We recommend that the survey is conducted by a third-party provider who can demonstrate that they are a member of the Association of Market and Social Research Organisation (AMSRO) or The Research Society (formerly the Australian Market & Social Research Society AMSRS).

Alternatively, the provider could supply evidence of equivalent accreditation and supply documented evidence of compliance via independent assessment.

The provider should also be able to provide you with evidence of accreditation or pending accreditation (before the commencement of the survey) under the International Standard for Market Research (AS ISO 20252).

# Timing for data collection

Under the *Gender Equality Act 2020* (the Act), defined entities must prepare and submit a progress report on or before the 31st of October in every second year after submitting a Gender Equality Action Plan. The Commissioner has extended the 2023 progress reporting submission deadline to the 20th of February 2024. To meet this deadline, the employee experience survey should be conducted in the 2023 calendar year (ideally mid 2023) to ensure you have ample time to measure progress against the gender equality indicators.

The employee experience survey should be administered for a limited period, for example, four weeks between 29 May and 24 June 2023.

# Contract considerations

When developing a contract with your survey provider, the Commission suggests you consider the way in which data will be provided to you.

The volume of data that is required to be populated in the employee experience reporting template is significant at around 50,000 rows of data. It is recommended that you contract your survey provider to populate this data on your behalf.

More information about the format of the data can be found in the section **Response data** above.

Further information

#### Additional Information about the survey data collection

CGEPS would welcome your reporting of basic information about the survey to better understand your organisation’s responses.

* Which third-party provider did you engage to administer the survey?
* When did data collection take place?
* How many employees were invited, and how many completed?
* Did any groups of employees respond at particularly low or high rates?

Please do not hesitate to contact CGEPS for further information via the below mailbox:

[enquiries@genderequalitycommission.vic.gov.au](mailto:enquiries@genderequalitycommission.vic.gov.au)

1. As defined by the *Public Administration Act 2004* [↑](#footnote-ref-2)
2. Under the Act, an employee of a defined entity means a person employed by the defined entity on a fulltime, part-time, casual or fixed term basis (including an apprentice or trainee). [↑](#footnote-ref-3)
3. Potential identification could occur if an organisation reports results at a highly disaggregated level, for example, the particular workplace experiences of Aboriginal women employees with disability. [↑](#footnote-ref-4)
4. Support services referred to may include 1800RESPECT (sexual assault, domestic or family violence and abuse), Beyond Blue (anxiety, depression and suicide prevention), Centres Against Sexual Assault (referral to non-profit, government-funded organisations that provide support, counselling and crisis care), your Employee Assistance Program, Lifeline (crisis support and suicide prevention), Relationships Australia (family and relationships services), QLife (LGBTIQ+ peer support and referral), SafeSteps (family violence), Sexual Assault Crisis Line Victoria (sexual assault), the Victorian Civil and Administrative Tribunal (sexual harassment complaints) and the Victorian Equal Opportunity and Human Rights Commission (sexual harassment complaints). [↑](#footnote-ref-5)