Working with Women Alliance

Potential Commonwealth standards for the construction industry

Submission to the Department of Employment and Workplace Relations

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Acknowledgment of Country

The Working with Women Alliance acknowledges the Traditional Custodians of the land on which we work and live.

We pay our respects to Aboriginal and Torres Strait Islander Elders past and present, and we value the enduring connection Aboriginal and Torres Strait Islander people have to this land.

We value Aboriginal and Torres Strait Islander histories, cultures, and knowledge.

About WwWA

The Working with Women Alliance (WwWA) brings together a diversity of voices, expertise, and lived experience to inform and guide national policy on women's equality, leadership, and safety. We are one of five national women's alliances, funded through the Department of the Prime Minister and Cabinet to ensure that women's voices are central to policy development.

The Working with Women Alliance (WwWA) represents more than 800 organisation and individual members across two key portfolios: gender-based violence and gender equality. The WwWA connects the critical areas of gender-based violence and the advancement of women's economic equality and leadership, bridging these important policy fields for greater impact.

We work with members and stakeholders, including the Australian Government, to provide expertise and advice on gender equality and women's safety.

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Executive Summary

The potential standards for the construction industry provide the Commonwealth government with a pivotal opportunity to support the sector in becoming professional, ensure safe working environments, elevated through workplace conditions and practices that value integrity and trust. Gender equality should be the minimum expected of any industry, not a nice-to-have or add-on. For the construction industry, this requires a reckoning with what flexibility and inclusion can look like.

The gendered nature of the industry results from how they organise power, time, money and risk. Gender-based violence and other unlawful conduct, the exclusion of women from construction and men's mental health cannot be addressed separately - they are different manifestations of the same issues stemming from abuses of power.

The acknowledgement that construction must attract and retain more diverse cohorts of workers is welcome. However, gender must be a core consideration of all five themes within the construction standards and not simply covered under theme three, where they are a 'cohort' to attract. Further, efforts to attract women to the construction workforce will not produce outcomes if the industry cannot retain them in the first place. This requires a fundamental shift in workplace culture and practice: the inclusion of women in construction must be viewed as a strength. They cannot continue to be viewed as 'space invaders' of a hyper-masculine environment.

The construction standards should address issues they are trying to remedy through leveraging and strengthening existing levers to create tangible and impactful structural reforms to workplace culture and practice. This includes reconceptualising what flexible work can look like on construction sites, a whole-of-industry shift away from long work hours, and the establishment and strengthening of institutions and practices that facilitate worker safety.

Recommendation Summary

Recommendation 1: A standard relating to integrity and lawful conduct must expressly cover sexual harassment, sexual violence and other forms of gender-based violence.

Recommendation 2: The Australian Government should work with Safe Work Australia and state and territory governments to establish workplace sexual assault and suspected workplace sexual assault as notifiable incidents under model work health and safety laws, drawing on the ACT approach.

Recommendation 3: Strengthen protections for victim-survivors who report gender-based violence to remove incentives for employer retaliation.

Recommendation 4: Establish an independent, confidential reporting pathway for workers in the construction industry to report all forms of unlawful conduct.

Recommendation 5: The Commonwealth Government should work with State and Territory Governments to establish restrictions on the use of NDAs by employers.

Recommendation 6: The construction standards should require evaluation of programs aimed at increasing the attraction and retention of women to ensure that they are meeting the desired outcomes.

Recommendation 7: The standards should require businesses to design and implement a gender equality action plan, accompanied by a framework that measures outcomes relating to gender equity.

Recommendation 8: Education and training organisations, in partnership with the Commonwealth and State and Territory governments should encourage women to consider careers in construction through a national campaign.

Recommendation 9: The construction standards must encourage the normalisation of flexible working arrangements.

Recommendation 10: The construction standards must encourage a whole-of-industry shift towards reasonable working hours and reasonable working weeks.

Theme 1: Integrity and lawful conduct

1. What gaps exist in current arrangements to prevent, identify, report and respond to unlawful conduct, corruption, bribery, inducements, coercion and improper influence on construction projects?

The first theme - integrity and lawful conduct - focuses on corruption, bribery, coercion and improper influence, but fails to recognise gender-based violence as a serious form of unlawful conduct and abuse of workplace power. This is a significant omission given the scale of gendered violence in the construction sector:

- One in four workers in the construction industry has experienced workplace sexual harassment in the last five years.[1]
- 29% of women in construction have been sexually harassed, compared to 8% of men in construction.[2]

Yet workplace sexual harassment and sexual violence remain substantially underreported, with only 18% of construction sector incidents formally reported.[3] Workers may fear retaliation, reputational damage, loss of current or future work, or further harm if they speak up. These risks can be heightened by insecure employment and complex subcontracting arrangements. A lack of adequate responses also discourages other workers and can push victim-survivors out of the sector altogether.

The construction standards should do more than focus on conduct that has crossed the threshold into unlawfulness. They must also address the workplace conditions that enable gender-based violence and allow harmful conduct to become normalised. Sexism and gendered harassment may not be unlawful in isolation, but are deeply rooted in unequal power relations and create workplace cultures in which harassment and gender-based violence is tolerated. This is seen more clearly in male-dominated workplaces.[4] A framework that responds only after conduct crosses a legal threshold will intervene too late. The standards should therefore require proactive action to address sexist workplace cultures and gendered psychosocial and physical risks.

Recommendation 1: A standard relating to integrity and lawful conduct must expressly cover sexual harassment, sexual violence and other forms of gender-based violence.

2. What, if any, additional safeguards could strengthen existing frameworks to ensure industrial disputes and workplace issues are managed through lawful and transparent processes, rather than through unofficial intermediaries or arrangements outside established legal frameworks?

Existing frameworks could be strengthened to prevent workplace sexual violence from being managed solely through informal or internal processes. The Australian Capital Territory (ACT) offers a useful model of **treating sexual assault as a notifiable incident** in work health and safety laws.

In 2023, the ACT amended the *Work Health and Safety Act 2011* (ACT) to include sexual assault as a notifiable incident. This means that workplaces must immediately notify WorkSafe ACT as soon as they become aware of a sexual assault or suspected sexual assault. A workplace cannot first conduct its own investigation to determine whether it considers the allegation to have merit.

The reform has brought serious workplace conduct that may otherwise have remained hidden within internal processes to the attention of the regulator. In the first 12 months since legislation took effect, WorkSafe ACT was notified of over 70 incidents of workplace sexual assault.[5]

By including sexual assault as a notifiable incident under WHS law, the ACT government has recognised sexual violence as a workplace health and safety concern that requires independent regulatory oversight. Notification supports the regulator to identify patterns and target compliance activity where businesses are failing to meet their duties to mitigate psychosocial hazards.

The ACT model demonstrates how mandatory notification can prevent workplace sexual assault from remaining solely within opaque internal processes. The construction standards should adopt this principle by requiring gender-based violence on Commonwealth-supported projects to enter an independent oversight pathway. This should be complemented by nationally consistent WHS notification requirements developed through Safe Work Australia, with clear safeguards protecting the privacy and agency of affected workers.

Recommendation 2: The Australian Government should work with Safe Work Australia and state and territory governments to establish workplace sexual assault and suspected workplace sexual assault as notifiable incidents under model work health and safety laws, drawing on the ACT approach.

5. What reporting pathways, protections or accountability mechanisms would strengthen existing arrangements and improve confidence for workers, businesses and other industry participants to report unlawful conduct safely?

Establishing effective accountability pathways and integrity expectations are essential for ensuring that workers feel safe reporting unlawful conduct to the appropriate bodies. Several key mechanisms could contribute to building and restoring trust and integrity in the construction industry.

Victimisation protections

If an employee discloses unlawful conduct, there is a risk that the employer may retaliate. The high prevalence of job insecurity within the construction industry exacerbates the risk of retaliation. This is particularly salient for people employed in labour hire companies, where the precariousness of the work means people fear losing shifts, or not being re-engaged if they speak up.

Independent, confidential reporting pathways

Independent reporting pathways should exist outside of the employer and be open and accessible to all staff, including subcontractors, casual employees and employees employed through labour hire companies. They should also be trauma-informed and staffed by people who are trained to respond to disclosures of gender-based violence. Even though sexual assault and harassment can be reported through the Fair Work Ombudsman, any independent reporting pathways that are established should accept all forms of unlawful conduct. They should accept reporting of instances of discrimination, vilification, assault and harassment, and not be narrowed to instances of corruption. An independent reporting pathway would ameliorate the complexities of multiple employers engaged on one construction project. This would also ensure that victim-survivors of any form of gender-based violence do not need to search for the 'right' reporting pathway, or need to retell their story to multiple people.

Restrictions on the use of Non-disclosure Agreements (NDAs) and confidentiality clauses

Independent reporting will have limited effect if businesses can subsequently require workers to remain silent about the unlawful conduct they experienced. In 2026, Victoria introduced the *Restricting Non-disclosure Agreements (Sexual Harassment at Work) Act 2025* (Vic), which restricts how employers can use NDAs in workplace sexual harassment settlements.[6] Enabling workers the freedom to speak about any unlawful conduct they have experienced is essential to ensuring that perpetrators can be held accountable, and that victims or witnesses are not punished for seeking

accountability and justice or seeking help and support. The construction standards should prevent businesses from requiring NDAs or confidentiality clauses in relation to workplace sexual harassment. Such clauses should only be permitted where they are expressly requested by the worker and reflect that worker's informed preference.

Recommendation 3: Strengthen protections for victim-survivors who report gender-based violence to remove incentives for employer retaliation.

Recommendation 4: Establish an independent, confidential reporting pathway for workers in the construction industry to report all forms of unlawful conduct.

Recommendation 5: The Commonwealth Government should work with State and Territory Governments to establish restrictions on the use of NDAs by employers.

Theme 3: Workforce development and job quality

14. What factors affect apprentice and trainee attraction, engagement, completion and progression in construction, particularly in project-based and multi-employer environments? How could any construction standards complement existing skills and training initiatives to improve outcomes?

The construction standards provide an opportunity for the industry to evolve and manifest a culture that stops pushing women out of the industry, as well as becoming an attractive and sustainable career option for women and girls. In 2023, women comprised 15% of the building and construction sector, and 3% of trade workers. Women's apprenticeship commencement and retention rates also remain persistently low.[7]

Gender stereotypes are pivotal in shaping the aspirations and careers that girls are encouraged to pursue from early on, which can limit the number of women who view construction as a viable career option. Further, **work culture, safety** and **work-life balance** are important considerations for young women when deciding their career aspirations. If the construction industry can offer employees safer workplaces, more inclusive cultures and a better work-life balance, then more women would view a career in construction as a viable, realistic option to pursue.[8]

Among women enrolled in construction courses:

- Two in five (41%) worry that they will be sexually harassed when entering the construction industry.[9]
- One in three (30%) worry that they will need to work long or inconvenient hours when entering the construction industry.[10]
- Half (51%) worry they will be treated differently because of their gender.[11]

These concerns reflect conditions women may encounter once they enter the industry. Sexism, sexual harassment and workplace cultures that question women's competence can undermine their safety and sense of belonging, and long, inflexible hours can make construction incompatible with caring responsibilities can further deter women. Attraction initiatives will have limited effect if women commence training or work in the industry, but leave because the industry is not safe or sustainable.

There are many existing mentoring and sponsorship programs that aim to support the progression and attraction of women in construction. Whilst noble and well-intentioned, there appears to be a lack of evidence and program evaluation to support continued investment in these programs. Mentoring and sponsorship programs alone will not address gender imbalance in the construction industry. These programs - while helpful for individuals – will not address the underlying structural conditions that dissuade women from joining the construction industry in the first place. Construction standards should therefore focus on whether women have the employment conditions and safe workplaces needed to complete their apprenticeships and build lasting careers. The construction standards could complement existing programs by requiring evaluation of these programs to ensure that they effectively deliver the desired outcomes of retaining women within the construction industry.

Recommendation 6: The construction standards should require evaluation of programs aimed at increasing the attraction and retention of women to ensure that they are meeting the desired outcomes.

15. What workforce outcomes could any construction standards seek to support, while recognising the need for workforce flexibility? (e.g. safe, secure, well-paid jobs, skills development, apprenticeships and traineeships, workforce diversity, safety and wellbeing.)

Success in the construction industry is currently understood by many as projects delivered early and under budget. However, if a project is completed ahead of time

and under budget, yet leaves a trail of suicides and broken relationships, then this is not success; it reflects poor industry standards and workplace conditions.

The construction standards should clearly define the workforce outcomes they seek to achieve and establish a framework for measuring progress. Covered projects should be required to implement gender equality action plans with measurable targets and report against them annually. WGEA reporting provides a useful foundation for measuring progress, but reporting should also be complemented by project-level data that captures labour-hire workers, contractors and apprentices across construction supply chains. The construction standards should seek to support workforce outcomes such as worker demographics disaggregated by gender, the gender pay gap and work health and safety indicators:

- **Representation:** The standards should support increased representation of women across the construction workforce, including in trades, apprenticeships and management. A positive long-term outcome would be gender-balanced workplaces, with at least 40% women and 40% men, and the remaining 20% comprising people of any gender. This should operate as a target rather than a quota, with staged benchmarks that account for businesses' starting points and workforce composition.
- **The gender pay gap:** The standards should support measurable reductions in gender pay gaps, including gaps in base salary and total remuneration. The construction industry has the second highest gender pay gap in Australia at 23.9%, one percentage point behind the financial and insurance services industry.[12]
- **Safe and healthier work:** The standards should support measurable reductions in physical and psychological harm. Relevant measures could include workers' compensation claims, reported psychosocial hazards, experiences of gender-based violence and workers' confidence in reporting processes. Businesses should also measure whether workers who report unlawful conduct experience retaliation or adverse employment consequences.

Recommendation 7: The standards should require businesses to design and implement a gender equality action plan, accompanied by a framework that measures outcomes relating to gender equity.

16. What workplace practices and cultural reforms would most improve productivity and increase the attraction, retention and advancement of women and other under-represented and diverse workers in the construction industry?

The gender norms that exclude women from construction are the same gender norms that discourage men from discussing mental ill-health, fatigue and workplace risk. The construction industry is built on an outdated view of the 'ideal worker' – a concept which never existed, yet seems to persist in male-dominated industries. The 'ideal worker' is a fictional concept that describes someone who has no commitments outside of work, is constantly available, and is constantly productive.[13] This mould is not only harmful to employees with caring responsibilities, but everyone with needs and commitments outside of work. Harmful industry culture and working conditions are evidenced by the high rates of construction worker suicide, depression, burnout and addiction.[14]

There are several workplace practices and cultural reforms that can attract and retain women in the construction industry, as well as address the mental health challenges endemic to the industry. These include the adoption and role modelling of flexible working practices, good job design, high-quality leadership, as well as an effort to make women in construction visible.

Flexible work

The standards should require businesses to provide genuine access to flexible working arrangements, particularly for site-based workers. Flexible work is particularly important for workers with caring responsibilities, but can improve retention and wellbeing across the workforce. It is important to note that flexibility often exists for trades workers who own their business; however, for construction workers who work on large construction projects, flexibility is almost non-existent, or requesting flexibility can feel like an uphill battle.

It is also important to highlight that flexible working practices already exist in construction; however, there appears to be a struggle to conceptualise and translate current practices into practices that work for all employees. For example, job sharing is a common practice on 24-hour work sites, where multiple people share the same job role over different times of the day. This demonstrates that flexible working practices are already utilised within the industry, and the infrastructure exists to enable an increase in uptake. The barrier is a blindness, or lack of understanding, in how flexible working can be effectively utilised to realise the full potential of the construction workforce. Businesses should be required to consider working hours,

rostering and project scheduling during project planning, rather than treating flexibility as an individual accommodation to be negotiated after work has commenced.

Further, adopting flexible working arrangements does not mean adopting workplace practices that increase casualisation, and increasing adoption of flexible working arrangements should not come at the cost of job security. Construction employees should have the right to request flexible working arrangements, without the fear of surveillance, scrutiny, or retaliation. The standards should establish universal principles for flexible work while allowing arrangements to be adapted to the needs of different projects. The proposed standards should draw on existing resources such as the National Association of Women in Construction's *Building Better Workplaces* toolkit.

Job design, working hours and scheduling

Long hours and compressed programs exclude women with caring responsibilities, and drive burnout within the broader workforce. For example:

- Two in three (64%) report working over 50 hours per week[15]
- Three in five (59%) report dissatisfaction with their work-life balance, compared to 39% of the population.[16]
- More than one in ten (14%) experience presenteeism[17]

Long hours have negative impacts on worker health and wellbeing, including staff motivation, productivity, and safety, which impact rates of high burnout and turnover.[18] This is validated by the consultations paper's mention of high suicide rates within the construction industry. Some within the industry have highlighted that introducing a five-day working week would not improve productivity and that instead construction projects need to provide workers with the 'choice' to work 50+ hours. However, this view is problematic because it reinforces the culture of presenteeism that already exists; workers, particularly women with caring responsibilities, will continue to be punished because they don't have the luxury of 'choice' to work 50+ hours.

If the Commonwealth Government wants to address the low rates of women in construction, then it must support the industry to reconcile with its workplace practices. To support the inclusion of women in the industry, the construction standards should support reasonable working hours and family-friendly scheduling hours (no more than 8 hours per shift) and Commonwealth projects should assume a sustainable working week, building on the culture standards "time for life" pillar.

Case study: Indigo Commercial

Indigo Commercial is a construction company that offers an alternative to the 8 hours a day, six-day a week roster that is common within the industry. Indigo Commercial instead provides their employees with a choice of shift patterns that suit their needs. These include 7am – 2 pm shifts, 9am - 2pm shifts, 9 am - 5 pm shifts. Shifts are managed in a way where work conducted by employees is jobs are completed on time, and productivity is maintained.

The company is not only attracting women, but also older, experienced men who left the industry after experiencing burnout. Indigo Commercial has demonstrated that a change to workplace practices can not only improve workforce diversity, but also contribute to staff retention within the industry. Since its establishment in April 2026, Indigo Commercial, has received over 7,000 job applications.

Women's visibility and advancement: Education providers and construction businesses should increase the visibility of women across trades and leadership roles. This should be supported by practical pathways into training, employment and progression. Representation alone will not change workplace culture, but visible role models can challenge assumptions about who belongs in the industry.

Leadership: These reforms will only be effective where leaders are accountable for implementation. Whilst some have positioned "positive-culture training" as the answer to addressing issues of poor culture and job design, training alone does not address the norms that are ingrained within the industry. Senior leaders and project managers should be required to model reasonable working practices, plan for flexible work and monitor whether workers can access these arrangements without losing opportunities for training or progression.

Recommendation 8: Education and training organisations, in partnership with the Commonwealth and State and Territory governments should encourage women to consider careers in construction through a national campaign.

Recommendation 9: The construction standards must encourage the normalisation of flexible working arrangements.

Recommendation 10: The construction standards must encourage a whole-of-industry shift towards reasonable working hours and reasonable working weeks.

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