

Gender equality in government procurement policy

An interjurisdictional review
November 2023



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QCOSS sincerely values our ongoing relationships with our university partners and appreciates the thoughtful and insightful work produced by our student placement interns.



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We pay respect to the Elders of this land; past and present.

Contents

Executive Summary	3
Background	4
Overview of Queensland Procurement Policy.....	5
Gender equality in Queensland	6
Evidence from other jurisdictions	7
GRP measures at the pre-tender stage	7
GRP measures at the tender stage	10
GRP measures at the post-tender stage	14
Conclusion.....	15
Recommendations.....	17
References	18

Executive Summary

This report investigates gender-responsive procurement (GRP) principles and measures from other Australian and international jurisdictions and considers how Queensland Government procurement can be further used as an instrument to drive gender equality outcomes.

The Queensland Government are eager to promote and achieve gender equality in Queensland, as evidenced by recent policy developments including the *Queensland Women's Strategy 2022-2027* (QWS); the *Inclusion and diversity strategy 2021-2025*; and the *Developing a Gender Equality Action Plan 2021* (DGEAP). The QWS and the DGEAP identify government procurement as a powerful strategic tool in promoting and achieving gender equality, with the QWS making a clear commitment in that regard. The *Queensland Procurement Policy 2023* (QPP) does contain some specific gender responsive procurement measures, but it does not explicitly commit to the advancement of gender equality through procurement. Similarly, the advancement of gender equality through government procurement is not referred to in the *Queensland Procurement Strategy 2023*, or the *Q2032 Procurement Strategy*.

In Queensland, there are significant inequalities between men's and women's engagement with, and experience of, the private sector workforce. Due to the significant economic contribution of government procurement to a state's gross domestic product, public procurement presents a real opportunity for government to influence change and advance gender equality. Improving gender equality not only benefits women's wellbeing and security, but provides societal, economic, and organisational benefits. This report investigates how procurement is utilised to promote gender equality by other Australian state governments and international governments. Case studies from different jurisdictions are categorised based on the three key stages of the procurement cycle- the pre-tender stage; tender stage; and post-tender stage. For each case study, the GRP measure is identified and reviewed.

This review demonstrates a growing global trend of utilising government purchasing as a strategic tool in advancing gender equality and illustrates a range of methods and varying intensities of implementation by which this can be achieved. This review found that implementation of GRP measures was most common at the pre-tender and tender stages. In Switzerland, Victoria, Belgium, and Berlin, GRP measures were bolstered by existing gender equality legislation. At the pre-tender stage, there was a trend of conducting gender analysis by Vienna, Belgium, and Canada. Results of gender analyses were used to inform project development and qualification criteria. Examples from the United Kingdom (UK) and Victoria were focused on generating greater gender balance within the construction industry. Qualification criteria were used by the UK Government to increase female participation in the construction of the London Olympic Games infrastructure. Victoria's Building Equality Policy (BEP) offers a blueprint for trialling and implementing GRP measures in public construction projects. These case studies are particularly pertinent as Queensland prepares to host the 2032 Olympic Games. The Queensland Government is also actively pursuing initiatives to increase women's participation in the construction industry more generally. At the tender stage, Belgium, Vienna, and Berlin used performance clauses to ensure publicly funded projects were advancing gender equality, and Victoria and Vienna offered examples of monitoring and evaluation at the post-tender stage. Examples of GRP at the post-tender stage were least common.

Based on the review of these case studies, this report's key recommendation is for the Queensland Government to explicitly embed its commitment to advance gender equality through procurement activities within the QPP and the QPS; and to expand its engagement of gender responsive procurement measures and targets.

Background

It is evident from recent policy developments, including the *Queensland Women's Strategy 2016-2021*,¹ the *Queensland Women's Strategy 2022-2027 (QWS)*,² the *Inclusion and diversity strategy 2021-2025*,³ and the *Developing a Gender Equality Action Plan 2021 (DGEAP)*,⁴ that the Queensland Government is eager to promote and achieve gender equality in Queensland, and recognises the powerful role procurement can play to that end.

Improving gender equality not only enhances women's wellbeing and security, but provides societal, economic, and organisational benefits.⁵ Promoting women's access to, and inclusion in, the workforce results in labour supply increases, which then strengthens society's economic growth and the financial resilience of businesses.⁵ Greater diversity in workplaces stimulates creativity, which facilitates innovation and improves productivity, in turn raising revenue and enhancing overall business performance.^{6,7} Increasing women's workforce participation, and ensuring they receive an income equal to that of their male counterparts, provides women with financial independence and security, affording them and their families a better living-standard, and reducing pressure on public resources by enabling women to prepare for the financial demands of retirement or health complications.⁸

The QPP, the Organisation for Economic Cooperation and Development (OECD), United Nations Women, and the Workplace Gender Equality Agency identify that due to the significant economic contribution of government procurement to a state's gross domestic product, procurement presents a real opportunity for government to influence organisational and societal change.⁹⁻¹¹ Incorporating economic, environmental and social objective targets and requirements in public procurement processes incentivises increased private sector engagement in that space. Suppliers then need to rise to these standards in order to win major contracts.⁹ The QWS includes a commitment to use "...government's purchasing power to drive increased gender equality in the private sector, and encourage businesses and community organisations to do the same".^(p15)¹ Procurement presents a variety of opportunities to improve gender equality, but this requires the proactive and strategic application of Gender Responsive Procurement (GRP) principles, measures and targets. The United Nations defines GRP as the "selection of services, goods and civil works that considers their impact on gender equality and women's empowerment."¹²

The purpose of this report is to investigate GRP principles and measures from other Australian and international jurisdictions to inform how Queensland Government procurement can be further used as an instrument to drive gender equality outcomes. Case studies will be categorised based on the three key stages of the procurement cycle— the pre-tender stage; tender stage; and post-tender stage. For each case study, the GRP measure is identified and reviewed. Based on the review of these case studies, this report makes recommendations for how the Queensland Government can further implement, expand and strengthen procurement measures that will meaningfully impact gender equality in Queensland.

Overview of Queensland Procurement Policy

The QPP, read together with the QPS, is the Queensland Government's overarching policy for the public procurement of goods and services by government departments and agencies.¹⁰ Its six key principles are:

1. Achieve 'value for money'
2. Apply a 'responsible public procurement' approach
3. Behave ethically, and embed integrity, probity, and accountability
4. Be leaders in procurement practice
5. Collaborate for more effective outcomes
6. Support strong governance and planning.

The Queensland Government takes an agency-led approach to procurement, with each department accountable for their procurement process and activities. The accountable officer(s) within each agency are responsible for making sure their processes and activities are consistent with the policy.¹⁰

Principle 1, *Achieve 'value for money'*, does not just refer to seeking the lowest price. As explained in the QPP, "Value for money' decisions must consider: ^(p2)¹⁰

- relevant government economic, ethical, social and environmental objectives and targets including but not limited to 'local benefits'; and Best Practice Principles (for 'projects' where the Best Practice Principles apply)
- whole-of-life costs
- non-cost factors."

The application of this principle to procurement decision making, alongside the other key principles such as applying a 'responsible public procurement' approach, means that the QPP does help to advance a range of the government's economic, social and environmental commitments. Key measures with a positive gender impact reflected under the QPP include mechanisms to consider workplace policies and practices aimed at ending domestic and family violence as part of supplier evaluation and selection; and mechanisms to enable targeted procurement from women-owned and/or women-led businesses.¹⁰ Despite the commitment in the QWS, the QPP and the *Queensland Procurement Strategy* (QPS) do not explicitly incorporate the goal of advancing gender equality through procurement, nor outline any substantial targets in this respect.^{10,13}

The inclusion of a mechanism to enable targeted procurement from women-owned and/or women-led businesses was a particularly welcome update in the QPP in 2023. Procurement measures along these lines have been engaged in a range of contexts including the United States, Botswana, Chile, India, South Africa, Kenya and Tanzania, often paired with relevant targets.¹⁴ The inclusion of this measure represents a strong step forward for GRP in Queensland, which could deliver powerful outcomes. However, there can be limitations to this approach. For example, where a women owned or led business may not necessarily have strong gender equality policies in place, have a strong performance in relation to gender-equal pay, or may not employ substantial numbers of women.¹⁴ This measure should be paired with associated targets and other complementary GRP initiatives and activities.

The QPS explains that the Queensland Government's functional maturity in procurement is on track to achieve a "leading" status by 2027, with the next status level described as "excellence".¹³ The Queensland Government's goals of using its purchasing power to drive increased gender equality in the private sector, and to demonstrate leadership in procurement, present clear opportunities to further embed gender equality principles into government procurement policies, and to expand upon current gender responsive measures and initiatives.

Gender equality in Queensland

There has been progress toward achieving gender equality in Queensland. The Queensland Government has also demonstrated ongoing commitment to tracking and analysing gender equality data. The 2022 Gender Equality Report Card found that women made up 44.4 per cent of the Queensland Cabinet, 54 per cent of all members on Queensland Government bodies, 51.2 per cent of public sector leadership roles, and 67.1 per cent of full-time equivalent public sector employees.¹⁵ Women are now more likely than men to complete year 12, with higher rates of women also holding a bachelor's degree.¹⁵ However, on average, the gender pay gap remains at 15.6 per cent.¹⁵

In 2020, the key drivers of this pay gap were conscious and unconscious gender discrimination, a lack of workplace flexibility for caring and other responsibilities, with women more commonly compromising workforce participation for family and unpaid care responsibilities, and significant gender imbalances between industries.¹⁶ Women continue to do the majority of unpaid caring and domestic work, and mothers (61.8 per cent) are more likely than fathers (32.4 per cent) to utilise work arrangements to care for their children.¹⁵ Women in Queensland are also less likely to participate in the workforce on a full-time basis (39 per cent of full-time employed persons).^{17,18} These common factors mean women fill a minority of leadership positions and are typically slower than men to progress in their careers.¹⁹ During the 2021-22 financial year, only 17.5 per cent of Queensland's chief executives and managing directors were women.¹⁵ Furthermore, mining, construction, engineering and information and communication technology are some of the highest paying industries in Australia,²⁰ yet have the lowest rates of female participation in their workforce.²¹

The recent pandemic exposed the extent of these inequalities, demonstrating the impact of these differences in economic security, unpaid workloads and experiences of domestic violence can have on the well-being and security of women.²² Procurement presents a variety of opportunities to improve gender equality but requires the proactive and strategic application of GRP principles and measures.

Evidence from other jurisdictions

In compiling this report, GRP principles and measures in different jurisdictions were investigated and reviewed. For each GRP case study, the type of GRP measure was identified and categorised in relation to the relevant stage in the procurement cycle that measure occurs. There are three stages of the procurement cycle:

1. pre-tender stage
2. tender stage
3. post-tender stage.

A brief outline of the key activities undertaken at each stage is provided at the beginning of the following sections. Those outlines are followed by case studies on how GRP measures are employed to advance gender equality.

GRP measures at the pre-tender stage

The pre-tender stage presents significant opportunities for governments to promote their social objectives, alongside pursuing the lowest cost. This stage involves establishing the need to procure, identifying the scope of the project and its specifications, and engaging with the relevant market to assess feasibility and possible restrictions.²³ Based on this pre-tender analysis, the qualification criteria for bidding suppliers are established. The qualification criteria are the minimum requirements, determined on a project-by-project basis, that bidding suppliers must meet to successfully bid for a project.⁹ The qualification criteria are released with the tender documentation.²⁴ Tender documents detail the specifications of the project and inform bidding suppliers of the criteria their bid will be evaluated against, providing an opportunity for suppliers to prepare a bid that demonstrates their suitability for the project based on its criteria. The pre-tender analysis and establishing the qualification criteria present significant opportunities to implement GRP measures. Implementing GRP measures in the pre-tender stage helps to advance gender equality through raising awareness of gender equality measures amongst bidding suppliers; positioning gender equality measures as desirable and advantageous business practice; and establishing a foundation of gender equality measures early in the tender process to support the cumulation of GRP measures across tendering stages. These case studies will demonstrate how other jurisdictions have implemented GRP measures in the pre-tender stage for the advancement of gender equality.

■ Western Australia: Compliance with WGEA gender equality reporting as tender qualification criteria

The Western Australian (WA) Government recognises the benefits of gender equality in procurement and the influence of government purchasing power in advancing gender equality.²⁵ In 2022, the WA Government commenced a Gender Equality in Procurement pilot program, which was "...designed to raise awareness of the benefits of gender equality in WA workplaces using selected public sector procurement processes."²⁶ This pilot has recently been extended. In their description of the program, the WA government outlined that "...public sector procurement presents an important opportunity for the WA Government to leverage its role as a major capital investor, asset manager and purchaser of goods and services to raise awareness and create behaviour change to progress gender equality."⁷

Through the pilot, the WA Government will also gather data from suppliers regarding their inclusion of gender equality measures in the workplace. This data will inform steps towards implementing gender equality after the pilot is complete.²⁶

The 19 participating government agencies will ask bidding suppliers to answer gender equality questions, incorporated into select procurement and tender processes. Bidding suppliers with over 100 employees will be asked to provide confirmation that they comply with the reporting requirements of the *Workplace Gender Equality Act 2012* (Cth) (the 'Act').⁷ Reporting to the

Workplace Gender Equality Agency ('WGEA') under the Act involves completing a questionnaire regarding the employer's gender equality policies and strategies, entering information regarding promotions, resignations, and parental leave into the Workforce Management Statistics, and creating a Workplace Profile.²⁷

Under the Act, reporting is mandatory for all non-public sector employers with more than 100 employees. Employers with more than 500 employees are additionally required to confirm they meet the 'minimum standards' as outlined in the Act.²⁷ Employers that do not comply with mandatory reporting are sanctioned by being listed on the WGEA websites non-compliant organisations list, which is updated fortnightly.²⁸ Bidding suppliers with fewer than 100 employees will be asked if their organisation has any gender equality policies or strategies in place.⁷

This pilot and its requirements are intentionally simple to meet in order to accommodate suppliers who are at different stages of engaging with gender equality. The WA Government note that the further introduction of gender equality measures and requirements in procurement will be undertaken gradually.

WGEA reporting encourages improvement of gender equality within organisations. Western Australia's pilot initiative to embed gender equality principles and practices through procurement provides a blueprint for a similar approach that could be adopted by the Queensland Government. This approach will, at a minimum, require suppliers to comply with reporting requirements under the *Workplace Gender Equality Act 2012*, and will encourage implementation of policies to support gender equality, such as removing barriers to workforce participation, parental leave entitlements and achieving gender parity in occupations and leadership roles.

■ Belgium: Gender impact assessment

The Belgian Government has had legal measures for the promotion of gender equality in place since the 1980s. In 2007, they established the Gender Act and Gender Mainstreaming Law and, in 2022, they amended Article 10 of the Belgium Constitution to include gender equality.²⁹ Gender mainstreaming is an internationally recognised public policy concept where a planned policy is assessed for its impact on each gender, and the policy is adjusted to correct for any unequal differences.³⁰ Under Article 3, subsection 3, of the Gender Mainstreaming Law, Ministers are required to conduct a gender impact assessment when scoping and developing public procurement projects.³¹ The purpose of the assessment is to ascertain how the project might impact the "respective situations of men and women".³¹ In Belgium, differences between the respective situations of men and women are not conclusively perceived as inequalities; differences are considered inequalities if they limit one gender's access to resources or fundamental rights. Where inequalities are identified in the assessment, procurement officers must integrate a gender perspective into the design of the qualification criteria and/or performance conditions to correct for the inequality.

To support government officials in implementing gender mainstreaming measures, the Belgian Government established the semi-independent Institute for the Equality of Women and Men (IEWM). IEWM have developed several documents to guide government officials' incorporation of gender equality in government activity. This includes a *Gender Perspective Checklist* that procurement officers can use to determine if their project has a gender perspective that needs to be taken into account,³² and the *Manual for the Integration of the Gender Perspective and the Consideration of the Equality of Women and Men in the framework of Public Procurement*, which provides recommendations and practical examples of how procurement staff can include gender equality and gender sensitivity within the procurement process.^{31,33} Similarly to other countries, lowest cost for the greatest intrinsic value remains as the Belgian Government's primary criterion for awarding public contracts.³² As the lowest cost criterion is often in competition with social and ethical benefits, it can be difficult for procurement officers to include a gender perspective within the qualification criteria. This example from Belgium differs in that by establishing the IEWM, there is an institution offering practical solutions to procurement officers on how to navigate the competition between these objectives while including a gender perspective in qualification criteria and performance clauses that contribute to economic advantage by means of efficiency and/or

effectiveness.^{31,32} How the Belgian Government actions a gender perspective through the performance clauses will be discussed in the tender stage.

■ Vienna, Austria: Gender-sensitive needs assessment

In 2010 the City of Vienna ran the *Advancement of Women and Gender Aspects in the Award of Public Contracts* pilot program to test the practicality of implementing GRP instruments in the procurement process.³⁴ The pilot was implemented within two City of Vienna departments. Its implementation and execution were evaluated over two years and the pilot was deemed to be a success. Based on its smooth implementation, in 2012 three more departments were required to implement the GRP instruments in their procurement process, and a further four departments in 2015.³⁴ There are three GRP instruments set out by the City of Vienna (one at each stage of the tender process) that can be used to advance women and take consideration of gender in the awarding of procurement contracts. The instrument employed at the pre-tender phase is a gender-sensitive needs assessment used during procurement planning. Like the Belgian Government, the City of Vienna uses a gender mainstreaming approach to assessing the gender impacts of proposed projects. The City of Vienna have a Department of Gender Mainstreaming that is responsible for supporting departments and agencies in advancing gender equality.³⁵ To support staff awareness, training and checklists are provided to guide procurement staff in undertaking a gender-sensitive needs assessment of their procurement project.^{34,36} Outcomes of these assessments are to be accounted for in the project planning and included within the tender documentation provided to bidding suppliers.³⁷ Including the results of the gender needs assessment assists bidding suppliers to account for relevant gender impacts and inequalities within their application for tender. This case study demonstrates a sound approach to implementing GRP measures by first piloting its inclusion in the procurement process, evaluating its effects, and then incrementally increasing the scope of its application based on the evaluation outcomes. This case study also provides an example of how government departments can be supported in the implementation of GRP by establishing a body responsible for providing GRP implementation guidance. The remaining two GRP instruments (performance clauses and evaluation) used in the City of Vienna procurement will be discussed in later sections of this report.

■ Canada: Gender-based analysis responsibility centre and community of practice

The Canadian Government's uptake of social procurement measures, including GRP measures, is relatively recent. A two-year trial was conducted in 2018-2020 to test the implementation and outcomes of applying social procurement measures. This testing period highlighted the many opportunities available within procurement to achieve social objectives and increase supplier diversity by improving accessibility for marginalised groups in the procurement process.³⁸ In response, the *Policy on Social Procurement* was established in 2021. The policy grants Public Services and Procurement Canada (PSPC) the authority to develop targeted procurement programs aimed at increasing supplier diversity in public contracts, and to promote the selection of contracts that offer social-economic benefits.³⁹

Gender equality and women's participation in business is currently being addressed by the PSPC through its gender-based analysis responsibility centre, made up of representatives from branches across the PSPC department. This group is referred to as the community of practice. The community is responsible for disseminating information and guidance on best practice gender-based analysis and implementing its findings across procurement activities.⁴⁰ The impact of the community's research on improving the Canadian Government's gender-responsiveness in procurement planning and awarding of contracts is not clear. This is possibly due to the infancy of Canadian Government developments in social procurement. However, this case study demonstrates the ambition of the Canadian Government in utilising government procurement to promote gender equality, alongside other social objectives, and provides insight into how gender-responsive procurement can be formalised within a procurement department.

■ Switzerland: Equal pay as a legal qualification criteria of bidding suppliers

Under Switzerland's Federal Act on Public Procurement, only businesses that provide equal remuneration for women and men may apply and be considered for public contracts.⁴¹ Equal pay is therefore a legal qualification criterion that must be met at the pre-tender stage.¹⁹ To support businesses in identifying pay disparities within their business, the Swiss Government provide a gender pay gap assessment tool, *Logib*, that is free and simple to use.⁴² The government have developed a smaller enterprise (2-49 employees) and larger enterprise (50+ employees) version of the equal pay assessment tool to reflect the differing capacities of small and large business.⁴² This provides all businesses the opportunity to anonymously identify and rectify pay inequalities prior to bidding on a public contract.⁵ To ensure that awarded suppliers are complying with this criterion, Swiss procurement officers can conduct an audit.⁴¹ If an audit reveals that an awarded supplier is not providing gender equal pay, the business may have its participation limited, excluded, or revoked from the project.⁴¹

The *Buying for Social Impact* project conducted by the European Commission further confirms that implementing socially responsible public procurement is easier when backed up by legal frameworks.⁴³

■ United Kingdom: Women in construction for 2012 London Olympic Games

In preparation for the 2012 London Olympic Games, the UK Government's Olympic Delivery Authority (ODA) was focused on social benefits being part of the legacy it left behind. One of these social benefits was inspiring and improving greater participation of women and minority groups in the construction industry.⁴⁴ The ODA included employment targets for these groups within the tendering documentation and took the targets into consideration in the evaluation of supplier bids to work on the construction of Olympic Park and the Athletes Village.

To assist contractors in meeting these targets, the ODA established the Women into Construction (WiC) project, funded by the Construction Industry Training Board (CITB) and the London Development Agency.⁴⁵ The ODA aimed to achieve 11 per cent women's participation in the construction of Queen Elizabeth Olympic Park. At the completion of the project, women had only comprised 5 per cent of the Olympic Park workforce, less than half of the ODA's set target for women's participation. However, this figure was still double the construction industry average for women working on site. Additional positive outcomes of the project were that 455 women received construction training, 82 per cent of the 87 women who undertook work placements gained employment, 6 per cent of apprenticeships were awarded to women (compared to an industry average of 1.2 percent), and the project also demonstrated that many women are eager to participate in the construction industry.^{44,46} The project was sufficiently successful, and CITB extended its funding.

The WiC project has grown to be an established broker between training institutions, employment organisations, and construction industry contractors for women seeking construction jobs and for construction companies seeking to increase their female employment rates.⁴⁴ This case study from the UK is particularly pertinent to Queensland, given that Queensland will be hosting the 2032 Olympic Games. This case study provides a tangible example of how the Olympic Games could contribute to increasing women's participation in the construction industry workforce through targeted procurement measures and programs, and the potential flow on effects of such measures.

GRP measures at the tender stage

The tender stage follows the pre-tender stage. It involves the evaluation of supplier submissions, awarding the project to the supplier most qualified based on the evaluation criteria, and establishing a project contract.^{9,23} As previously mentioned, one of the primary criterion for awarding a public contract is value for money.¹⁰ However, as outlined in the QPP, determining value for money exceeds simply assessing for the lowest price.¹⁰ Value for money in public procurement is increasingly considered to include economic, environmental, and social benefits.⁹

At the tender stage, bids are evaluated and the project is awarded to the supplier who scores highest against the evaluation criteria. In drafting the awarded supplier's contract, performance clauses can be included. Performance clauses can mandate specific ways a project must be carried out or targets that must be met.²³ GRP measures can be included in the tender stage by including gender equality measures in the tender evaluation criteria, or including gender equality targets in the project contract. Implementing GRP measures in the tender stage helps to advance gender equality through incentivising gender equality measures in business practices by attributing value to GRP measures in the evaluation of bids. Implementing GRP measures in the tender stage can also result in tangible gender equality outcomes, where key targets are reflected in contractual terms and agreements relating to projects. The following case studies demonstrate examples of the GRP measures and their benefits in the tender stage.

■ Victoria, Australia: Women in Construction

The Victorian Government has been working to increase women's participation in the construction industry through public procurement.⁴⁷ The construction industry has one of the highest income rates, yet has one of the lowest levels of female participation. The Victorian Government understands that gender imbalances in industries can be a key driver in the pay gap between men and women.⁴⁷ This effort to improve women's participation in the construction industry stems from a broader initiative driven by the state government to improve gender equality in Victoria. In 2016, *Safe and Strong: A Victorian Gender Equality Strategy* was established.⁴⁸ This strategy identifies procurement as a lever in advancing gender equality in Victoria. This was further supported in 2018 by the *Victoria's Social Procurement Framework*, which identifies gender equality as a social principle of Victoria's procurement policy.⁴⁹ In 2020, the Victorian Government went a step further and passed the *Gender Equality Act 2020 (Vic)*. Under Section 49 of this Act, the Minister for Finance can introduce procurement policies and strategies to facilitate the promotion of gender equality.⁵⁰ This culmination of gender equality legislation, strategies, and frameworks provides procurement officers with significant backing to promote gender equality through GRP measures within Victoria's procurement of goods and services.

To target women's low levels of participation in the construction industry, the Victorian Government invested \$500,000 into the *Building Gender Equality: Victoria's Women in Construction Strategy 2019-2021*.⁴⁷ This strategy outlines a range of actions aimed at increasing recruitment and retention of women working in construction. In addition, the strategy identifies adjusting procurement standards and measures to incentivise government suppliers from the construction industry to improve their gender equality standards.⁴⁷ The Victorian Government commissioned an independent evaluation of the 2-year strategy by the University of Melbourne.⁵¹ The evaluation determined that given the Victorian Government are a significant client of the construction industry, implementing GRP measures would have "...beneficial change on the circumstance of women in the industry and be a crucial part of an ongoing process of changes in this area."^{51(p146)} Based on the strategy's success, the Victorian Government developed the *Building Equality Policy (BEP)*.⁵² The objective of the BEP is to advance gender equality in the construction industry through procurement measures. The BEP aims to achieve this through implementing three actions that awarded suppliers must comply with:

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

These procurement actions must be included in all public construction contracts valued at, or over, \$20 million under the *Financial Management Act 1994 (Vic)*. The BEP is also implemented through the social procurement framework, where its actions are included in buyer guidance documentation and templates for tender invitations and performance clauses.⁵² The BEP additionally outlines the compliance and monitoring measures established to support the implementation of the policy. These will be discussed in a further section of this report. Victoria's BEP offers a strong example of GRP development and implementation. It demonstrates the use of consultation, strategy trials, and evaluation in developing effective GRP measures, as well as the benefit of complementing policy

implementation with legislation and frameworks. Like the Victorian Government, the Queensland Government are eager to increase female participation in the construction industry. The Queensland Government has been trialling measures for increasing workforce diversity on select public construction projects. The measures have seen significant increases in female participation when compared to industry standard.⁵³ This case study from Victoria may provide the Queensland Government with a blueprint for how they could accelerate their initiative to further improve gender equality across public construction contracts.

■ **Belgium: Gender perspectives in performance contracts**

In Belgium, if a gender impact assessment for a public procurement project identifies relevant gender inequalities, procurement officers must integrate a gender perspective into the design of the qualification criteria and/or performance conditions to correct for the inequality.³¹ The *Manual for the Integration of the Gender Perspective and the Consideration of the Equality of Women and Men in the Framework of Public Procurement* provides four suggestions for how equality of women and men can be incorporated into the performance contract. These suggestions include contracting that the supplier must agree to develop a diversity policy or action plan, ensuring gender balance in the composition of the team, ensuring there is gender balance if external consultants are required, or ensuring there is gender balance in the organisation of events (as reflected through speakers, experts, attendees, and so on).³¹ Performance conditions must be included in the tendering documentation to inform bidding suppliers in advance of their inclusion. If an awarded supplier does not agree to meet the performance contract specifications, the contract offer can be withdrawn.³¹ The benefit of applying GRP measures at the contract stage is that it enables suppliers who are at different stages of incorporating gender equality measures the same opportunity to bid for public contracts, while still ensuring that the execution of public contracts are contributing to the advancement of gender equality.

■ **Vienna, Austria: Contractual commitments to the advancement of women**

The City of Vienna requires bidding suppliers with more than 20 employees undertaking contracts for greater than 6 months and for more the 50,000 Euros, to make a commitment on implementing measures for the advancement of women.³⁴ These commitments are mandatory for at least the term of the contract. The commitment must be declared during the tendering stage as part of the supplier's submission. There are four different measures: advancement of women in recruitment and promotion, promotion of women in qualification, work-life balance for men and women, and structural measures.⁵⁴ Each measure offers several options for implementation. Suppliers must commit to one option per measure.³⁴ The options vary in intensity; some simply involve reporting on the number of women in particular role types (such as leadership or apprenticeship roles), while others involve a commitment to increasing these numbers. This offers suppliers the flexibility to choose an option that is within their capacity to successfully implement. This is important, as commitments that are not fulfilled during the contract period could lead to sanctions.⁵⁴ This will be discussed further in a section regarding the post-tender stage of the procurement cycle.

■ **La Mancha, Spain: Social criteria used as a tiebreaker in evaluating tenders**

In the Municipality of La Mancha, Spain, a gender perspective is included in the procurement of garden services for the headquarters of the Department of Economics of Castilla, and for a training centre in the City of Toledo. To evaluate bids for the gardening contracts, a numerical score is given to different criterion. Price accounts for 90 of the 100 points, and the remaining 10 take into consideration the environmental friendliness of the plants and products used by the bidding supplier. If there is a tie in the scores of bidding suppliers, social criteria are evaluated to award the contract. These social aspects are considered in the following order:³⁷

1. tender with greatest number of employees with a disability or at risk of social exclusion (additional preference awarded to tender with highest number of these employees employed on a fulltime basis)
2. tender with lowest share of fixed-term contracts

3. tender with highest percentage of female employees.

This case study demonstrates the use of social criteria in evaluating supplier bids for public contracts. Its limited application to the gardening services of two government buildings, though, does not offer sufficient scope to meaningfully improve the participation of persons with a disability, persons at risk of social exclusion or women. However, with broader application, this measure could be used to incentivise bidding suppliers to improve their gender equality standards to position themselves as advantageously as possible within the evaluation process.

■ **Salamanca, Spain: Five points for gender equality in evaluation of gardening contract applications**

The Municipality of Salamanca, Spain, uses a similar evaluation scoring system to the system used in La Mancha for specific gardening services described in the previous section. The example in Salamanca differs from the La Mancha case study, in that criteria points are distributed to place greater priority on social and environmental aspects. Price accounts for just 35 points and quality of service for 15. The remaining 50 points are broken up across categories including the employment of people in disadvantaged situations (10 points), use of low-emission vehicles and machinery (5 points), use of new plant species (5 points), and environmental criteria (15 points). A total of 15 points are attributed to 'social criteria' under which a gender equality plan is appointed 5 points.³⁷ This case study has greater capacity to drive advancements in gender equality, as well as other social and environmental outcomes, than the case study from La Mancha. The approach is applied across a larger number of contracts, and a greater percentage of evaluation points are allocated to social and environmental criteria. The emphasis on these social benefits in the evaluation process would provide suppliers with a stronger incentive to improve these areas to make themselves more competitive in the tendering process.

■ **Berlin, Germany: Mandated inclusion of performance clauses in public contracts for the advancement of women**

The Berlin Government was an early pioneer for striving to advance women through public procurement. In 1999, Berlin's Ordinance for the Advancement of Women (Frauenförderverordnung – FFV) came into force under the *State Equal Opportunities Act* (Landesgleichstellungsgesetz – LGG). The development of this law was driven by concerns that the private and not-for profit sectors would not voluntarily mirror the advancements in gender equality that were being implemented within the public sector, as well as a desire to ensure that public funds were spent in the pursuit of a more gender balanced society.⁵⁵

Paragraph 13 of the LGG outlines that all bidding tenders are required to commit to implementing a number of measures for the advancement of women if awarded the contract.⁵⁶ The FFV lists a range of possible measures that suppliers can use as a guide. Measures can include offering traineeships to women, verifying equal pay, offering workplace or external childcare, proportions of women employees and women in leadership.¹⁹ These measures are included as part of the awarded supplier's contract and the supplier can be sanctioned if the obligations are not met.⁵⁶

In 2010, the *Berlin Tendering and Public Procurement Act* and the LGG were updated to strengthen the impact of the women advancement measures. The amendments increased monitoring of compliance measures, and expanded the number of public contracts that the mandates applied to by including construction contracts, and lowering the enterprise size and financial value limits.⁵⁶ These changes make Berlin's compliance threshold one of the most expansive, where suppliers with just 10 employees or more, and contracts greater than 25,000 Euros, are now obligated to include and meet women advancement measures.⁵⁶

GRP measures at the post-tender stage

The final stage of the procurement cycle is the post-tender stage. This stage involves managing and monitoring the awarded supplier's execution of the project, and their compliance with the contract and their performance clauses.⁹ Mechanisms for monitoring compliance with the performance criteria include site visits, audits, requesting justifying documents, tracking through digital data, and self-assessment questionnaires. Implementing GRP measures at the post-tender stage helps to advance gender equality by providing an opportunity for public procurement officers to identify when suppliers may require guidance in meeting their gender equality obligations. This is particularly important when suppliers are inexperienced with gender equality requirements and may require a greater level of support.⁵⁷ Monitoring and obligatory reporting also encourages compliance with performance contracts, and provides useful feedback on the procurement process. The following case studies demonstrate how GRP measures can be implemented at the post-tender stage for the advancement of gender equality.

■ **Victoria, Australia: Transitional compliance to women's participation in public construction projects**

The Building Equality Policy (BEP) is implemented through Victoria's Social Procurement Framework; the key document that guides Victoria's broader social procurement objectives.⁵² The Victorian Government appointed the Social Procurement Assurance Function (SPAF) to monitor supplier compliance with the BEP. In these early stages of implementing the BEP, a 'transitional compliance' approach will be used. For 2022 and 2023, non-compliance will be addressed through education and awareness-raising, rather than penalty. From 2024, a compliance date will be included in public construction contracts, stipulating a specific time or date in which compliance must be achieved.⁵² Additionally, the Victorian Government will appoint the development of a monitoring and evaluation framework to an independent academic. An annual evaluation will be conducted in 2022 and 2023 to monitor whether the program is achieving the objectives of the policy, whether it is adequately reflecting the needs of women in the construction industry, and the impact the policy has on project delivery. The results of these evaluations will be used to inform increases in requirements and percentages of women's participation in public construction projects.⁵²

■ **Vienna, Austria: Proof of implementation for contractual gender equality commitments**

The City of Vienna requires bidding suppliers to make a commitment to implementing measures for the advancement of women.³⁴ Awarded suppliers must provide proof of the implementation of their contractual commitment to gender equality halfway through their contract period.³⁴ If an awarded supplier does not meet their commitment, they may be penalised. This can involve a financial deduction of up to 1 per cent of the contract amount (capped at 10,000 Euros) or exclusion from consideration for future contracts due to a tarnished reliability record.⁵⁴

Conclusion

This report reviews case studies exemplifying interjurisdictional measures for advancing women and promoting gender equality through public procurement. These case studies offer a spectrum of strength in their capacity to promote gender equality. Some jurisdictions are in the testing and awareness-raising phase of GRP implementation while others have well-established GRP measures and requirements.

In investigating GRP in other jurisdictions, the implementation of GRP measures was most common at the pre-tender and tendering stages. At the pre-tender stage there was a trend of gender-analysis in the project planning phase of the procurement process. Governments in Vienna, Belgium, and Canada conduct gender analysis to determine if a procurement project has a gender perspective (how the project impacts genders differently). The results of the analysis are used to inform project development, and negative differences can be accounted for in the qualification criteria. Gender equality requirements or quotas applied as qualification criteria may have the broadest impact on organisational behaviour as it encourages bidding suppliers to incorporate gender equality measures to remain competitive.

A case study from Switzerland presented one of the strongest pre-tender GRP measures reviewed. Equal pay is a legal qualification criterion for all public procurement projects. Results of a research project on socially responsible public procurement, conducted by the European Commission, identified that policies with social or environmental objectives, such as the QPP, are more easily implemented and achieved when the objectives are supported by a jurisdiction's legal frameworks.⁴³ In Victoria, Belgium, and Berlin, GRP measures were also bolstered by existing gender equality legislation.

Awareness raising, training and support for procurement officers and bidding suppliers implementing GRP measures is evident across a number of the case studies. The WA Government's gender equality in procurement pilot program has a primary objective to increase awareness of the benefits of gender equality in procurement. The program requirements are intentionally simple, in order to accommodate suppliers at different stages of implementing gender equality measures, with plans to increase requirements gradually over time. The City of Vienna provides training, workshops, and checklists to create awareness of gendered impacts in public projects and to guide procurement staff in undertaking a gender-sensitive needs assessment. The Belgian Government have established an institute dedicated to the equality of women and men (IEWM), who are responsible for developing documents, including checklists and manuals, to guide government officials in incorporating gender equality in government activity.

Case studies from the UK and Victoria present GRP measures focused at generating greater gender balance within the construction industry; one of the most gender-segregated industries. Pre-tender GRP measures were used to increase female participation in the construction of the London Olympic Games infrastructure. The Women in Construction program doubled the industry average for women working on site in the construction of Queen Elizabeth Olympic Park and has continued to support women seeking construction jobs and construction companies seeking to increase their female employment rates. This case study from the UK is particularly pertinent, as Queensland prepares to host the 2032 Olympic Games. It provides a tangible example of how the Games could contribute to increasing women's participation in the construction industry.

The Queensland Government's interest in increasing women's participation in the construction industry is evident from their Women in Construction pilot program. This initiative shares similarities with Victoria's more established Building Equality Policy (BEP). BEP requires actions to increase women's participation in public construction projects to be included in the procurement contract. The BEP is a strong example of GRP trialling, development, and implementation. This tender stage case study could provide a blueprint for Queensland to further advance their Women in Construction program.

In investigating tender stage GRP measures, the Spanish municipalities of La Mancha and Salamanca were both found to use gender equality criterion in their evaluation criteria of select projects. In these cases, a weighting is assigned to each criterion which is tallied to appraise bidding suppliers' applications. In these case studies, the use of gender equality measures as an evaluation criterion is limited in its degree of influence by the evaluation weighting given to gender equality measures compared to other factors such as price, and limited by the scope of procurement projects to which it is applied. Generally, however, this GRP measure could be impactful to advancing gender equality if gender equality was allocated a higher weighting in the criteria and if applied to a broader range of procurement projects.

At the tender stage, governments in Belgium, Vienna, and Berlin use performance clauses to ensure publicly funded projects are advancing gender equality. Gender equality advancement measures, to be included within the project contract, must be selected by the supplier upon application or award and implemented during the project period. Monitoring and evaluation at the post-tender stage supports compliance with performance clauses.

Case studies from Victoria and Vienna offer examples of monitoring and evaluating the implementation of gender equality measures in procurement projects. The City of Vienna presents a particularly strong approach to GRP, with strong implementation of GRP measures at all three stages of the procurement cycle, including sanctions for non-compliance at the post-tender stage. Approaches to GRP at the post-tender stage were the least common when conducting this investigation.

This review demonstrates a growing global trend of utilising government purchasing as a strategic tool in advancing gender equality and illustrates a range of methods and varying intensities of implementation by which this can be achieved.

In Queensland, there remains significant inequalities between men and women in the private sector workforce. Public procurement is a strategic tool the Queensland Government can use to advance gender equality at the societal and organisational level. The case studies included within this review offer policy-learning on how the Queensland Government might further engage with GRP principles and practices to this end. Further implementation of GRP in Queensland would align with several strategic initiatives the Queensland Government are undertaking and would have beneficial outcomes for all Queenslanders.

Recommendations

The following recommendations aim to encourage and support the Queensland Government in its ambitions to improve gender equality in Queensland.

■ Recommendation 1: Further embed gender equality principles and practices into the Queensland Procurement Policy

In the Queensland Women's Strategy 2022-2027, the Queensland Government commits to using its purchasing power to drive increased gender equality in the private sector. To be consistent with this commitment and to support the Queensland Women's Strategy 2022-2027 objectives, it is recommended that the Queensland Government explicitly incorporate this goal in line with the procurement principles in the *Queensland Procurement Policy* and *Queensland Procurement Strategy*. This fundamental commitment should be coupled with embedded gender equality principles, clear targets, and the implementation of additional gender responsive procurement measures at the pre-tender, tender, and post-tender stages, which should all be reflected in the QPP and QPS.

■ Recommendation 2: Generate awareness of gender-responsive procurement measures among procurement staff

Educating and training procurement staff about GRP principles and measures creates awareness that aids implementation and incremental development. It is recommended that the Queensland Government conduct GRP training and workshops, as well as develop education materials and manuals to support procurement staff in implementing the GRP principle in procurement processes.

■ Recommendation 3: Establish a GRP strategy with an incremental implementation plan

A particular strength of the Victorian and WA case studies is the strategically incremental progression of their strategies. The WA Government is largely in the awareness-raising stage of their strategy with plans to intensify their GRP measures over time. Victoria's Building Equality Policy is the product of several years of trialling and evaluation. Both states offer blueprints from which the Queensland Government could model similar GRP strategies. It is recommended that the Queensland Government develop a strategic and incremental plan for intensifying gender responsive procurement implementation and assessing the success of key initiatives.

■ Recommendation 4: Consider opportunities to advance gender equality through the hosting of the 2032 Olympics Games

The Women in Construction project conducted by the UK Government's Olympic Delivery Authority in the construction of Queen Elizabeth Olympic Park, utilised hosting the Games to advance gender equality objectives in the construction industry. It is recommended that the Queensland Government consider the opportunities hosting the 2032 Olympic Games offers for advancing gender equality.

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