



University of
South Australia

25 January 2013

Ms Mairi Steele
Branch Manager
Office for Women
Women's Branch
Department for Families, Housing, Community Services and Indigenous Affairs
PO Box 7576
Canberra Business Centre, ACT, 2610

Dear Mairi,

We have been both asked by the Minister for the Status of Women, Hon Julie Collins MP, to comment on the outcomes sought in terms of the gender equality indicators (GEIs) under the *Workplace Gender Equality Act 2012* (WGE Act), and the options for the development of the reporting matters.

As you know, the Centre for Work + Life is a national research centre that investigates work and its intersection with household, family, community and social life in Australia. For the past six years we have conducted research into the working lives of men and women in Australia, and our staff include researchers with many decades of experience in analysing the Australian labour market and the situation with respect to gender inequities within it.

We appreciate the opportunity to comment on the consultation document provided, and recognise the significance of the WGE Act in offering means and opportunity to improve the circumstances of women in terms of labour market outcomes. Given the short period for consultation and its timing, we have only been able to make fairly brief comments as below on several of the issues raised. However, we would be happy to participate in any face-to-face consultation that is planned for later in 2013.

Key Outcomes:

In our view the designated outcome/s:

- Do not include any outcome on preventing and better responding to sexual harassment where it occurs. While the GEIs were developed to address 'the most pressing contemporary gender equality challenges' and the 2009 Review of the former *Equal Opportunity for Women in the Workplace Act 1999* (EOWW Act) identified sexual harassment as a key barrier to achieving gender equality for women and men, no GEI on sexual harassment has been included in the WGE Act. However, in our view this would not prevent the development of an explicit outcome measure on sexual harassment.
- On improving women's participation is both too general and too broadly conceived. It would seem to be focused on just the *quantum* rather than also the *quality* of that participation. In our view advancing gender equality requires more than increasing the numbers of women in paid work. It requires ensuring that employment participation is in good quality jobs, both in terms of job security and decent working time arrangements as well as access to career progression. A better outcome measure might be: To increase and improve the quality of women's workforce participation across Australia.

Centre for Work + Life
Hawke Research Institute
University of SA

GPO Box 2471
Adelaide
South Australia 5001
Australia

t: +61 8 8302 4175 f: +61 8
8302 4258
e: Barbara.pocock@unisa.edu.au
www.unisa.edu.au/hawkeinstitute/cwl/default.asp

CRICOS Provider Number 00121B

- On improving equal remuneration should be made more precise to reflect the intent of both the WGE Act and the equal remuneration provisions in the *Fair Work Act 2009*, which cover all the employers covered under the WGE Act, ie to improve equal remuneration for work of equal *or comparable value*, between women and men. It should be made clear, as set out in the Fair Work Ombudsman’s Best Practice Guide to Pay Equity, that equal remuneration means *total* remuneration. This includes base pay, discretionary pay, allowances, performance payments, merit payments, bonus payments and superannuation.
- On increasing flexible working needs to include reducing the disadvantage for those who use flexible work arrangements, if the ghettoisation of those who do so, in terms of promotion, training, work allocation etc is to be addressed. In our view the focus should be on responsive work organisation and job design that supports both men and women to better manage their work and care responsibilities.
- On promoting engagement on gender equality is in fact a *process* not an *outcome* measure. It might be better framed as ‘to improve employee and employer engagement on gender equality.’

Measureable outcomes and process indicators

While we support the development of both process indicators and measureable outcomes, we focus on the latter as these are really where the ‘rubber’ of the WGE Act ‘hits the road’. In our view they should be sufficiently robust to both provide employers and the WGE Agency with data against which to measure progress towards gender equality and provide insight into areas of potential improvement.

Priority minimum measureable outcomes for each key objective should include the following

1. Improving women’s workforce participation - data should be provided on the gender composition of the workforce (including occupational classification by sex, also disaggregated into part-time and full-time status by sex and contract status (ongoing, fixed term or casual); recruitment, retention and exits by sex). We suggest that data on a broader set of relevant employment conditions, which shape gender equality and indicate its outcomes, should also be included, particularly on training and professional development (for example ‘training spend’ per head by sex and occupational classification would be a very useful measure for organisations to monitor). If the improvement in preventing and better responding to sexual harassment where it occurs is to be included as an outcome measure, one priority minimum measureable outcome would include the percentage of senior managers, front-line supervisors/team leaders and employees who have undertaken training on sexual harassment.
2. Improving women’s participation in leadership positions – indicators should include the gender composition of all levels of workplaces and governing bodies, part-time and full-time status of those in workplace leadership positions and (as for outcome 1) promotion success rates by sex.
3. Equal remuneration between women and men. Data provided should include: remuneration data (by base pay rates *and* total remuneration) by sex, by occupation and classification and part-time and full-time status.
4. Increasing flexible working. Data provided should include: the availability *and* take-up of relevant employment terms, conditions and practices relating to flexible working by sex as well as by full-time and part-time status and contract status (ongoing/fixed-term/casual).
5. Employee and employer engagement on gender equality. Data provided should include that on consultation with employees on issues concerning gender equality in the workplace. The percentage of the workforce directly consulted over gender equality issues by sex should be specified to ensure that all levels of the workforce and both women and men are consulted.

Impact on business, timing, assistance, industries

- Our experience in collaborative research, over the last decade in particular, with employers who will be reporting to the WGE Agency, suggests many employers already collect data that could be used to report on the outcome indicators suggested above or have the human resource software

capability to enable them to do so. Moreover, many organisations which currently use such data internally find it of enormous benefit in meeting their people management and legal compliance objectives and in developing effective business strategies.

- The majority of employers covered by the WGE Act have been reporting to the former Affirmative Action and the Equal Opportunity for Women in the Workplace Agencies *since 1986*. Moreover, all employers reporting to the WGE Agency currently have to comply with a number of relevant legal minimum standards in anti-discrimination and employment regulation including on sex discrimination, sexual harassment, and flexible working arrangements. If the WGE Act is to have any impact on improving workplace gender equality in Australia, it is vital that the already long phase-in period for reporting that is set out in the Act is not further delayed.
- Some new or smaller employers may need assistance in relation to some of the outcome measures. The excellent suite of tools and guides already provided by the WGE Agency in relation to equal pay could be further extended to the other outcomes. However it should also be noted that the Fair Work Ombudsman has also developed a suite of guides for similar issues such as equal pay and work and family that could be utilised by the WGE Agency and employers covered by the WGE Act.
- The indicators suggested above should be included as a minimum for *all* industries. There is a case for additional or industry specific measures which should be developed in collaboration with the relevant industry bodies (employer and unions) as well as researchers, to ensure evidence-informed outcome measures can be developed.
- Having developed a basic suite of indicators, it will be very useful to industry to see how their own outcomes compare with industry benchmark measures on these indicators, as well as to track their own progress over time. Hopefully this will help organisations understand where they sit in industry and national comparison and allow the WGE Agency to see where examples of good practice lie, as well as places where targeted assistance will be useful.

We strongly endorse the notion of outcome measures that focus on positive progress in relation to past organisational outcomes, and compared with industry benchmarks.

Yours sincerely,

The image shows two handwritten signatures in black ink. The first signature on the left is 'B Pocock' and the second signature on the right is 'Sara Charlesworth'.

Professor Barbara Pocock and Associate Professor Sara Charlesworth