

- Workplace Gender Equality Act 2012
 - Draft Framework for Reporting Measures under the Gender Equality Indicators
- Submission from economic Security4Women
 - Date 29 January 2013
 - Emailed response to: women@fahcsia.gov.au.
- eS4W grants permission for our comments to be made public.
- eS4W is keen to participate in targeted consultations to be held early in 2013 with other stakeholder groups, including peak industry, employee and women's groups.

Workplace Gender Equality Act 2012: Draft Framework for Reporting Measures under the Gender Equality Indicators

Submission from economic Security4Women

Introduction

economic Security4Women (eS4W) is pleased to offer this submission on the Draft Framework for Reporting Measures under the Gender Equality Indicators (GEI) and hope to be involved in further consultations around this matter.

The following responses represent the views of many of our members in particular Australian Federation of Graduate Women, National Federation of Australian Women, Women with Disabilities Australia, Queensland Working Women's Centre, Women in Adult and Vocational Education (WAVE)

Our general concerns about the Reporting Measures are:

- that the Gender Equality Agency has access to the expertise required for this highly technical exercise;
- that the reporting measures are able to incorporate the complexity of types of work required to cover the range of employment actualities for women, including women facing disability and other barriers.
- that the GEIs be concise, measurable and meaningful, based on relevant and realistic (i.e. achievable) outcomes.
- that enough resources are available for the GEIs to be measured, collated, analysed and reported with meaningful follow up.
- that agencies that employ more than 100 people on behalf of/contract out to other businesses are included in any reporting process.

About economic Security4Women

eS4W is one of six national women's alliances funded by the Australian Government.

eS4W advocates and lobbies for change to policies that continue to have a negative impact on the status of women and their ongoing economic security.

Our member organisations (see attachment) agree that lifelong economic wellbeing is a high priority for Australian women:

- it empowers women to make choices and live independently and
- it enriches all aspects of women's lives including their education, health, employment, personal safety and financial security over their life time.

Our members:

- identify barriers to women's economic security
- prioritise the key issues for action to bring about change
- engage with Government on behalf of all Australian women and
- advise and encourage government to formulate appropriate policy directions

Through advocacy and dialogue with government, eS4W is determined to:

- achieve equal pay rates for women and narrow the Gender Pay Gap
- improve women's access to relevant and affordable education and training.
- improve women's control over economic resources and income for retirement and subsequently financial security
- improve the attention given to a gender perspective throughout budgetary and policy processes
- improve women's access to sustainable employment and business enterprise
- improve women's access to financial planning and superannuation
- improve women's access to affordable and accessible childcare (including out of school hours and vacation care)
- improve the recognition given to the work and needs of all carers (including carers of the age and disabled)
- improve the provision of appropriate working conditions for women and to enhance their career advancement within employment
- improve the rate of elimination of employment discrimination and occupational segregation
- promote women's (actual and potential) role in the economy through their contributions to productivity, in leadership and decision making positions.

Core issues of interest

In the period 2011/2013 our core areas of interest have been:

- The Australian Care Economy
- Pay and Gender Workforce Equity
- Education and Training of Women and Girls
- Gender Statistics and Analysis

About our members

Membership with eS4W is open to any organisation that:

- has a primary interest in women and women's issues
- has a national focus
- supports the principles and objectives of eS4W
- is prepared to work collaboratively on national policy issues affecting women.

Each National Member Organisation has two representatives and each State Member Organisation has one representative on eS4W Council that decides on the strategic direction of eS4W. The Council elects the Management Group who oversee the work of the alliance. Our independent paid contractors include an Executive Officer, a Policy Advisor and a Finance and Administration Coordinator.

About the National Women's Alliances

Six National Women's Alliances take the lead in ensuring that the voices of as many women as possible are heard, especially those who in the past have found it difficult to engage in advocacy and decision making.

The role of the Alliances is

- To bring together women's organisations and individuals from across Australia to share information, identify issues that affect them, identify solutions, and
- To engage actively with the Australian Government on policy issues as part of a better more informed and representative dialogue between women and government.

The Alliances are made up of a mix of sector-based and issues-based women's groups each with a distinct focus and a strong capacity for networking and advocacy activities. eS4W collaborates with these other Alliances on joint projects.

To find out more:

Visit: www.security4women.org.au

Email: coordinator@security4women.org.au

Phone: 1 300 918 273

Address: PO Box 591, North Sydney NSW 2059

1. Do the key outcomes sufficiently reflect the intent of the Act?

1.1 Issues affecting gender equality in the workplace

The Act provides an opportunity for all stakeholder groups to identify the issues affecting gender equality in the workplace. The views of the business and broader community are important, and our participation in the development of the reporting matters is welcomed and encouraged.

We therefore ask how well the reporting matters outlined in the Consultation Paper will reflect the issues affecting gender equality in the workplace. How well do they reflect the barriers to equality in women's employment as identified in the KPMG review of the Equal Opportunity for Women in Workplace (EOWW) Act¹ or those identified by members of eS4W?

In 2010 KPMG identified the following barriers:

- Attitudes;
- Culture of workplaces;
- Lack of data and understanding of the dimensions of inequality in work place;
- Data gaps –lack of specification;
- Lack of understanding of the business case for increased participation of women in workforce;
- Occupational segregation;
- Bias in recruitment and selection;
- Industry segregation and less access to training and promotional opportunities.

We suggest that the reporting matters suggested in the Consultation Paper will go some way to addressing the lack of data but need to be refined in order to identify the dimensions of inequality in the workplace based on dimensions of inequality between women and men in the workplace. For example, having greater representation of women on boards may not necessarily improve gender equality for all women, especially unskilled or marginalised women.

eS4W has identified other issues affecting gender equality in the workplace. They include:

- Discrimination as a barrier - that we know is unlawful - as well as the attitudes of employers that often create obstacles to equal workforce participation. This is not only in recruitment to obtain employment but is reflective of many women's experiences in the workforce. It includes women's experiences of sexual harassment (especially young women) and when they enter child bearing years their participation is generally reduced more than that of their male counterparts.
- 'Family responsibilities' discrimination should also be mentioned as a significant barrier to gender equality along with 'pregnancy discrimination'.
- Government policies [Taxation, Welfare (income support/redistribution), Fair Work Act, Child Care costs/availability/quality, Education/skills development and shortages etc.]
- The interaction between workforce participation and unpaid care work

¹ Viewed January 2013 at

http://www.fahcsia.gov.au/sites/default/files/documents/05_2012/eoww_act_consultation_rpt.pdf

- Employers values, industries and occupations, job design and working environments
- Employees work practices, attitudes and preferred hours of work
- Market Forces (Labour supply and demand and labour costs)
- Various definitions, interpretations and measurements of 'Gender Pay Gap' and Labour Force participation.

We understand and appreciate the need for a minimal data set however this data set needs to be meaningful and logically coherent with the intention of the act. Any reporting on the progress or otherwise of gender equality in the workplace must be set and understood in the context of these barriers and that gender equality in the workplace requires a whole of government response as well as an improved understanding of the business case for gender equality more widely in the community.

2. Do the key outcomes need amending or expanding?

Certainly better/clearer wording is required and some explanation /clarifying of definitions need to be provided. eS4W is concerned that the indicators do reflect the intent of the Act; in particular, that they reflect the intent of the principle objectives in Section 2A of the Act.

We suggest it is made clear that for this iteration of setting the minimum standards that the Objective of the Act stated in the Consultation Paper as the key objective, i.e. to remove barriers to women's workforce participation and to improve and promote gender equality in employment in the Australian workforce, is a condensation of the five principle objectives outlined in the Act.

And we suggest that there is a clarification of how the collection of data for the indicators will work towards these five principle objectives which are:

- a) to promote and improve gender equality (including equal remuneration between women and men) in employment and in the workplace; and
- b) to support employers to remove barriers to the full and equal participation of women in the workforce, in recognition of the disadvantaged position of women in relation to employment matters; and
- c) to promote, amongst employers, the elimination of discrimination on the basis of gender in relation to employment matters (including in relation to family and caring responsibilities); and
- d) to foster workplace consultation between employers and employees on issues concerning gender equality in employment and in the workplace; and
- e) to improve the productivity and competitiveness of Australian business through the advancement of gender equality in employment and in the workplace

We have approached this submission from the consideration of the following points:

- Does the key objective reflect the intent of the Act, the five principle objectives?
- Do the five outcomes reflect the key/principle objectives?
- How well do the five Gender Equality Indicators reflect the five outcomes?
- Will the collection of data on the reporting matters be able to identify, measure and encourage progress?
- How well will they:
 - assess gender equality and
 - identify for businesses their strengths and weaknesses?
- How well will their collection assist business:
 - to consider their practices and outcomes over time and
 - to compare these with their industry peers.

According to the Act, *Section 4, the gender equality indicators (GEIs)* means the following:

- a) gender composition of the workforce;
- b) gender composition of governing bodies of relevant employers;
- c) equal remuneration between women and men;
- d) availability and utility of employment terms, conditions and practices relating to flexible working arrangements for employees and to working arrangements supporting employees with family or caring responsibilities;
- e) consultation with employees on issues concerning gender equality in the workplace;
- f) any other matters specified in an instrument under subsection (1A).

The WGE Act requires that minimum standards be set by the Minister prior to the commencement of the 2014–15 reporting cycle. These will be the subject of further consultation with stakeholders and the public over the course of 2013. Minimum standards are intended to be a small but meaningful set, tied to a select few reporting matters, with the primary aim of enabling the Agency to best target its education resources.

This is an important consideration for eS4W. The minimum standards are not intended to penalise employers but to assist them to identify, measure and encourage work place programs that aim to improve gender equality. We agree that the intention is to make reporting simpler and more streamlined as well as establish a long term data set to provide evidence-based insight at the workplace and industry level.

We agree that it is important to keep to a minimum set that are easily compiled and will therefore generate legitimate responses. However the indicators and outcomes do need to be meaningful to all stakeholders and contribute to an informed debate about gender equality and the best targeting of education resources which may also be of value and use to small to medium sized employees (SMEs).

The GEIs are expected to measure and help drive progress towards five key outcomes that have been generated for this consultation process. As these have not been specified in the Act there is an opportunity for stakeholders to have significant input to ensure the wording best reflects the objectives noted above, given there are five principle objectives and five outcomes. However the Gender Equality Indicators have been specified in the act so it is important to maintain coherence between the Objectives, Outcomes and Indicators.

Our main comment on GEIs is concerning indicator (e) Availability and utility of flexible working arrangements for employees, and to working arrangements supporting employees with family or caring responsibilities. Does utility here refer to the use/uptake of these conditions or their usefulness, effectiveness, value, efficacy? Are these flexible working arrangements available to all employees or only to those with care responsibilities?

We suggest the following matrix and amendments to assist understanding and logical coherence:

Objective	Outcome	Indicator
(a) to promote and improve gender equality (including equal remuneration between women and men) in employment and in the workplace;	1 Equality in workforce participation across Australia between men and women 3 Increased access to equal remuneration for work of equal value, between women and men	(a) gender composition of the workforce (c) equal remuneration between women and men for work of equal value;
(b) to support employers to remove barriers to the full and equal participation of women in the workforce, in recognition of the disadvantaged position of women in relation to employment matters;	2. Increase in women's representation in leadership positions in workplaces and on governing bodies ² of relevant employers	(b) gender composition of governing bodies of relevant employers;
(c) to promote, amongst employers, the elimination of discrimination on the basis of gender in relation to employment matters (including in relation to family and caring responsibilities)	4 Increased access to flexible working arrangements for all women and men, particularly those with family or caring responsibilities, with health and ability constraints but could include life style choices	(d) availability and utility of employment terms, conditions and practices relating to flexible working arrangements for employees and to working arrangements supporting employees with family or caring responsibilities
(d) to foster workplace consultation between employers and employees on issues concerning gender equality in employment and in the workplace;	5 Increased incidence of employee and employer engagement/consultation on gender equality in employment and in the workplace.	(e) consultation with employees on issues concerning gender equality in the workplace
(e) to improve the productivity and competitiveness of Australian business through the advancement of gender equality in employment and in the workplace	6 Increased understanding of the business case for gender equality/improved representation of women in all levels of the workforce	(f) report of improving employer engagement with reporting process and examples of applied understanding

² . The act defines this as follows: **governing body** of a relevant employer means the board of directors, trustees, committee of management, council or other governing authority of the employer

3. Reporting matters: measures and processes

We agree that the information gathered by employer reports needs to be meaningfully aimed at providing those employers with the information they need to work towards the key outcomes outlined above.

There are two key types of information that can help in this way; statistical measures and examples of processes newly introduced to the workplace.

We have found the use of outcomes and indicators twice in the Consultation Paper to refer to different aspects of the architecture of the Workplace Gender Equality Indicators to be confusing. However we have assumed that the reference to each key objective is actually meant to read 'each key outcome' and the priority measurable outcomes refer to the reporting matters. To avoid confusion we suggest the following terminology: *numerical measures* to replace 'measurable outcomes' and *workplace processes* to replace 'process indicators'.

A. Numerical Measures

Set out below are our comments on the examples of numerical measures per indicator from the Consultation Paper.

1. *The gender composition of the workforce*

1.1 Profile of women and men in the workplace

The actual requirements for this profile need defining. We suggest it includes full-time, permanent part time (with minimum number of hours), casual, fixed contract and other.

This measure must be at fixed point in time as staff may move from full time to part-time; sometimes more than once in a year. These measures should be readily available however the definition of 'casual' would need to be clearly given.

This profile should also include rates of women in managerial and non-traditional roles, in different levels of classification and collect data on marginalised and minority groups of women and their positions in the workforce, including women with disabilities.

1.2 Data on recruitment, exits and retention of employees by gender

We suggest this should include absenteeism as existing EOWA reporting looks for reduced absenteeism and reduced turnover amongst women as outcomes of workplace programs to improve women's workforce participation.

Again for consistency across employers, this needs to be for a fixed period of time e.g. one year.

2. Gender compositions of governing bodies

2.1 Job classifications by gender

This makes more sense if included at 1.1 above unless ‘governing bodies’ is redefined as governance and refers to people in decision making roles throughout the business. However, the act outlined above does not do so.

2.2 Gender data for Key Management Personnel

Again this makes more sense to be a measure of profile of men and women in workforce as does 2.3 below.

2.3 Gender data – distance from CEO

The meaning of this is unclear; but assume ‘distance’ to mean the number of levels of reporting between worker and Chief Executive Officer

2.4 Gender composition of governing bodies

3. Equal remuneration between women and men

3.1 Base pay rates by gender

How will this be measured; Hourly, weekly, monthly or annual?

While difference in hourly rates between male and female workers will indicate the existence of a pay gap directly based on gender, it will not indicate the existence of a pay gap that may be indirectly a result of gender e.g. the expectation that women will be the primary care workers and will reduce their hours and their promotion potential to accommodate these care demands.

3.2 Performance pay by gender

This will need to be measured annually.

3.3 Occupations pay rates by gender

We suggest measurement by hourly pay rates at a point in time.

4. Availability and utility of employment terms, conditions and practices

4.1 Permanent part-time (with minimum hours) and casual work by gender and job classification

Flexible working arrangements should also include access to quality part time (with minimum hours specified); job share arrangements; potential for teleworking or work from home, all disaggregated by gender.

4.2 Promotion of part-time and job share workers by gender

4.3 Employees taking paid parental leave

This measure to be disaggregated by gender

4.4 Return to work from parental leave

To include number of request for flexible work arrangements on return to work after parental leave and decision made. To also include details of return to work; is it to same level, same pay? ;

4.5 Rates/quantum of parental leave available

This is unclear. We assume it means the length of paid/unpaid parental that is available.

5. Consultation with employees on issues concerning gender equality in the workplace.

No example of measurable outcome given. While this will be better reported against as a process, the number of incidents of this process may be measured. Depending on the type of consultation e.g. the number of times information is given out; number of times feedback is received; the number of times feedback is received and acted on; the number of times employees are involved in decision making about improving gender equality in the workplace.

B. Workplaces processes

We support the collection of information on the existence of certain conditions, practices or policies that will increase the options for workforce participation of women and improve gender equality in the workplace.

The publication of case studies and best practice with identifiable outcomes will inform and enable employers to compare their practices with those of other employers, particularly those who are making good progress towards gender equality.

Proposed workplace processes

1. The gender composition of the workforce

1.1 Gender Equality Key Performance Indicators for managers

Details of these KPIs including who set them and who needs to meet them and how.

1.2 Strategies for preventing and dealing with sex-based harassment and discrimination

Details of strategies at a point in time or set during the report period including measures of effectiveness and outcomes.

2. Gender composition of governing bodies

- 2.1 Underpinning processes and strategies, for example, performance, talent identification, training and development

Details of processes to also include access to leadership training; strategies to uncover bias in recruitment and selection.

3. Equal remuneration between women and men

- 3.1 Details of underpinning processes and strategies, for example, pay equity strategy, review and pay equity analysis, Key Performance Indicators. When set; intended outcomes and measures of these outcomes.

4. Availability and utility of employment terms, conditions and practices

- 4.1 Details of various conditions and policies relating to flexibility, family and caring responsibilities; capacity and choice to work full and or part time and how these are offered, taken up and evaluated.

5. Consultation with employees on issues concerning gender equality in the workplace.

- 5.1 Modes of consultation on gender equality

As above at Measures A5 with detail of the consultation process and the level i.e. at corporation or work group level; at recruitment or on promotion etc.

C. Priority reporting matters

Numerical

We suggest the following priority numerical measures in terms of each key outcome

1. The gender composition of the workforce

- 1.1 Profile of women and men in the workplace including job classification

2. Gender composition of governing bodies

- 2.1 Gender data – distance from CEO

3. Equal remuneration between women and men

- 3.1 Performance pay by gender; This will need to be measured annually.

4. Availability and utility of employment terms, conditions and practices

- 4.1 Return to work from parental leave. To include number of requests for flexible work arrangements on return to work after parental leave and decision made. To also include details of return to work; is it to same level, same pay?

5. Consultation with employees on issues concerning gender equality in the workplace.

The number of incidents of consultation as described below in Workplace Processes.

Process

We suggest the following priority workplace processes in terms of each key outcome

1. The gender composition of the workforce

- 1.2 Strategies for preventing and dealing with sex-based harassment and discrimination. Details of strategies at a point in time or set during the report period including measures of effectiveness and outcomes.

2. Gender composition of governing bodies

- 2.1 Underpinning processes and strategies, for example, performance, talent identification, access to leadership training and development

3. Equal remuneration between women and men

- 3.1 Details of underpinning processes and strategies, especially pay equity strategy.

4. Availability and utility of employment terms, conditions and practices

- 4.1 Details of various conditions and policies relating to flexibility, family and caring responsibilities; capacity and choice to work full and or part time and how these are offered, taken up and evaluated.

5. Consultation with employees on issues concerning gender equality in the workplace.

- 5.1 Modes of consultation on gender equality. with detail of the consultation process and the level i.e. at corporation or work group level; at recruitment or on promotion etc.

eS4W will not comment on this section or the following sections

- D. Usefulness
- E. Impact on business
- F. Timing
- G. Assistance
- H. Industries

APPENDIX

eS4W Member Organisations

- [**APESMA – Association of Professional Engineers, Scientists and Managers Australia**](#)
The Association of Professional Engineers, Scientists and Managers, Australia (APESMA) is the largest national non-profit organisation representing professional employees.
- [**AWE – Association of Women Educators**](#)
AWE, through its branches and executive, work actively to further the participation of women and girls in education.
- [**AFGW – Australian Federation of Graduate Women**](#)
AFGW INC is the national voice of graduate women, promoting the advancement of women worldwide and their equality of opportunity through initiatives in education, friendship and peace.
- [**BPW – Business and Professional Women Australia**](#)
BPW works to raise the status of women and encourages women to become well informed and active at local, national and international levels.
- [**COSBOA – The Council of Small Business Organisation of Australia**](#)
COSBOA is Australia's peak body exclusively representing the interests of small businesses.
- [**IWFCI – International Women's Federation of Commerce and Industry**](#)
IWFCI was formed to meet the emerging needs of women in business and in recognition of their increasing contribution to the world of commerce, the community and to government.
- [**JERA International**](#)
JERA works as a medium between you, community and decision-makers by providing opportunity, information, access, training and expertise linkages. A practical and rights-based approach is used to directly advance women's participation in policy discussions and change.
- [**NCSMC - The National Council of Single Mothers and their Children Incorporated**](#)
NCSMC has been an organisation for single mothers since its conception in the early 1970's. NCSMC believes that having access to information and support when and as required is empowering, it enables women to make informed decisions, and better equips them to protect and support themselves and their child (ren).
- [**NFAW – National Foundation of Australian Women**](#)
NFAW is dedicated to promoting and protecting the interests of Australian women and ensuring that the aims and ideals of the women's movement and its collective wisdom are handed on to new generations of women.
- [**NTWWC – Northern Territory Working Women's Centre**](#)
NTWWC provides information, support, advice and advocacy services to women on work-related issues.
- [**QVWC – The Queen Victoria Women's Centre**](#)
QVWC is a hub for women's issues, ideas and leadership across ages, cultures, interests and localities. A place for women, by women.
- [**QWWS – Queensland Working Women's Service**](#)
QWWS is a free, confidential and supportive service assisting women with work-related matters. QWWS targets our services to assist women who may not have other support or union membership.

- [VIEW Clubs of Australia \(Voice, Interests and Education of Women\)](#)

VIEW women are seriously committed to providing educational opportunities for disadvantaged Australian children and their families, and have great fun while actively contributing in their local communities.

- [WAVE – Women in Adult and Vocational Education](#)

WAVE is a national network of women involved in VET, ACE and the broad field of work-related education and training.

- [WCEI – Women's Chief of Enterprises International](#)

WCEI provides its members with both national and international connections; an online community; state events and national conferences; and numerous learning and leadership development opportunities

- [WIRE – Women's information](#)

WIRE provides free information, support and referrals to women across Victoria.

- [WWCSA – Working Women's Centre SA Inc.](#)

WWCSA provides information, support, advice and advocacy services to women on work-related issues.

- [WWDA – Women with Disabilities Australia](#)

WWDA aims to be a national voice for the needs and rights of women with disabilities and a national force to improve the lives and life chances of women with disabilities.

- [ZONTA Dist 24 NSW](#)

District 24 is part of a world-wide, non-partisan, non-sectarian organisation whose members are culturally diverse and from an array of working lives in professional, business, government and academic roles.