Office for Women
Department of Families, Housing, Community Services and Indigenous Affairs

Review of the Equal Opportunity for Women in the Workplace Act 1999
Consultation Report
Disclaimer

Inherent Limitations

This report has been prepared as outlined in the Introduction section and in Appendix A. The services provided in connection with this engagement comprise an advisory engagement, which is not subject to assurance or other standards issued by the Australian Auditing and Assurance Standards Board and, consequently no opinions or conclusions intended to convey assurance have been expressed.

Reference to ‘review; throughout this report has not been used in the context of a review in accordance with assurance and other standards issued by the Australian Auditing and Assurance Standards Board.

The findings in this report are based on a qualitative study and the reported results reflect the perceptions of stakeholders involved but only to the extent of the sample surveyed, being the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA)’s approved representative sample of stakeholders. Any projection to the wider stakeholders is subject to the level of bias in the method of sample selection.

KPMG have indicated within this report the sources of the information and data provided. We have not sought to independently verify those sources unless otherwise noted within the report.

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The findings in this report have been formed on the above basis.

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Glossary

<table>
<thead>
<tr>
<th>Term</th>
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<tr>
<td>ACCI</td>
<td>Australian Chamber of Commerce and Industry</td>
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<td>ACTU</td>
<td>Australian Council of Trade Unions</td>
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<td>AFEI</td>
<td>Australian Federation of Employers and Industries</td>
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<td>BCA</td>
<td>Business Council of Australia</td>
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<td>DEEWR</td>
<td>Department of Education, Employment and Workplace Relations</td>
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<td>EOWA</td>
<td>Equal Opportunity for Women in the Workplace Agency</td>
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<td>EOWW Act</td>
<td>Equal Opportunity for Women in the Workplace Act 1999</td>
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<tr>
<td>FaHCSIA</td>
<td>Australian Government, Department of Families, Housing, Community Services and Indigenous Affairs</td>
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<td>Finsia</td>
<td>Financial Services Institute of Australasia</td>
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<td>FWA</td>
<td>Fair Work Act 2009</td>
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<td>LHMU</td>
<td>Liquor, Hospitality and Miscellaneous Union</td>
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<td>OfW</td>
<td>Office for Women</td>
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<td>FWO</td>
<td>Office of the Fair Work Ombudsman</td>
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<td>PMC</td>
<td>Department of the Prime Minister and Cabinet</td>
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<tr>
<td>SDA</td>
<td>Shop, Distributive and Allied Employees’ Association</td>
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<td>WEL</td>
<td>Women’s Electoral Lobby</td>
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### Definitions

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<th>Category</th>
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<tr>
<td>Individual</td>
<td>Individuals representing their own personal views.</td>
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<tr>
<td>Academic</td>
<td>Individuals who practice as an academic or who have responded as a representative of an academic institution.</td>
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<tr>
<td>Community Service Organisations</td>
<td>Organisations that work in and with the community, including not-for-profit organisations and charitable organisations that provide services to the community.</td>
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<tr>
<td>Peak body</td>
<td>Representative organisations, including representative women’s and industry organisations.</td>
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<tr>
<td>Reporting Organisation</td>
<td>An organisation that is required to report to EOWA under the EOWW Act.</td>
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<tr>
<td>Industry</td>
<td>All for-profit private sector entities.</td>
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<tr>
<td>Government</td>
<td>Local, state and federal government departments, agencies and authorities.</td>
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<tr>
<td>Expert</td>
<td>Individuals who are considered to be experts in the area of women’s workplace experience.</td>
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1 Introduction

KPMG has been engaged by the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) to conduct services associated with a review of the effectiveness and efficiency of the *Equal Opportunity for Women in the Workplace Act 1999* (EOWW Act) and the Equal Opportunity for Women in the Workplace Agency (EOWA) in delivering equal employment opportunity to women in Australian workplaces. FaHCSIA’s Office for Women (OfW) is managing this engagement.

1.1 Background

The Minister for the Status of Women, the Hon Tanya Plibersek MP, has requested a review of the EOWW Act. The terms of reference for the review are to:

- examine the contribution that the EOWW Act has made to increasing women’s employment opportunities and advancing women’s equality in the workplace;
- examine the role that the EOWW Act and the EOWA have in gathering and reporting on workplace data;
- consider the effectiveness of the existing legislation and arrangements in delivering equal opportunity for women;
- provide advice on practical ways in which the equal opportunity for women framework could be improved to deliver better outcomes for Australian women;
- consider opportunities to reduce the cost of existing regulation and/or ways to ensure that any new legislation is cost-effective and well-targeted;
- consider the EOWW Act and EOWA within the framework of existing and proposed human rights and workplace-related legislation, policy and administration, with a view to maximising complementarity and reducing overlap; and
- have regard to the effects of the EOWW Act, or any proposed recommendations resulting from this review, on social inclusion, the economy, the labour market, business competitiveness and the general wellbeing of the Australian community.

To address the terms of reference, the OfW are conducting a range of activities. A key component of these activities has been a consultation process, which has been undertaken by KPMG. The consultation process has formed the basis of KPMG’s services to FaHCSIA. The consultation process has included:

- release of an Issues Paper and call for public submissions;
- individual interviews with key stakeholders;
- roundtables in capital cities across Australia with key stakeholders;
• a survey of reporting organisations under the EOWW Act; and

• a survey of employees.

The purpose of the consultation process was to gain public, as well as targeted, input in relation to the effectiveness and efficiency of the EOWW Act and EOWA. In addition and aligned to the terms of reference for the review, the consultation process sought practical solutions for improvements to the EOWW Act and EOWA. This consultation report presents the findings of the consultation process.

KPMG’s approach to the stakeholder consultations for the review of the EOWW Act and EOWA, including relevant timeframes, is further detailed in Appendix A.

1.1.1 Public submissions process

The first stage of the consultation process involved the release of an Issues Paper on 1 September 2009 and an invitation for public submissions. In total, 136 submissions were received and coded from a range of governments, organisations and individuals. Where quotes from submissions have been used to illustrate findings within the Consultation Report, written consent has been provided by the submitter. Where written consent was not provided, quotes have been de-identified and attributed to the submitter’s category (i.e government or industry). The source of the submissions by category, and the analytical process, is detailed in Appendix A.

1.1.2 Survey of reporting organisations

KPMG developed a short survey for reporting organisations under the EOWW Act. Through this survey, it was possible to obtain input in relation to the effectiveness and efficiency of the EOWW Act and EOWA from organisations that are required to report under the Act.

The survey was distributed on 1 October 2009 to all 2,770 reporting organisations. Reporting organisations were provided the option of completing the survey online or via hardcopy. The survey closed on 23 October 2009. In total, 744 reporting organisations responded to the survey. Appendix A contains further details of the approach for developing the survey and a breakdown of respondents by industry, organisational size, and compliance status.

1.1.3 Survey of employees

In addition to the development of a survey for reporting organisations, KPMG developed a survey for employees. This short survey aimed to get a better understanding of employees’ awareness of, and experiences under, the EOWW Act.

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1 2,770 was the total number of reporting organisations as at 18 September 2009 that were to submit a report in 2009. This figure includes previously waived organisations. The list of reporting organisations to be surveyed was provided by EOWA.

2 ‘Compliance status’ is an internal rating used by EOWA, which is not made public.
The survey was distributed on 14 October 2009 and closed on 30 October 2009. A total of 859 unique responses were received to the employee survey. The employee survey was undertaken entirely online. FaHCSIA and members of the Project Reference Group (PRG) distributed the survey through their networks and distribution lists. This survey did not aim to gain a representative sample of employees in Australia. Rather, the results are to provide an indication of the perspectives of some employees working in Australian workplaces. Further details of the process for developing and administering the survey, and the profile of survey respondents, is provided in Appendix A.

1.1.4 Individual interviews and facilitated roundtables

The project also involved face-to-face stakeholder consultations through facilitated roundtables and individual interviews. Both activities focussed on:

- the barriers to achieving equal employment opportunity for women in Australian workplaces;
- the effectiveness and efficiency of the EOWW Act and EOWA;
- how the EOWW Act and EOWA operate within the framework of existing and proposed human rights and workplace-related legislation, policy and administration, with a view to maximising complementarity and reducing overlap;
- practical ways in which the equal opportunity for women framework can be improved to deliver better outcomes for Australian women; and
- how the EOWW Act and proposed recommendations may impact on social inclusion, the economy, the labour market, business competitiveness and general wellbeing of the Australian community.

Individual interviews

The KPMG Project Director and Project Manager conducted 21 individual interviews with key stakeholders identified by OfW. Nineteen interviews were conducted face-to-face and two interviews were conducted by telephone. Notes were taken at each individual interview and were sent to the interviewee for verification.

Facilitated roundtables

KPMG facilitated five roundtables, each with a half-day duration. These were held in Sydney, Melbourne, Perth, Brisbane and Adelaide. Each roundtable attracted representatives from industry, the higher education sector, employee and employer groups, expert academics, expert practitioners, and women’s organisations. A total of 98 individuals attended the five roundtables, and there were roughly equal numbers of attendees at each roundtable. Two-hundred and thirty individuals were invited to the roundtables as follows: industry (77); academic (8); peak body (26); expert individuals (23); union (26); community organisation (60); and government (10). Notes were taken by
members of the KPMG project team at each roundtable and were then sent to two participants for verification.

1.1.5 Limitations of the project methodology

The project methodology for the consultation process was designed to collect and analyse information and perspectives from a number of data sources.

The analyses should not be read as representative of all Australians nor as a representative sample, because the sample self-selected to respond or were selected by the OfW to be involved. The analysis reflects the thinking of those who chose, or were able, to provide a response and there may be other individuals, groups or government bodies that did not respond and may have other ideas or experiences.

In relation to the public process, the terms of reference for submissions as set out in the Issues Paper were broad, which permitted a wide range of ideas, issues and solutions to be discussed. In reading data such as these, it is important to remember that the absence of a theme in a submission does not indicate that the theme is not important to the submitter, only that they did not choose to write about it. That is, if 20 percent of submissions included a statement on targets for reporting organisations, it cannot be assumed that 80 percent of submitters feel that this is not an issue.

Similarly, as submissions may refer to multiple ideas within a single theme and the analysis tool enabled multiple ideas to be coded, there are likely to be more themes than submissions with percentages adding up to more than 100 percent.

This report should not be seen as a stand alone piece of information or a single source of data to inform the review of the effectiveness and efficiency of the EOWW Act and EOWA. It is a useful way of bringing together the voices of those who are interested in the subject matter from a range of sectors and who provided direct input through the abovementioned consultation activities. It can illustrate the themes and issues which people are raising; it may help to uncover new ideas, issues or solutions; and it may suggest areas for further consideration. This information, in conjunction with other evidence and data, will inform the review of the effectiveness and efficiency of the EOWW Act and EOWA.
2 Context of the review

This section provides a brief overview of the current status and characteristics of women in employment as well as how Australia fares internationally against key indicators for equal opportunity. It examines the framework for equal opportunity for women in Australia and the relationship of the EOWW Act to other key pieces of legislation, policies and institutions. It concludes with a brief review and comparison of the EOWW Act and the EOWA with alternative approaches in Australia and other relevant international jurisdictions, and options for alternate models of legislation.

2.1 A snapshot of the current trends and characteristics of women in the labour force

2.1.1 Participation in education and training

The significant advances in women’s educational attainment obscure the strong gendered patterns in educational choices which influence future earning potential. Women continue to be over-represented in areas of study linked to lower earning industries, while men continue to be over-represented in areas of study linked to higher earning industries. For women, access to education and training over the lifecycle is also a key factor influencing paid workforce participation and lifetime earnings.3

2.1.2 Labour force participation

The labour force participation rate of women in Australia has increased significantly over the last 30 years. Between February 1978 and June 2009, the labour force participation rate of women increased from 43.5 percent to 58.7 percent.

Australian women’s increased workforce participation has been a major factor in leading to better economic security for women. Paid work gives women the opportunity to ensure their own financial security, contribute to the family budget and secure their economic future into retirement.

While paid work improves women’s choices and independence, it is also fundamental to workplace productivity and economic growth. Paid work is also widely recognised as key to addressing disadvantage and to contributing to social inclusion.

Despite the significant increases in women’s workforce participation, women continue to spend less time in the paid workforce than men, and to fare less well than men on a number of key indicators while at work. The nature of women’s work is also quite different to men’s.

While the labour force participation rate of women was 58.7 percent in June 2009, for men it was considerably higher at 72.1 percent.4 Women are much less likely to work full-

time than men (54.9 percent compared to 84.1 percent), and comprise over 70 percent of
the part-time workforce.\(^5\)

Workforce participation rates for women by age show a marked dip between the ages
of 25 and 44 years, which is not evident for men. Australia also has a lower participation rate
for mothers with young children than the Organisation for Economic Cooperation and
Development (OECD) countries of Canada, Sweden, the United Kingdom and the United
States.\(^6\)

These key indicators suggest that having children significantly impacts on Australian
women’s workforce participation, as well as their experiences while in paid work and their
capacity to save for a financially secure retirement.

### 2.1.3 Women’s position in the labour market

The Australian paid workforce is highly gender segregated, and female dominated
industries have been historically undervalued. For example, industries such as aged care,
child care, health and community services are all female dominated and generally lower
paid compared to male dominated industries such as engineering, banking and finance.\(^7\)
Occupational segregation between men and women continues to exist, and male-
dominated occupations continue to attract higher remuneration than female-dominated
occupations.

Women are more likely to be clerical, sales and community and personal service workers,
while men are more likely to be technicians and trades workers, machinery operators and
drivers and labourers. Women are still substantially under-represented in the manual
trades in Australia, with the number of women in manual trades being less than two
percent.\(^8\)

Women are less likely to be in leadership positions within organisations. Only 10.7
percent of executive managers in the ASX200 are women. At the board director level,
there are more than 10 men to every one woman and, at CEO level, there were 49 male
CEOs for every female CEO in the ASX200.\(^9\)

### 2.1.4 Women’s earnings

Despite gains in participation rates over time, women’s earnings remain persistently lower
than men’s.

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\(^5\) Ibid
and Family Life (Vol.5): A Synthesis of Findings for OECD Countries.
\(^7\) Australian Human Rights Commission (September 2009). Accumulating poverty? Women’s experiences of
inequality over the lifecycle. An issues paper examining the gender gap in retirement savings.
\(^8\) Shewring, F. (2009) The female ‘tradie’: challenging employment perceptions in non-traditional trades for
\(^9\) Equal Opportunity for Women in the Workplace Agency (2008), EOWA Australian Census of Women in
Leadership.
The Australian Graduate Survey details average starting salaries for both female and male graduates and clearly shows that the gender pay gap begins as soon as women enter the workforce. In 2008, new male graduates earned median starting salaries of $47,000 compared to $45,000 for women.\(^\text{10}\)

Chart 1 shows trends in the gender pay gap based on the average weekly ordinary time earnings of full-time employees from February 1984 to February 2009. It is clear that the gender pay gap has improved only slightly over the last 25 years, narrowing just 2.1 percentage points from 19.3 percent in February 1984 to 17.2 percent in February 2009.\(^\text{11}\)

![Chart 1: Gender pay gap based on the average weekly ordinary time earnings of full-time adults, February 1984 to February 2009.](image)

Source: ABS Average Weekly Earnings, February 2009, Cat No 6302.0, seasonally adjusted data

Over a lifetime, pay inequity places women at a considerable disadvantage compared with men. According to the AMP/NATSEM Income and Wealth Report, a 25-year old man is likely to earn a total of $2.4 million over the next 40 years, more than one-and-a-half times the $1.5 million prospective earnings of a woman.\(^\text{12}\) This means that young women can expect to earn just shy of $1 million less than men over their career lifetime, with the gap worsening for tertiary educated women (where the gap is $1.5 million)\(^\text{13}\). In their study, NATSEM has removed the incidence of children and the impact of reduced hours

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\(^\text{13}\) Ibid.
of work, meaning the differences are based on gender and employers’ perceptions of capability.

Other studies into the causes of inequality in employment outcomes for women suggest there are a range of contributing factors to the pay gap, such as differences in labour force participation and access to training and development opportunities. However, generally, studies suggest that about 50 percent of the pay gap cannot be fully explained by differences in these factors and can be attributed to discrimination in the workplace.\(^\text{14}\)

### 2.1.5 Impacts of family responsibilities on employment outcomes

It is clear that a major obstacle to equal employment opportunity is the capacity for women and men to manage their work, life and family responsibilities. Long and inflexible working hours may preclude many workers with family responsibilities from pursuing particular career paths or job opportunities.

In terms of paid work, the proportion of female full-time workers working 50 or more hours a week (‘very long working hours’) almost doubled from nine percent in 1985 to 16 percent in 2005. Almost one-third of men now work very long hours.\(^\text{15}\) Australian full-time workers work amongst the longest hours of the OECD nations.\(^\text{16}\)

When the combined impact of paid and unpaid work is considered, overall, women work longer hours than men. In 2006, the total hours of paid and unpaid (domestic) work for mothers whose youngest child was between 0 and four years of age was 85.9 hours per week, compared to 79.6 hours for fathers, 61.3 hours for men without children and 55.5 hours for women without children.\(^\text{17}\)

Access to paid maternity leave or paid parental leave also has implications for future earnings and workforce participation. There are links between the availability of paid parental leave and the paid workforce participation of mothers. For example, retention rates for some companies with paid leave entitlements such as ‘Employer of Choice for Women’ companies are around 90 percent. Maintaining a connection to the paid

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\(^\text{15}\) ABS (2006) Australian Social Trends, Trends in Hours Worked, cat 4102.0

\(^\text{16}\) OECD (2007) Usual Working Hours by Gender

workforce following the birth of a child is a determinant of future employment patterns and earnings.\textsuperscript{18} Men are also far less likely to access flexible work opportunities, and women continue to engage less in paid work. While families must be free to choose how they organise their lives, the impacts of women earning lower pay for comparable work and reduced access to promotional opportunities, as well as pressures on men to be the primary breadwinner and not take up flexible working arrangements, can unduly influence these decisions. A recent study suggested that men’s requests for flexible working hours are more likely to be denied than women’s.\textsuperscript{19} It is necessary, for the wellbeing of the economy and the community, that both women and men are able to enjoy the different benefits that family responsibilities and paid work can deliver.

\subsection*{2.1.6 Workplace discrimination and harassment}

Experiences of sex discrimination and sexual harassment, fuelled by discriminatory stereotypes about gender roles, continue to pervade women’s experiences of paid work. These can occur at any point in the lifecycle. The Australian Human Rights Commission conducted a national telephone survey in 2008 and found that 22 percent of women aged 18 to 64 years have experienced some form of sexual harassment in the workplace during their lifetime.\textsuperscript{20} Pregnancy is a time when women are commonly vulnerable to discrimination and inequality in the paid workforce. This can take the form of demotions, missing out on promotions, redundancies, denial of family friendly conditions and even bullying and harassment in some cases. The vulnerability of women’s employment arising at the time of pregnancy or returning to work following pregnancy can have severe financial consequences. This includes a loss of income at the time of pregnancy and financial insecurity as women attempt to find new work that accommodates caring responsibilities. Nearly one in every five pregnant women experiences at least one difficulty in their workplace in relation to being pregnant.\textsuperscript{21}

\section*{2.2 How Australia’s performance compares internationally}

Australia performs well on a range of international indices, particularly in relation to health and educational outcomes. In leadership and economic indicators, Australia performs less well. These key indicators are characterised as follows:

\begin{itemize}
  \item \textsuperscript{18} Australian Human Rights Commission (September 2009). Accumulating poverty? Women’s experiences of inequality over the lifecycle. An issues paper examining the gender gap in retirement savings.
  \item \textsuperscript{19} Pocock, B., Skinner, N and Ichii, R. (2009) Work, Life and Workplace Flexibility, Centre for Work and Life, University of South Australia.
  \item \textsuperscript{21} Cassells, R., Miranti, R., Nepal, B. and Tanton, R. (2009), ‘She works hard for the money: Australian women and the gender divide’, AMP.NATSEM Report No. 22., p. 18.
\end{itemize}
• **Economic participation and opportunity** (capturing the participation gap, the remuneration gap and career advancement opportunities gap between women and men).

• **Educational attainment** (capturing the gap between women and men’s current access to education through ratios of women to men in primary, secondary and tertiary level education and the ratio of the female literacy rate to the male literacy rate).

• **Political empowerment** (capturing the gap between men and women in political decision-making at the highest levels by examining the ratio of women to men in minister-level positions and the ratio of women to men in parliamentary positions. In addition, the ratio of women to men in terms of years in executive office (prime minister or president) in the last 50 years).

• **Health and survival** (capturing the differences between women and men’s health using life expectancy and sex ratio at birth as proxy indicators).

While women’s participation in the paid workforce has risen dramatically over the last three decades, Australia lags behind many other developed countries in terms of women’s workforce participation rates.

When compared to other OECD countries with similar tertiary education levels, Australia has the fifth largest pay gap.22 Australia’s ranking in the Global Gender Index of the World Economic Forum (a framework for capturing the magnitude and scope of gender-based disparities and tracking their progress) has slipped from 15th place in 2006 to 20th place in 2009. This ranking incorporates measures of workforce participation, remuneration and opportunity. On these measures, Australia is significantly behind New Zealand (5th place), South Africa (6th place) and United Kingdom (15th place).23 This ranking is also contrasted sharply to the Philippines which, as a developing country, is ranked within the top 10 countries in the Global Gender Index. Differences in achievement between Australia and the Philippines lie in the Philippines’ effort in closing the education and health gap between women and men, and the role of women in the political environment.

As stated previously, only 58.7 percent of all women aged 15 years and over were in the labour force in Australia, making up 45.3 percent of Australia’s total labour force. This may be contrasted with Norway, for example, with 69.7 percent of women in the labour force or New Zealand at 62.1 percent. The participation rates of mothers with young children are particularly low when considered alongside comparable OECD countries such as Canada, Sweden, the United Kingdom and the United States.24

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mothers with a child under six years of age is 49.6 percent, compared with the OECD average of 59.2 percent\textsuperscript{25}.

Women’s re-entry to the workforce after having children may be hindered by a number of factors, including: a lack of affordable and appropriate childcare, the absence of flexible working options and difficulties balancing work and personal commitments. These barriers may influence the overall participation rate of women with young children in Australia by reducing the number of women who return to work after having children.

Generally, those countries that have a stronger regulatory approach for equal opportunity in practice are better ranked in key international indicators than those countries that do not. However, legislation alone does not always predict better rankings – for example, the United States has legislation in place for equal opportunity for women, but is ranked lower in the OECD rankings than Australia (31\textsuperscript{st} compared to Australia’s 20\textsuperscript{th} placing). It is likely that employment outcomes for women are influenced by a range of factors including regulatory effort, as well as economic participation and opportunity, educational attainment, health and survival and political empowerment.

3 Existing framework for equal employment opportunity for women in Australia

This section provides a brief overview of the EOWW Act and EOWA. In particular, it outlines the objects and key provisions of the EOWW Act, the current role and functions of EOWA, and the relationship of the EOWW Act to other Australian legislation. The EOWW Act is an important component of Australia’s workplace and human rights legislation. The EOWW Act came into effect on 1st January 2000, renaming and updating the Affirmative Action (Equal Employment Opportunity for Women) Act 1986, which underwent a review in 1998-99.26

3.1 Equal Opportunity for Women in the Workplace Act 1999

The EOWW Act requires certain employers to promote equal opportunity for women in employment. The principal objects of the EOWW Act are to:

- promote the principle that employment for women should be dealt with on the basis of merit;
- promote the elimination of discrimination, both direct and indirect, and the provision of equal employment opportunity for women in relation to employment matters among employers; and
- foster workplace consultation between employers on issues concerning equal opportunity for women in relation to employment.27

The EOWW Act applies to higher education institutions and to all other organisations with 100 or more employees and contractors, including private sector organisations, not-for-profit/community organisations, non-government schools, trade unions and group training organisations. These organisations are collectively known as ‘reporting organisations’. The identification of reporting organisations is largely based on self-identification and disclosure by organisations.

3.1.1 Coverage of the EOWW Act

As of July 2009, there are 2,803 reporting organisations28 that submit reports on behalf of a total of 8,500 organisations.29 In the 2008-09 reporting period, almost 2.6 million employees were covered by reports to EOWA. EOWA therefore received, entered and

28 2,803 reporting organisations includes the 2,770 organisations referred to above as well as any new reporting organisations who are required to report for the first time in 2010.
evaluated reports from organisations employing around 23 per cent of Australian
employees.\textsuperscript{30}

Indicative figures suggest that a large number of organisations do not identify themselves
to EOWA. The ABS has estimated that there are approximately 13,000 organisations in
Australia employing 100 or more people. This suggests that there are approximately 4,500
organisations that are covered by the Act and have not made themselves known to
EOWA, in addition to the 8,500 that have. If these organisations are structured similarly to
those already reporting to EOWA, and if their reports reflect the same division of
reporting responsibilities between head offices and subsidiaries, EOWA could anticipate
receiving an additional 1,400 reports each year, or 4,100 reports overall.\textsuperscript{31}

The EOWW Act does not include small businesses with less than 100 employees or public
sector agencies.

The definition of ‘employee’ includes entities that employ individuals under a contract of
service (i.e. employees) and a contract for service (i.e. consultants and contractors). The
EOWW Act does not include as ‘employees’ equity partners in professional firms or non-
executive board members, meaning that employment outcomes for women in these
positions is not necessarily captured in workplace programs or organisational reporting.

\section*{3.1.2 Workplace programs, reporting and compliance}

The EOWW Act requires that employers develop strategies to prevent discrimination and
achieve equal employment opportunity for women. It requires all new reporting
organisations to develop and implement an annual workplace program aimed at
eliminating discrimination and contributing to equal opportunity for women in the
workplace, and to report annually to EOWA on the program’s effectiveness.

Before developing a workplace program, an employer must:

- confer responsibility for the development and implementation of the program on a
  person having sufficient authority and status within the management of the
  organisation;\textsuperscript{32} and

- consult with employees, particularly employees who are women\textsuperscript{33}.

When preparing a workplace program, an employer is required to:

- prepare a workplace profile;\textsuperscript{34} and

- prepare an analysis of issues relating to employment matters that need to be addressed
  in order to achieve equal opportunity for women in the workplace.\textsuperscript{35}

\textsuperscript{30} Ibid.
\textsuperscript{31} Ibid.
\textsuperscript{32} Equal Opportunity for Women in the Workplace Act 1999 (Cth) s 8(1)(a).
\textsuperscript{33} Ibid s 8(1)(b).
\textsuperscript{34} Ibid s 8(2).
The term “employment matters” is defined to include: recruitment procedure and selection criteria; promotion, transfer and termination; training and development; work organisation; conditions of service; arrangements for dealing with sex based harassment of women; and arrangements for dealing with pregnant or potentially pregnant employees and those breastfeeding their children.

A workplace program must provide for:

- actions to be taken in relation to priority issues identified in the analysis; and
- evaluation of the effectiveness or otherwise of actions taken.

Organisations can use a number of indicators to chart the effectiveness of their programs, for example: increased productivity, reduced absenteeism and turnover, improved rate of women in management and in non-traditional roles, and reduction or elimination of discrimination-related complaints.

Developing and implementing a workplace program can impose costs on employers. For example, additional costs may relate to dedicated human resources staff and implementation costs of new programs and activities across the organisation. Many of these practices also confer benefits in terms of enhanced productivity, reduced absenteeism and turnover, improved staff morale, and a positive corporate image.

There is a growing body of evidence concerning the benefits of gender diversity to the productive capacity of organisations and, in turn, to the economy. A recent report from Catalyst, for example, found that in four out of five industries in the United States, the companies with the highest women’s representation on their top management teams experienced a higher total return to shareholders than the companies with the lowest representation of women.36

Other research indicates that a lack of women in leadership positions results in greater scarcity in talent within organisations and reduced employee engagement.37

In terms of reporting, relevant employers must prepare an annual public report about the outcomes of their workplace programs. This public report must contain the workplace profile, an analysis of the issues in their workplace relating to equal opportunity for women, the actions taken to address the priority issues identified in the analysis, and the actions that the employer plans to take in the next reporting period that are still necessary to achieve equal opportunity for women in their workplace. Employers must also submit an evaluation of the effectiveness of the actions taken in that reporting period to achieve equal opportunity for women in their workplace. This evaluation may be submitted to EOWA as either part of the public report or submitted separately on a confidential basis.

35 Ibid s 8(3).
These reports are retrospective and cover a 12-month period (1 April to 31 March). Reports are due to EOWA by 31 May of each year. Reporting requirements may be waived by EOWA if the employer has complied for a period of no less than three consecutive years and can demonstrate to EOWA that all reasonably practical measures have been taken to address equal opportunity for women in their workplace.

The enforcement provisions of the EOWW Act focus on the situation where a reporting organisation fails to lodge an annual report or fails to comply with a direction by EOWA to provide further information. In these circumstances, EOWA may identify non-compliant organisations in its annual report to the Minister. This annual report is tabled in Parliament.

Compliance reports and names of non-compliant organisations are listed on EOWA’s website. As of 17 October 2008, there were over 2,500 reporting organisations that complied with requirements of the EOWW Act and 12 organisations that were non-compliant.38

A further compliance incentive is that the Australian Government Procurement Guidelines prevent government departments from buying goods and services from, or entering into contracts with, non-compliant organisations. Non-compliant organisations may also be ineligible for grants under specified industry assistance programs.

EOWA does not have the power to conduct self-initiated action or investigations. In practice, EOWA relies significantly on cooperative relations with employers through education and promotion activities, implementation of performance incentives (award schemes), and a staged process of issuing reminders and offers of assistance to employers prior to sending letters signalling an intention to name a non-compliant organisation in Parliament.

### 3.1.3 The role and activities of EOWA

EOWA is an Australian Government statutory authority. Following the change of government in 2007, EOWA joined the portfolio of the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) from the former Employment and Workplace Relations portfolio. The Director of EOWA reports directly to the Minister for the Status of Women. In 2008-09, the total budget appropriations for EOWA were $2,938,000.

EOWA employs 13 ongoing staff and six non-ongoing staff. In addition, an additional seven contractors are employed for 18 weeks; one receiver is contracted for five months and an additional three receivers are contracted for six weeks each year at the time when reports are due to be received.39

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The primary role of EOWA is to administer the EOWW Act and to provide information, advice, education and communication to reporting organisations and members of the broader community to achieve equal opportunity for women in the workplace. Broadly, EOWA is required to:

- advise and assist relevant employers in the development and implementation of workplace programs;
- issue guidelines to assist relevant employers achieve the purposes of the EOWW Act;
- monitor the lodging of reports by relevant employers as required by the EOWW Act and to review those reports and deal with them in accordance with the Act;
- monitor and evaluate the effectiveness of workplace programs in achieving the purposes of the EOWW Act;
- undertake research, educational programs and other programs for the purpose of promoting equal opportunity for women in the workplace;
- promote understanding and acceptance, and public discussion of equal opportunity for women in the workplace;
- review the effectiveness of the EOWW Act in achieving its purposes; and
- report to the Minister on such matters in relation to equal opportunity for women in the workplace.

3.1.4 Key activities of EOWA

EOWA advises and assists relevant employers in the development and implementation of their workplace programs and monitors the lodging of reports by relevant employers.

EOWA collects, analyses and benchmarks this information and provides reporting organisations with feedback and advice to further enhance each organisation’s equal employment opportunity (EEO) program for women. For every report assessed, an EOWA representative telephones and emails the organisation to provide personalised and detailed feedback on their workplace program.

Should a report be initially assessed as non-compliant, EOWA works with that organisation to attempt to obtain the necessary additional information for the organisation to comply with the EOWW Act.

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EOWA prepares an annual report to the Minister for the Status of Women on its operations, including details of any reporting organisations that have failed to meet the requirements of the EOWW Act. This annual report is tabled in the Australian Parliament.

EOWA is active in offering a range of education programs, events, awards and workplace tools to support and encourage Australian employers to improve equal opportunity outcomes for women in the workplace.

EOWA has a broader role to promote public discussion of equal opportunity for women in the workplace. The EOWA awards and research, for example, receive media attention and are of interest to an audience beyond those organisations covered by the EOWW Act.

Some examples of EOWA’s education and awareness activities are as follows.

- **The Employer of Choice for Women Award.** This is a prestigious annual citation awarded to organisations that are recognising and advancing women in the workplace. This program commenced in 2001 with 55 organisations awarded the citation, and growing to 111 organisations in 2009. Receiving a citation is seen as providing significant positioning in a competitive market place.

- **Public education programs.** EOWA offers workshops across all states and territories. In 2008-09, EOWA held 20 such workshops. Example programs include: “Developing an EOWA program and preparing a compliance report”, “Positioning your business for waiving”, and “EOWA Employer of Choice for Women and Business Achievement Awards”.

- EOWA runs various events throughout the year. The flagship event is the annual EOWA Business Achievement Awards (BAA) which recognises those organisations at the forefront of driving change for a more equitable workplace.

- EOWA undertakes and/or commissions a range of research. Since 2002, the EOWA Australian Census of Women in Leadership (Census) has measured the status of women on boards and women executive managers in Australia's top 200 organisations listed on the Australian Stock Exchange. This research is internationally comparable. Other research includes further analysis of the Census data, such as *Pay, Power and Position: Beyond the 2008 EOWA Australian Census of Women in Leadership* and *Gender in the Boardroom*. EOWA also publishes a regular e-newsletter which is distributed to over 7,000 subscribers, and provides a comprehensive website.

- EOWA also provides workplace tools to assist organisations achieve the objectives of the EOWW Act including the *Pay Equity Tool* to help employers to audit and analyse the gender pay distribution throughout their workplace, and the *Bullying and Harassment Prevention Tool*.

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EOWA networks with the broader community as a member of a number of external organisations, including equal employment opportunity practitioners’ associations; guest speaking at numerous events; holding events targeting a wide span of audiences, including government departmental staff, parliamentarians, women’s groups and academics; and supporting strategic projects and events such as the Macquarie University Graduate School of Management’s Women, Management and Employment Relations Conference.

3.2 Relationship of the Act to other institutions, legislation and policies

The EOWW Act forms part of a suite of Commonwealth legislation that aims to promote and protect human rights and achieve equal opportunity for women in the workplace. These include the Sex Discrimination Act 1984 (Cth) (the Sex Discrimination Act) and the Fair Work Act 2009 (Cth) (the Fair Work Act).

The role and functions of EOWA complement those of other Australian Government public sector organisations, namely the Australian Human Rights Commission (AHRC), the Sex Discrimination Commissioner, the Office for Women, Fair Work Australia and the Fair Work Ombudsman (FWO).

3.2.1 Current institutional arrangements

Australian Government Office for Women

The Office for Women is located within FaHCSIA and plays a key role in the promotion of equal employment opportunity for women. It aims to influence policy and decision-making to ensure women’s interests are considered. It acts as the central source of advice for government agencies in policies and programs for Australian women.44 The Office for Women is leading this review of the EOWW Act and EOWA. Its key roles include:

- providing high level advice to the Minister for the Status of Women;
- undertaking specialist research to inform evidence-based policy development and Australia’s reporting on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- providing the principal focus for consultation between women’s organisations and the Australian Government;
- representing the Australian Government in national and international fora on women’s issues, such as the United Nations; and
- providing support to victims of people trafficking.

Australian Government Office of Work and Family

The Australian Government has also created an Office of Work and Family within the Department of the Prime Minister and Cabinet, to ensure that the formulation of policies aimed at striking the right balance between paid work and family life occurs at the highest level and is central to all policy decisions. Given that women make up the majority of primary carers of children, paid work and family policy has a significant impact on equal employment opportunity for women. The Office of Work and Family works with the Office for Women to ensure the particular needs of working women are appropriately considered and incorporated into the Government's broader work and family agenda.45

Australian Human Rights Commission and the Sex Discrimination Commissioner

The Sex Discrimination Commissioner is a statutory office created under the Sex Discrimination Act. The Commissioner is appointed by the Governor-General and, by convention, the appointment is made on the advice of the Federal Attorney General. The gender of the person is not specified.

Under the Sex Discrimination Act, the majority of the functions and powers relevant to the Sex Discrimination Act (and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)) are not given to the Sex Discrimination Commissioner but to the Australian Human Rights Commission (the Commission). The Sex Discrimination Commissioner is a member of the Commission, together with the President and Human Rights Commissioner, the Race Discrimination Commissioner, the Aboriginal and Torres Strait Islander Commissioner and the Disability Discrimination Commissioner.

The Sex Discrimination Commissioner is currently also responsible for age discrimination. The President is solely responsible for the handling of complaints under the Sex Discrimination Act.

The Sex Discrimination Act sets out a range of functions to be carried out by the Commission, including:

- granting temporary exemptions;
- promoting understanding and acceptance of, and compliance with, the SDA;
- conducting research and education, and other programs on behalf of the Commonwealth;
- examining laws or (where requested by the Minister) proposed laws and reporting to the Minister;

Office of Women  
Department of Families, Housing, Community Services and Indigenous Affairs  
Review of the Equal Opportunity for Women in the Workplace Act 1999  
Consultation Report  
January 2010

- reporting to the Minister on new laws or action that should be taken by the Commonwealth about unlawful discrimination or sexual harassment;
- preparing non-legally binding guidelines; and
- intervening in any court proceedings, with leave of the court.

In addition to these functions under the Sex Discrimination Act, the Commission also has general duties, functions and powers under the Australian Human Rights Commission Act which may be used to promote ‘human rights’. ‘Human rights’ are defined to include ‘the rights and freedoms recognised in the ICCPR’ including the right to non-discrimination and equality on the ground of sex.

Australian Government Department of Education, Employment and Workplace Relations

The Department of Education, Employment and Workplace Relations (DEEWR) is the lead government agency in education and workplace training, transition to work and conditions and values in the workplace.

The Department has the following objectives:

- to educate and build socially inclusive communities where all Australians have the opportunity to reach their full potential and to actively participate in a rewarding economic and social life;
- to build and promote individual development through equitable and accessible education from early childhood services to skills training and higher education;
- to increase workforce participation and promote fair and productive work practices;
- to develop national economic potential and capability that builds future economic prosperity and international competitiveness through skills development and employment growth;
- to actively engage with clients and stakeholders to ensure services, advice and resources respond to the needs of these groups; and
- to look for efficiencies and innovative, targeted and effective solutions in developing national economic potential.

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47 Ibid.
**Fair Work Australia**

Fair Work Australia is the national workplace relations tribunal with specific dispute resolution functions under the *Fair Work Act 2009*, including in relation to:

- the safety net of minimum wages and employment conditions;
- enterprise bargaining;
- industrial action;
- dispute resolution;
- termination of employment; and
- other workplace matters.

Fair Work Australia also has the function of providing assistance and advice about its functions and activities.\(^{48}\)

**Fair Work Ombudsman**

The Fair Work Ombudsman (FWO) is an independent statutory office created under the Fair Work Act to help employers and employees understand and comply with the new workplace relations system. The FWO provides information and advice, investigates alleged breaches of workplace relations legislation and enforces provisions of the Fair Work Act.

The FWO assists employees, employers and outworkers throughout Australia by:

- providing education, assistance and advice on relevant Commonwealth workplace laws;
- promoting and monitoring compliance with relevant Commonwealth workplace laws;
- inquiring into and investigating any act or practice that may be contrary to relevant Commonwealth workplace laws;
- commencing proceedings or making applications to enforce relevant Commonwealth workplace laws and, where appropriate, seeking a penalty for contraventions of relevant Commonwealth workplace laws; and
- representing employees or outworkers who are, or may become, a party to legal proceedings under relevant Commonwealth workplace laws.\(^{49}\)

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\(^{49}\)
The Fair Work Act does not confer any specific functions on the FWO to investigate or conciliate discrimination claims.

3.2.2 Legislative framework

Sex Discrimination Act 1984

The key piece of federal anti-discrimination legislation protecting women in the workplace is the Sex Discrimination Act. This Act makes it unlawful to discriminate on the basis of sex, marital status, pregnancy or potential pregnancy or family responsibilities in a range of areas of public life, including within employment, although discrimination based on family responsibilities is limited to instances of dismissal in the employment context. ‘Carer’s responsibilities’ is not covered. The Sex Discrimination Act also prohibits sexual harassment in many areas of public life.

The Sex Discrimination Act covers all existing and prospective female employees except for existing and prospective state employees. Unlike the EOWW Act, the Sex Discrimination Act covers all Commonwealth female employees and, unlike the Fair Work Act 2009, it has a limited application to male employees.

The Sex Discrimination Act prohibits:

- treating a person less favourably than a person of the opposite sex in the same or similar circumstances by reason of the person’s sex (direct discrimination); and
- imposing an unreasonable condition, requirement or practice that has, or is likely to have, the effect of disadvantaging persons of the same sex (indirect discrimination).

In relation to employment, the Sex Discrimination Act expressly prohibits both direct and indirect discrimination:

- in the arrangements made for the purpose of determining who should be offered employment;
- in determining who should be offered employment;
- in the terms and conditions on which employment is offered or afforded;
- by denying the employee access, or limiting the employee’s access, to opportunities for promotion, transfer or training, or to any other benefits associated with employment;
- by dismissing the employee; or

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• subjecting the employee to any other detriment.

Sex discrimination is not unlawful in employment where a person’s sex is a genuine occupational qualification. At the present time, the Sex Discrimination Act makes no provision for a general positive duty on employers or other bodies to prevent discrimination or promote gender equality. The Sex Discrimination Act therefore has only a limited role to play in challenging systemic discrimination by working to overcome barriers that disadvantage women in the workplace.

Complaints of unlawful discrimination can be made to the Australian Human Rights Commission (AHRC). If a complaint cannot be conciliated, or is terminated by the AHRC, the complainant may apply to the Federal Court or the Federal Magistrates Court for a legally enforceable determination.

**Fair Work Act 2009**

The new *Fair Work Act* commenced on 1 July 2009 and provides a range of support and protections for women in the workplace. The Act expands protections against workplace discrimination which were available under the *Workplace Relations Act 1996 (Cth)* (Workplace Relations Act).

Protections against discrimination contained in the Workplace Relations Act applied only to existing employees and were limited to termination from employment for a prohibited reason (for example, sex, race or family responsibilities).

The Fair Work Act provides enhanced prohibitions against discrimination by providing that an employer must not take ‘adverse action’ against an employee or a prospective employee for a range of reasons, including the person’s sex, marital status, family or carer’s responsibilities, or pregnancy. The Fair Work Act also includes caring responsibilities as a new ground for unlawful termination claims.

While the expanded anti-discrimination protections in the Fair Work Act are intended to provide comprehensive protection from discrimination in the workplace, they also preserve the operation of Commonwealth, state and territory anti-discrimination laws.

The Fair Work Act contains expanded equal remuneration provisions, which enable Fair Work Australia to make orders to ensure that there will be equal remuneration for work of equal or comparable value. The inclusion of the words ‘and comparable value’ is significant as it removes one of the historical barriers to running federal pay equity cases, which was the requirement to demonstrate discrimination in setting wages. It also allows for comparisons to be carried out between different, but comparable, work. Equal remuneration orders can be sought on the application of an affected employee, an employee organisation representing affected employees, or the Sex Discrimination Commissioner50.

The Fair Work Act includes other measures relevant to women’s pay. For example, the Fair Work Act allows for minimum wages to be varied on ‘work value’ grounds (the

50 *Fair Work Act 2009* s 302.
ability to make a work value claim was removed under the Work Choices amendments), and includes provisions that facilitate multi-employer bargaining for low paid employees who have not historically had the benefits of enterprise level collective bargaining (this is particularly important in some feminised industries where levels of enterprise bargaining is low).

The Fair Work Act also introduces the National Employment Standards (NES) which will come into effect from 1 January 2010, setting a safety net of minimum conditions for employees in the federal workplace relations system.

The NES guarantees conditions that support women to balance work and family responsibilities. For example, it doubles the amount of unpaid parental leave available to parents from 12 months shared between both parents to separate periods of 12 months for each parent. In addition and subject to complying with certain conditions, employees will be able to request up to 12 months extra parental leave under the NES. The NES will also afford a new right for parents to request flexible working arrangements where they have responsibility for a child under school age or a disabled child under the age of 18.

### 3.2.3 Other key Australian Government programs and initiatives

#### Australian Government Paid Parental Leave Scheme

The Australian Government will introduce a paid parental leave scheme from 1 January 2011. The scheme will be funded by the Australian Government and, in most cases, recipients will receive the payment through their employer.

Paid parental leave has the capacity to significantly benefit women in the workplace, as it will provide eligible primary carers of newborn or adopted children with up to 18 weeks of payments while they take time off work to care for their child. The full minimum wage will also be available to eligible part-time employees, as well as eligible contractors, casual workers and self-employed workers.

#### Australian Government programs to support work-family balance

The Government also funds a national awards and accreditation scheme to encourage businesses to help their staff better balance their work and family life. The 2009 National Work-Life Balance Awards and Accreditation Scheme will provide public recognition for organisations that are leaders in their industry, successfully integrating work-life balance practices whilst managing business demands.

Additionally, the Government recently launched the Fresh Ideas for Work and Family Program, which provides grants of between $5,000 and $15,000 to assist small businesses implement practices designed to help employees balance work and family life and improve employee retention and productivity.
Pay equity inquiry

In June 2008, the Acting Minister for Employment and Workplace Relations asked the House Standing Committee on Employment and Workplace Relations to inquire into and report on pay equity and associated issues related to increasing female participation in the workforce.\(^{51}\)

The terms of reference for the inquiry stated that the Committee inquire into and report on the causes of any potential disadvantages in relation to women's participation in the workforce including, but not limited to:

- the adequacy of current data to reliably monitor employment changes that may impact on pay equity issues;
- the need for education and information among employers, employees and trade unions in relation to pay equity issues;
- current structural arrangements in the negotiation of wages that may impact disproportionately on women;
- the adequacy of recent and current equal remuneration provisions in state and federal workplace relations legislation;
- the adequacy of current arrangements to ensure fair access to training and promotion for women who have taken maternity leave and/or returned to work part time and/or sought flexible work hours; and
- the need for further legislative reform to address pay equity in Australia.\(^{52}\)

The resulting report\(^{53}\) made a number of recommendations around industrial relations legislative reforms, Anti-discrimination legislation, establishment of a specialist Pay Equity Unit within Fair Work Australia, administrative practices and approaches, data collection and research into women’s choices and cultural dimensions.

3.3 Measuring the success of the Act and Agency

The approach in Australia to increasing women’s participation and achieving equal employment opportunity is multi-faceted. For this reason, it is difficult to measure the success of the EOWW Act and EOWA in isolation.


At the population level, a number of data sets are collected that provide information on the status of women within Australian workplaces. The Australian Bureau of Statistic’s Labour Force surveys, and the Employee Earnings and Hours surveys, are important in this regard.

At the organisational level, EOWA encourages organisations to measure their success in a variety of ways, and provides tools to help them gather data, identify issues for women workers and determine their priority areas to take action and measure outcomes.

Organisations use a number of indicators to chart the benefit of their programs, including increased productivity; reduced absenteeism and turnover, the number of women who return to work after a period of maternity leave; improved rates of women in management and in non-traditional roles; increased access to quality part-time roles; and decreased or an absence of discrimination-related complaints.

Organisations can also measure their equal employment opportunity successes by receiving a waiver of reporting requirements, which means they have achieved a ‘waived standard’. This means that they have done everything reasonably practicable to address issues for women in their workplace across all seven employment matters. Other measures of success for employers are becoming an EOWA Employer of Choice for Women or becoming a finalist or winner in EOWA's annual Business Achievement Awards.

EOWA uses information it collects from reporting organisations to build a data set to measure progress in workplace programs over time. This data is also used to educate employers on best practice and is used to set and revise benchmarks for its EOWA Employer of Choice for Women citation.

EOWA measures its own performance through a survey of reporting organisations which measures their views on the advice and information EOWA provides, its products and services, their relationship with EOWA, and the value they put on the legislation it administers.

This survey was last conducted in 2006, and prior to that in 2003. In 2006, this survey found that most reporting organisations thought EOWA is effective in providing advice and information to assist in the improvement of outcomes for working women. More than two in five organisations believed EOWA is ‘very effective’ or ‘extremely effective’. This represented an increase of 15 percent from the 2003 survey.

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4 Barriers to achieving equality for women in the workplace

This section outlines the key barriers to achieving equality for women in the workplace that have been identified through consultation activities.

This section firstly considers a number of underlying social and cultural causes of the barriers to equality for women in the workplace, including attitudinal factors that influence the way both men and women within workplaces make decisions that result in inequality for women. The section then considers the actual or tangible barriers that women face in participating equally in workplaces, identifying factors that prevent them from achieving equal representation across all levels of the organisation and receiving equal pay.

4.1 Social and cultural barriers to equality in women’s employment

4.1.1 Attitudes and culture

Attitudes and beliefs about men and women, including stereotypes and opinions about appropriate roles for men and women in society, were one of the most frequently raised issues across all consultation activities conducted for this review.

Many people attributed the ‘choices’ that women make in education and employment to social norms and pressure arising from traditional notions of ‘appropriate’ work for women, which begins at a very early age and continues throughout women’s lives. For example, decisions about whether to engage in paid work, to work full or part-time, and the types of industries or occupations in which to work, are influenced by attitudes that women are better at certain types of roles - those usually related to nurturing and caring.

Domestic arrangements also operate to impact on women’s participation in the workforce, with the division of labour in the home being a critical factor affecting hours worked and roles undertaken in the workforce.

Traditional attitudes, when held by men in senior decision-making roles in organisations, were also identified as an underlying cause of pre-judging, under-estimating or de-valuing women’s skills. Such attitudes can limit women’s access to certain training, development and promotional opportunities, and may contribute to designing job roles that are easier for people without family responsibilities to perform (usually men). Such attitudes can lead to bias against women in recruitment and selection processes. They were also observed to underlie workplace cultures in male-dominated industries and organisations that may be hostile or uncomfortable for women, and therefore resist or repel women who would otherwise seek equal participation in those industries.

Forty-one percent of public submissions received as part of the public submission process identified society’s perception of men’s and women’s roles as a key barrier to equality for women in the workplace. This was the most or equally most frequently highlighted barrier from both individuals and expert individuals, as well as academic, community organisation, government, and industry submission sources. This was listed by half or more of the submissions from academic (10 of 17), community organisation (14 of 28)
and industry (12 of 24) sources. Unions and peak bodies were the only submission sources to not identify this barrier most frequently.

...the biggest impediment of true equality of opportunity for women in Australian (and other) workplaces is the inherent sexist culture

(Submission, Griffith University)

The EEO ‘problem’ is still viewed in many organisations as about women’s individual disadvantage and individual women’s lack of access to equal employment opportunities rather than as structural discrimination against women and/or organisational cultures that prevent women from reaching their full potential and being fairly rewarded for the work they do.

(Submission, Dr Sara Charlesworth)

At all roundtable discussions conducted for the review, a key topic of conversation was the embedded cultural issues that make equal opportunity difficult to address, and the significant resource effort required to truly achieve equal opportunity. The Sydney roundtable discussed the tendency for women to accept inequality and the constraints it brings, rather than face the risks of challenging the status quo.

The Adelaide roundtable attributed this reduced awareness of the challenges, and with this the lack of a drive for change, to the issue no longer being a priority on the political and community agendas. They highlighted the lack of campaigns about women in the workplace, both currently and for the past 15 years. The Melbourne and Brisbane roundtables discussed the lack of understanding by individuals of the complexities of the issues. The Brisbane roundtable went on to focus upon the lack of effort in some organisations to find ways to do things differently, despite the policies often being in place. The gap between having policy and implementing the policy was identified as an issue.

A not uncommon view was how these attitudes and culture are inherent features of many workplaces, and can occur across all industries. Many argued that workplaces define “merit” or “value” or “strengths” in traditional ways that can mask discriminatory practices. For example, the culture of a workplace may place a greater emphasis on the number of hours worked rather than actual output or quality of output.

The Adelaide roundtable considered long work hours and length of service to be discriminatory performance measurement indicators, due to their unfair implications for women with family commitments. The implications identified included both perceived less experience and the resultant delayed promotion and career path progression, as well as the potential age discrimination that can then ensue. There is also a perception of missing out on promotions if working under flexible arrangements, due both to perceptions of the value of part time workers, as well as to the perception that senior positions cannot be filled on part time / shared arrangements. The Melbourne roundtable illustrated the issue by using the tertiary sector as an example, where one commonly used aspect of performance measurement is the quantity of publications achieved by an employee each year, rather than the quality or the contribution of those publications.
The ‘long working hours culture’ of organisations in Australia was also observed to be an inhibiting cultural factor as it impacts on both a woman’s decision to undertake a role (the feeling of having to choose between a career and a family), and also her feelings of adequacy and security in being able to effectively undertake the role should she choose to work a reduced number of hours.

Eleven per cent of public submissions identified the ‘long working hours culture’ of organisations as a barrier to equal opportunity. No significant differences can be seen across submission sources in the identification of this barrier.

The Sydney roundtable discussed the ‘long work hours culture’ in relation to technology improvements, and how workplaces no longer respect the private space of individuals. The Adelaide and Melbourne roundtables discussed this issue in relation to its lack of alignment with family commitments, and the job security threats that can be felt by individuals, that in turn discourage them from choosing flexible arrangements.

In an interview with Dr Alex Birrell, the ‘long work hours’ culture was discussed as a barrier to women achieving equal employment opportunity. It was argued that, while this work culture does not, on its face, discriminate on the basis of gender, it is a significant barrier to progressing in the workplace for women who have caring responsibilities.

Women continue to be the primary domestic providers. A ‘long hours’ culture and a need to work five days a week traditionally puts considerable strain on a woman (rather than a man) as she attempts to manage family care and work commitments. This perpetual juggle, with little time for “other activities”, creates an unsustainable environment ultimately leading to women going part time or leaving the workforce.

(Interview, Dr Alex Birrell)

One employee survey respondent put the view that equal opportunity legislation itself can create additional attitudinal barriers and biases, in that it can undermine a woman’s further progression if it is perceived that women have been progressed because of the legislation rather than on the basis of merit.

This sentiment was echoed in an interview with Catherine Harris AO, where she discussed how legislative entitlements can be considered negatively by some employers.

I also think there has been a backlash against women as a result of the increasing entitlements for workers with family responsibilities. There is a hidden opposition to employing women because they may have children and leave the organisation. I think while these attitudes have always been there, I think now there is more willingness and permission for men to voice them in business and in the community.

(Interview, Catherine Harris AO)

Another employee survey respondent also observed this issue, “I think there are people in the business community that don’t get it – they view initiatives for women as discriminatory towards men” (employee survey respondent).
The effect of stereotyping on women’s success in the workplace was also commented on by some contributors. Examples included instances where attributes and skills that are valued in a man can be seen as negative features in a woman – dominant leadership can be viewed negatively in a woman, and can lead to her being labelled as “troublesome”; decisiveness in a man can be viewed as clarity of vision, while the same attribute in a woman may see her labelled as “inflexible”; being consultative can result in a woman being labelled as “lacking in confidence”.

This issue was discussed in a public submission from Women’s Forum Australia: “…women are evaluated negatively when they try to apply the full range of leadership styles, particularly the more directive and autocratic approaches which might be seen as ‘unfeminine.’”

The issue of the same behaviour being perceived differently if it is done by a man rather than a woman was also identified as a recruitment barrier for women at the Melbourne roundtable.

### 4.1.2 Lack of data and understanding of the dimensions of inequality in workplaces

Consultation activities identified a common concern about current data collection processes, and the belief that they are failing to adequately capture gender-based disadvantage in the workplace. Inadequacy of data on the dimensions of inequality in the workforce was identified as contributing to both a lack of understanding of the issue itself, as well as a lack of evidence on the scale of the issue.

**Data collection and scrutiny**

While some consulted through the review hold the general view that current data collection processes are variable and unreliable, other comments pointed to more specific data gaps, such as the lack of available data on industry pay differentials between men and women, the lack of available data relating to employment of women with disabilities or the issues confronting Indigenous women, and the lack of data on structural barriers that may be impacting on women’s workforce participation, such as the availability of child care or of transport. It was argued that these data shortcomings have serious implication for addressing issues relating to inequality for women – if organisations do not have appropriate metrics to support the adequate measurement of opportunities and outcomes, they will be unable to adequately develop actions and programs to achieve progress in this area.

*The lack of structured criteria on which employers must report makes it difficult for employers to effectively identify EEO issues and for the EOWW Agency to assess EEO reports in a consistent manner and produce meaningful EEO data.*

*(Submission, Australian Council of Trade Unions)*

A further example was provided at the Perth roundtable, which discussed how organisations’ training records may indicate that women and men have received the same amount of training, yet a more detailed examination of the data may reveal that women are...
not receiving equitable leadership training. Such discrepancies were also more generally considered at the Melbourne and Sydney roundtables, where participants felt that common metrics used by organisations are inadequate for exposing existing inequality outcomes. This was reiterated by the concern that, while workplaces believe equality is being achieved, roundtable participants feel the inequality is there but is instead just not visible. The Perth roundtable also discussed this issue, in particular the common misconception that pay equity is no longer an issue in Australian workplaces, which was considered to be attributable to a lack of appropriate data collection or scrutiny. The Sydney roundtable highlighted how confidentiality and commerciality issues also create difficulty in exposing embedded pay inequality issues.

Whilst this barrier received very little mention by reporting organisation survey respondents, it did receive some mention by employee survey respondents. There was a general statement highlighting the need for visibility, “Finally we need to get the drilled down diversity data out there because many organisations think the women's equality problem has been fixed!” as well as a survey respondent that made specific reference to how this barrier exists in relation to supporting return to work after maternity leave: “Gathering of data regarding what really happens to women returning to work after maternity leave in terms of their right to return to a job at the same level / same pay.”

**Converting data into results**

A further observation concerned inaction relating to the data collected, with the perception in many organisations being that the provision of data fulfils their obligation and is the end of the matter. Not surprisingly, given the omissions described above, the current format for reporting was considered by many throughout the consultation activities to be too general, and to be contributing to a focus on compliance rather than on accurate and productive outcomes.

This was discussed in the public submissions by the South Australian Wine Industry Association (SAWAI), which described the report process as retrospective rather than forward-planning and, as such, how "the reporting process provides little value to organisations, except perhaps to compare data and statistics from one year to the next…and little benefit is observed for women workers”. SAWAI continued on to describe the process as “a matter of reporting by default rather than... to set proactive targets and to measure effectiveness of programs”.

The Melbourne roundtable discussed the gap in outcomes, observing that inappropriate metrics also mean a poor conversion of measures into useful actions and programs.

**Data gaps**

The lack of specification and dimensions of reporting requirements for alternative business types, for marginal groups of women such as culturally and linguistically diverse (CALD), Indigenous, rural or women with disabilities, was consistently identified as being inadequate across all consultations. The marginal nature of these groups creates a greater vulnerability and even less ‘choice’ in terms of equality outcomes. Such groups were identified in consultations as missing out on necessary acknowledgement and protection.
The Perth roundtable discussed the lack of data available about minority groups. The roundtable also highlighted how these groups are often focused upon for what they cannot do, rather than what they can do.

Participants in the Melbourne roundtable argued the case for more specific guidelines, or for modifications to reporting that would specify requirements for different industry types and for organisations of different sizes. The Adelaide roundtable made specific reference to small organisations and their need for equal opportunity requirements due to the high proportion of small businesses comprising the business sector, and the high female workforce in this sector. Also identified were the needs of women in rural areas and, at the Brisbane roundtable, the needs of Indigenous women.

This is not a universal viewpoint, however, some participants to the review indicated their view that the current reporting format is useful and adequate. For example, Clayton Utz in their public submission discussed how the “…reporting helped us to identify and understand the ‘hidden issues’.”

4.1.3 Lack of recognition and understanding of the benefits

The lack of knowledge within some organisations about the benefits arising from improving women’s employment opportunities was identified as a key barrier for achieving equal opportunity outcomes. There was an overall perception that the economic and productivity arguments for improving employment opportunities and outcomes for women are not adequately understood by employers. This barrier was cited across consultation activities.

It was asserted that, in some instances, decision makers in organisations are not equipped with the insight or awareness to recognise the benefits that having a workplace practising equal opportunity can have on business outcomes. In such instances, investment in equal opportunity initiatives is associated more with compliance and moral responsibility, rather than improving the bottom line. The implications of this is a lesser incentive and a reduced willingness on the part of decision makers to ensure initiatives are developed or maintained and wasted potential for improved outcomes in equal opportunity for women. This sentiment was raised during discussions with some interviewees and through the public submissions process.

*A major barrier is the management model in industries – they see labour as a cost that they need to drive down, however there are false economies here because often poor pay and conditions lead to higher turnover which itself generates cost. And for the economy generally, low wages for women over their lifespan results in increased poverty and this lasts into retirement with additional burdens in terms of the aged pension.*

*(Interview, Louise Tarrant, Katherine Whitty and Elaine Hudson, Liquor, Hospitality and Miscellaneous Union)*

*The Agency has focused on the business case of EEO in encouraging compliance with the Act by reporting organisations and this has effectively led to deregulation.*
The business case argument is largely rhetorical for organisations with little actual cost/benefit analysis or measurement of business outcomes undertaken, and fails to consider the role of employees in the internal governance of corporations

(Submission, Susan McGrath-Champ)

In addition to the business case, many stakeholders pointed to a lack of understanding and recognition of the broader benefits to national productivity and the economy. These circumstances were attributed during roundtable consultations to both a lack of research in this area and a lack of awareness and education amongst decision makers. In particular, the Sydney roundtable participants highlighted current economic conditions and the national skills shortage, as well as the ageing population, as arguments that should be used in support of equal opportunity, reasoning that sound economic rationale can encourage organisations to become more flexible in their working arrangements.

4.2 Tangible barriers in the workplace

4.2.1 Concentration of women in lower paid positions - occupational segregation

Many contributors to the consultation process observed that women were often to be found in part-time and casual jobs (e.g. the hospitality sector), in the lower paid professions (e.g. child care), and were less often found in senior executive or managerial positions. The concentration of women in occupations that attract lower pay was argued to be a tangible barrier preventing women from realising workplace equality.

Women in lower paid professions

The Financial Services Institute of Australasia (Finsia) observed in its submission, “…that women employed part time in the finance sector are also twice as likely to be in clerical positions as men in equivalent positions in the finance industry (65 per cent for women, compared to 32 per cent for men).”

Some stakeholders consulted attributed such outcomes to the cultural and attitudinal issues discussed earlier in this section, including the particular effects of socialisation in encouraging women and men into specific roles. This point was raised through individual interviews:

Our industrial system was founded on biased, stereotypical thinking. For decades decisions were made on gender based (or gender related) grounds. While some important changes have been progressed, other key issues and gender determinants have really only received a form of ‘bandaid’ or ‘quick-fix’ treatment... The day that we comprehensively audit and pay for all of the skills that nurses and primary school teachers are required to bring to their roles, compared to those of underground miners, will be the day that we have truly made progress. Additional or heightened payments historically received in male dominated areas have never been addressed properly nor extended to the child care workers or hairdressers for...
example. The underpins of the wage system are gender flawed – the boys jobs get chemical and dirt money … the girls jobs don’t.

(Interview, Susan Halliday)

Lack of women in senior executive or managerial positions

The lack of women in senior positions, as an element of occupational segregation, was seen as a barrier to women achieving equal employment opportunity in general and, more specifically, to women in junior positions attaining more senior positions.

...there has been little or no progress in the more difficult areas of pay equity and the promotion and advancement of women, especially into positions of leadership

(Submission, EOWA)

Of the challenges identified for reporting organisations to achieve equal employment opportunity, reporting organisation survey respondents ranked the “Lack of women in management / supervisory positions” as the most significant challenge (ranked challenge one and two most frequently). This issue was most notably prioritised by respondents in Professional, Scientific and Technical Services, Financial and Insurance Services, Rental, Hiring and Real Estate Services, and Agriculture Forestry and Fishery.

Employees also indicated their awareness of this issue through the employee survey. Seventy one percent of employee respondents who indicated that women do not have equal employment opportunity identified the “Lack of women in management or supervisory positions” as a challenge within the workplace to achieve equal opportunity for women. This was the most frequently recognised challenge. When breaking this response down by industry, the identification of women in lower paid roles was identified as a barrier in most sectors, with a high proportion of respondents in the Property and Business Services Sector highlighting the issue.

The corollary to these comments was the observation of concentrations of men in senior positions or positions of power. The predominance of males in key decision-making roles has raised concerns for the likelihood of change in attitudes towards equal opportunity initiatives and outcomes. This issue has long-term implications, with the observed lack of female role models threatening the ability to diminish this barrier in future.

This phenomenon was commonly referred to in public submissions and roundtable discussions as the predominance of ‘boys clubs’ within senior management of organisations. The ‘boys clubs’ phenomenon was frequently discussed in terms of its impact on women, where it was seen to have negative flow-on effects for pay (the pay gap between genders widens at higher income and occupational levels), for recruitment into the industry, and for general attitudes towards working women.

The Perth roundtable discussed the need for women to be supported in leadership roles, and the importance of these women in driving change. The Sydney roundtable discussed the ‘blokey’ culture that can typically exist at the executive level of many organisations, and the resistance of such a culture to change. This was, on occasion, observed to be
compounded by ‘uninspiring’ women, who achieve seniority but do not provide the necessary role models for younger women. The Sydney and Adelaide roundtables observed that these women are often not champions of equal opportunity and do not represent the interests of women more broadly. The Adelaide roundtable discussed how some women in these positions feel that, if they had to work hard to get there, so too should the younger generations of female leaders. The Melbourne roundtable discussed the barrier of ‘boys clubs’ in terms of the subconscious bias in decision making that can occur in leaders, which can impact on equal opportunity outcomes where gender-bias decisions are made by a group that is all male.

While respondents to the reporting organisation survey did not make reference to ‘boys clubs’, quite a number of employee survey respondents did. They commonly made reference to the issues of ‘boys clubs’ in senior positions and Board directorships, but also more broadly.

My view is that the Australian business culture is one of 'blokiness', is very task focussed and ego driven. This means that the holding of technical knowledge / skills, a focus on short term outcomes, process and procedures and achieving recognition for the individual to achieve outcomes is valued above collaboration and relationship building (which are women's strengths) and which are often more effective in attaining effective outcomes.

(employee survey respondent)

4.2.2 Lack of childcare and parental leave

Issues identified to a limited degree through the public submissions and surveys, as well as during the individual interviews, was the difficulty in securing high quality, flexible, and affordable childcare, and the availability of parental leave. Without the presence of both childcare and parental leave, a woman’s capacity to maintain her desired level of engagement within the workforce was considered to be increasingly difficult. The notion that women have ‘choices’ in maintaining their career and managing family needs in parallel with each other has become a key point of contention.

Parental leave

The issue of parental leave was identified to a small degree through consultation activities.

Adherence to Work and Family measures in awards and agreements such as carer’s leave and rosters considering family responsibilities is an ongoing struggle

(Submission, Union)

Another submission from an individual submitter describes the poor parental leave situation as resulting in, “the career OR motherhood scenario”, whereby women are forced to make a choice between the two.
Some employee survey respondents also discussed the issue of women having to make a choice between their work and children:

I believe many women are into fulfilling working lives after years of being in the workplace, and want to have children when they're a bit older, yet do not wish to forfeit their working lives.

(employee survey respondent)

An allied issue was the need to address the cultural issues inhibiting the effective implementation of gender-neutral childcare and parental leave initiatives to facilitate the greater involvement of fathers in the care of children.

Brisbane roundtable discussions highlighted the cultural issues inherent in the expectation that it will be the mother who will care for a child, and the father only on one-off occasions. Participants felt that there is a lack of recognition of the involvement of the father in the parental role other than around the time of the birth of the child. This was identified by participants as due to a lack of adequate policy and strategy around the role of fathers at the government level, which in turn results in employers not following through on this issue at the organisational level.

**Availability of childcare**

Similar to the issue of parental leave, the issue of the availability of quality childcare was raised to a small degree across consultation activities. In total, 14 submissions identified a lack of access to affordable and quality childcare as a barrier to women’s equal participation in the workforce. Submissions from expert individuals identified this barrier the most (33 percent), industry (17 percent), and community organisations (14 percent).

The structural facets involved when addressing this issue were highlighted:

The provision of accessible (geographically and hours open) and affordable childcare will assist many parents, women in particular, to better manage the work/life split.

*(Submission, Griffith University)*

At the Perth roundtable, a lack of available childcare was identified as a barrier to women’s equal employment outcomes.

In the individual interviews, representatives from the Australian Chamber of Commerce and Industry (ACCI) identified that the lack of childcare and paid parental leave has potentially been an obstacle for some women, as it represents a challenge for them to remain attached to the workforce. In addition, Judith Van Unen from the Council of Small Business Organisations of Australia identified that the costs of childcare creates a disincentive for women to work and this should be addressed. Additionally, Samiro Douglas observed:
Childcare has to be seen as a ‘workforce enabler’. Current out of school hours care is not well funded. Generally they don’t have their own premises, children aged 5-12 are all in one room and there’s no homework space or support, so parents have to do homework after dinner. Activities are ok for children to year 3 but older children don’t want to attend, which creates guilt or the mother has to find alternatives, such as reducing hours. Childcare and vacation care are expensive, and can be more than the women is paid to work. There’s no aftercare or childcare rebates for young people over 12. Many parents are not happy to have their 12 year old at home alone all the time.

(Interview, Samiro Douglas, Women’s Information and Referral Exchange)

The issue of childcare was brought up once in the reporting organisation survey, in free text, where the structural aspects were observed to be both inadequate and costly. In contrast, childcare was raised a number of times in the employee survey, including the statement that there exists a “lack of adequate childcare…and flexible work options for male carers” (employee survey respondent).

4.2.3 Lack of quality, flexible roles

The need for flexibility in job design and work arrangements has been widely acknowledged across consultation activities with particular concern expressed in relation to the quality of the flexible positions that are available to provide women with more of a ‘choice’ in order to achieve equal opportunity. Observations provided to the review noted that there are few quality, part-time roles available to women and that, where part-time jobs are available, they are often designed around employer requirements rather than jobs being re-designed to accommodate women who desire to progress in their career through a flexible role. This was noted particularly to be the case for senior positions where a noticeable lack of part-time positions is offered, or where there is inflexibility about the number of hours to be worked.

Flexible employment

This issue of flexible work was identified in consultation responses to have particular implications for women from a CALD, Indigenous or disadvantaged background, as well as for women with disabilities and those transitioning to and from other flexible options, such as maternity leave.

Ten percent of public submissions identified ‘the lack of quality part time positions’ as an obstacle impeding further progress towards equal employment opportunity, and 28 percent identified ‘inflexible working conditions’ as an obstacle. Inflexible working conditions was most commonly identified as a barrier by union public submissions, at 56 percent (5 out of 9 submissions), with the next highest prevalence at only 37 percent (7 of 19) by peak body submissions. There were no significant differences across submission source categories in the identification of the quality, part time roles barrier.
Women returning to work after maternity leave are still experiencing great difficulties if they want, or need, to return to work on fewer hours than they were working before they took maternity leave

(Submission, Union)

A public submission from the Finsia made the following observation: “Finsia found that the proportion of women working in the finance industry declines much more sharply after age 45, suggesting a structural impediment within the finance sector to re-employing women post child-bearing.”

Not all submissions held the view that inflexible work arrangements represented a barrier for women.

Inflexibility at the workplace and in working hours is unlikely to be a key driver of demands on workers with family responsibilities...if employers are to be “coaxed” into changing their employment profiles to remove male – female labour market characteristics (more men using flexible work provisions or spending more time out of the workforce, for example) considerable adverse labour market intervention will be required, with attendant costs."

(Submission, Australian Federation of Employers and Industries)

The Adelaide and Melbourne roundtables highlighted that many available, part-time positions are to be found in the less valued, lower paid occupations, in which women end up if they require a flexible working arrangement. They also highlighted the lack of structural initiatives available to assist those women planning transition to flexible work arrangements, resulting in poor planning or inefficient use of the positions. There was discussion in Adelaide of the prevailing perception that senior positions are not able to be carried out under flexible arrangements, and of how part-time arrangements tend to result in a full week of work being completed within the part-time hours.

The Brisbane roundtable discussed the reluctance of organisations to consider how roles, and in particular professional roles, can be undertaken more flexibly, including accommodating school hours.

Sydney roundtable discussions highlighted the importance of providing flexible work arrangements for female workers with a disability.

Reporting organisation survey respondents identified the “Lack of quality part-time positions” as the third most highly ranked challenge to reporting organisations achieving equal employment opportunity for women and “Inflexible working conditions” as the fifth most highly ranked challenge.

There was some differentiation in identification of these challenges across industry type, with respondents from the Accommodation and Food Services and the Education and Training industries ranking these challenges significantly higher than reporting organisation survey respondents from the Mining, Manufacturing, Financial and Insurance, Electricity, Gas, Water and Waste Services industries.
The difficulty of this barrier was also discussed by reporting organisation survey respondents through their free text responses, including in relation to flexible arrangements in predominantly female workforces.

*With a workforce that is 80 percent female, it is not always possible to accommodate all requests for flexible working conditions (despite our very best efforts)*

*(reporting organisation survey respondent)*

Of those respondents to the employee survey who indicated that women do not have equal employment opportunity in their workplace, 43 percent identified the “Lack of quality part-time positions” as a key challenge and 30 percent identified “Inflexible working conditions”. Responses varied somewhat according to the type of position held by the respondent, where respondents in part-time positions identified the “Lack of quality part-time positions” as a key challenge more frequently than full-time employee respondents.

Employee survey respondents also observed the importance of senior roles and part-time positions.

*Supporting and mentoring women into senior roles, as well as ensuring that part-time work really is part-time, not full-time work for less pay in fewer days*

*(employee survey respondent)*

Some of the free text responses in the employee surveys tended to be anecdotal, with respondents often reflecting on their own workplace experiences when discussing their opinions of this issue.

*I have found applying for more senior positions difficult due to the increased hours and travel expected. My role as a mother is not recognised in this context. This is particularly difficult for single parents who require flexibility around hours of work, [and the] ability to work from home to progress in their careers*

*(employee survey respondent)*

**Culture, attitudes and of flexible work arrangements**

An interview with Dr Alex Birrell considered how culture and attitudes impact on flexible work arrangements.

*It is rarely the case that the husband will make the choice to reduce his work hours. And society would find a man making this decision “unusual” and “a bit soft”.*

*(Interview, Dr Alex Birrell)*
4.2.4 Lower pay and the undervaluing of women’s work

The consultation process found broad discussion of lower pay and the undervaluation of women’s work as a barrier to achieving equal employment opportunity. This included views that traditionally female-dominated industries are undervalued and underpaid, that women are more likely to undertake unpaid work that is not reflected in economic productivity figures and that pay inequality impacts on perceptions of women and their ability to achieve equal opportunity.

Pay inequity

Pay inequity was identified as an issue by 30 percent of public submissions, and was the second most prevalent barrier listed. Almost half (46 percent) of community organisation submissions identified this as a key barrier.

Many tasks and so called soft skills such as communication, decision-making and pastoral care are undervalued and unrecognised as a work skill...Women’s skills are valued and paid less.

(Submission, Community and Public Sector Union - State Public Services Federation Group)

Roundtable participants noted that a lack of transparency about pay levels made it hard for female workers to track their progress compared with male colleagues. The Sydney roundtable observed that significant numbers of women work in underpaid and undervalued roles and that particular protection of women in these roles through regulation was needed.

One interviewee made the point that pay is used to perpetuate traditional ideas of the ‘ideal worker’ and that the lure of pay rises and bonuses reinforces the need to work longer hours. Given that many women have caring roles that do not allow them to work longer hours, this limits their ability to achieve pay parity or progression.

Another interviewee indicated that it was unnecessary, and possibly dangerous, to intervene in the market to achieve pay parity.

Attempts at “equalising” pay across different industries and occupations; this is a diversion from the real issue. It only leads to long drawn out debates over how to value work, debates which are essentially meaningless, at least in industries which are exposed to market forces – in these industries it is consumers that determine the value of work. Tampering with market forces will not have a positive effect on business competitiveness or the economy, and indeed the effects can be damaging.

(Interview, Professor Mark Wooden)

Surveyed reporting organisations did not nominate lower pay and undervaluing of women’s work as a significant challenge to achieving EEO, where it ranked seventh of the nine challenges identified.
In contrast to the survey of reporting organisations, employee survey respondents reported pay inequity as the third most significant barrier for women’s achievement of equal employment opportunity. Respondents from larger organisations ranked this barrier as less significant than respondents from smaller organisations. Pay inequity was identified by 80 percent (20 out of 25) of respondents from organisations with under 20 employees, by 48 percent (15 out of 31) of respondents from organisations with between 20 to 99 employees, by 39 percent (24 out of 62) of respondents from organisations with between 100 to 499 and by 33 percent (48 out of 147) of respondents from organisations with more than 500 employees.

“Lower pay and the undervaluing of women’s work” was identified as a challenge by a greater number of employees from private sector organisations (53 percent) than employees from public sector organisations (30 percent). This difference was not as great for other challenges identified.

Pay inequity was also identified by a greater proportion of employee survey respondents from Cultural and Recreational Services (five out of the six respondents), from Construction (five out of the six respondents) and from Manufacturing (four out of the five respondents) relative to respondents from the Government, Administration and Defence industry.

**Undervaluing of caring roles and work in female-dominated industries**

Interviewees raised concerns that unpaid work, including caring roles at home, are overlooked in women’s workplace participation and remuneration equity. Also raised through the reporting organisation survey was the perception that many women undertake employment in caring industries such as health and education where they are poorly remunerated for these roles.

*There is still a distinct undervaluing of the types of work that are primarily done by women (child care, community services, nursing / caring etc)*

*(reporting organisation survey respondent)*

*Women’s part time participation in the work force because of carer’s responsibilities needs to be valued more highly*

*(employee survey respondent)*

**4.2.5 Bias in recruitment and selection**

Recruitment and selection have been identified as barriers to achieving equal employment opportunity for women. The criteria used in recruitment and selection was highlighted as the key factor contributing to this barrier, where definitions of ‘merit’ can often include male-dominant characteristics, or where ‘merit’ is assessed by individuals who are biased towards certain characteristics.
Recruitment bias

Responses to the public submission process identified difficulty in recruiting women as a barrier to achieving equal opportunity, with five percent of submissions identifying this as an obstacle.

Public submissions also raised specific concerns about bias in recruitment and selection, including the use of selection criteria that either result in discrimination towards female applicants or do not value women’s skills. It was further identified that the wording of job advertisements could exclude or deter female applicants. A lack of transparency in recruitment processes was also identified as a barrier.

Roundtable participants discussed a number of issues that may have an impact on recruitment of women, including a lack of awareness and understanding in human resources personnel of equal opportunity issues. The use of selection criteria that disadvantage women was also seen as a key barrier by participants.

The Melbourne roundtable discussed the inadequacy of having what they described as a ‘token’ female representative on interview panels, rather than genuine, balanced representation. This roundtable also considered that women may be reluctant to apply for certain jobs because they lack the confidence to apply, or viewed failed applications as a more significant setback than their male counterparts.

“The ability to recruit women into the organisation” was the second highest ranked challenge to achieving equal employment opportunity by reporting organisation survey respondents.

The results of the reporting organisation survey indicate differences in the extent to which different industries perceive the ability to recruit women into an organisation as a challenge. Reporting organisation respondents from the Agriculture, Forestry and Fishing; Construction; Electricity, Gas, Water and Waste Services; Manufacturing; Mining; Public Administration; and Safety, Transport, Postal and Warehousing’ and Wholesale trade industries ranked the ability to recruit women as the first or second most significant challenge. In contrast to this, the Arts and Recreation Services; Education and Training; Financial and Insurance Services; Health Care and Social Assistance; Information, Media and Telecommunications industries identified this challenge as a less significant problem.

Employee survey results show an inverse relationship between organisational size and the extent to which employees view the “retention of women within the organisation” as a challenge to achieving equal employment opportunity for women. Employees from larger organisations more frequently cited this as a challenge compared to employees from smaller organisations.

Responses to the employee survey also identified that there may be unconscious bias in selection processes if interview panels are not gender balanced, and that common recruitment practices did not support decisions based on an objective demonstration of capacity.
4.2.6 Difficulty attracting women into male dominated industries – industry segregation

Through the consultation activities, difficulties in attracting women into male-dominated industries was identified as a challenge to achieving equal employment opportunity for women. The issues these responses primarily focused on included workplace culture in such industries, which deterred women from entering, fewer women pursuing studies in areas necessary to enter these industries and the type and location of work not being attractive to women.

Whilst female participation has continually risen (compare this to relatively stable participation rates of males), there are some sectors of the economy that cannot attract female workers. There appears to be industries that have difficulties in attracting women to their workforce (i.e. agricultural industries, construction, mining, transport and storage) and these employers have concerns about the obligations placed on them. No matter how much effort industries put into attracting females into certain occupations/sectors, this fact remains constant from year to year. The annual reporting/workplace plan obligations on a firm does very little to overcome this challenge

(Submission, Australian Chamber of Commerce and Industry)

Cultural issues impacting on women’s employment in male-dominated industries

The Chamber of Commerce & Industry Queensland (CCIQ) discussed this barrier in its public submission:

Many of the barriers that exist around equal employment opportunities for women in the workplace stem from cultural and social barriers that are almost impossible for employers to change. For example, there are some industries that genuinely struggle to attract female applications for positions

(Submission, Chamber of Commerce and Industry Queensland)

Some public submissions noted that there are cultural issues in some industries that may contribute to the lack of women in those workplaces.

A main barrier...is the lack of representation of women in certain industries, and the resulting male dominated cultures that develop with a lack of women in those industries.

(Submission, Australian Industry Group)
It may not be readily accepted, but intimidation may be a factor limiting our industry’s ability to achieve more equal employment opportunities for females on sites

(Submission, John Holland Group)

The Brisbane roundtable considered this to be a particular issue for Australia, citing that there are still a large number of male-dominated industries in existence, particularly in regional areas. The Perth roundtable discussed the discrimination and harassment experienced by women when first entering these environments, and the further difficulties in overcoming this barrier. In Adelaide, participants also discussed how these industries tend to lack flexible work arrangements, presenting an even greater barrier for women integrating into these industries.

Some respondents to the reporting organisation survey noted that they considered that women were under-represented in some industries because of the type or location of work. Other employers attributed this to an organisational or industry culture that is not welcoming of women. It was also suggested that the lack of part-time positions available to women returning from maternity leave in some fields may deter women from entering.

The employee survey indicated that women may be reluctant to enter male-dominated industries because there is a lack of senior women in those areas to support and mentor other women. The negative attitude of men within these industries was also put forward as a factor that may impact on the number of women in those industries.

**Educational issues impacting on women’s employment in male-dominated industries**

Some respondents considered that women may be reluctant to pursue study leading to male-dominated industry employment because it is not encouraged or because they think that their post-educational opportunities will be restricted. It was suggested through the submission process that women are not encouraged to undertake certain subjects or work in certain fields during high school and that this impacts the pool of graduates that firms within typically male-dominated industries are able to draw from.

Several reporting organisations commented on this issue in the reporting organisation survey through free text responses.

*The overall pool of women in our industry is small and this root cause issue needs addressing*

(reporting organisation survey respondent)
..senior roles in my organisation require an Engineering degree. Very few women complete these kinds of degrees and even fewer stay in the industry and build their career

(reporting organisation survey respondent)

4.2.7 Less access to training and promotional opportunities

The consultation process identified that inequitable access to training and promotional opportunities is a barrier to achieving equal opportunity outcomes. Particular factors that were noted as contributing to this barrier included women in part-time work not receiving development and promotional opportunities, women feeling less comfortable or being blocked from participating in development opportunities, especially in male-dominated workplaces, and family commitments reducing women’s ability to network.

The issue was discussed in a number of public submissions received. One key theme centred on part-time employees receiving fewer training and development opportunities, which had an overall impact on equal opportunity because many part-time workers are female. Other issues raised include the impact of gender inequity in senior positions on development and promotion of female employees and the impact of motherhood on access to these opportunities.

The impact of motherhood on career development was discussed in the public submission by Women on Boards and the National Foundation for Australian Women:

A woman’s fertility is finite and typically coincides almost exactly with her most productive years in the workforce – those same years that her male peers are building organisational and external professional relationships, upgrading qualifications and cultivating the experience that will position their careers for future promotion and advancement.

(Submission, Women on Boards and the National Foundation for Australian Women)

Part-time and casual employment rates were also discussed by a submission from an academic source:

Concentration in part-time and casual employment has a number of pay equity implications, including lower access to training and more limited opportunities for advancement and career development than full-time employees”.

(Submission, Academic)

The Brisbane roundtable discussed the issue of unequal education and training opportunities in relation to Indigenous women and women in regional areas. They considered the issue as being attributable to the types of industries available in these areas as well as the lack of education for these women, particularly at a tertiary level.
This issue was discussed in detail at the Melbourne roundtable where participants noted that the ability to achieve internal promotion within an organisation is not seen as equal for women when there is gender imbalance at the senior management level. There was a discussion about promotional opportunities being diminished by reduced opportunities, actual exclusion of women from some workplace experiences, and the reluctance of some women to be the only female in attendance.

The results of the reporting organisation survey show a relatively small proportion of employers perceive “unequal access to training and development” to be a challenge to reporting organisations achieving equal employment opportunity for women. The Healthcare and Social Assistance industry registered the highest level of concern about this issue. The vast majority of reporting organisation respondents from other industries did not cite this as a challenge at all.

Employees also raised concerns about inequitable access to training and development through the employee survey. Sixty-eight percent of employee respondents considered that equal access to training and development was an important factor supporting and contributing to equal opportunity in their workplace.

Analysis of the employee survey also shows an inverse relationship between the extent to which “unequal access to training and development” is perceived to be a challenge and the size of the organisation, such that employees from larger organisations identified this barrier less frequently than employees from smaller organisations.

This barrier was also noted within the free text section of employee surveys, with barriers such as the following noted:

   ...In professional services it is important to network beyond work hours which is difficult with women who have dependants.”

(employee survey respondent).

Cultural factors behind this barrier were also raised, where respondents discussed how, “despite our best efforts and for reasons that have nothing to do with workplace policies, it is almost always the women who reduce their working hours and choose not to apply for promotions because of family responsibilities and rarely their husbands” (employee survey respondent).
5 Effectiveness of existing equal opportunity for women framework

This section examines consultation findings relating to the contribution that the EOWW Act and EOWA have made to increasing women’s employment opportunities and advancing women’s equality in the workplace. It includes a discussion of the role that the EOWW Act and EOWA have in gathering and reporting on workplace data. It also considers the perceived effectiveness of the existing institutional arrangements in delivering equal opportunity for women.

5.1 EOWW Act

5.1.1 Coverage of the Act

Discussion of the coverage of the EOWW Act was relatively extensive throughout consultation activities. The discussion highlighted a general dissatisfaction with the current coverage of the Act.

Of all submissions received, 37 percent (47 submissions) commented that they believed that the current coverage of the EOWW Act was inappropriate and nine percent thought it is appropriate. The vast majority of submissions that considered the coverage of the EOWW Act to be inappropriate indicated that expanded coverage would be more appropriate, including to cover smaller organisations and government entities. Only one submission expressed the view that the coverage of the EOWW Act should be reduced. This is discussed further in section 7.

The HRLRC considers that the current coverage of the EOWW Act limits its effectiveness, as discrimination is clearly an issue in any sized business...The promotion of equal opportunity for women in the workplace would be enhanced if the requirements and obligations for all organisations, whether in the public or private sector, were streamlined. At present, there are significant differences between the requirements imposed not only on the public and private sector, but also the public sector in different jurisdictions. There is also an argument, that as the government acts as a role model for best practice to other organisations, that more stringent requirements be imposed. In order to facilitate this, it is suggested that as a minimum, the same standards should be imposed across all employers

(Submission, Human Rights Law Resource Centre Ltd)

In their submission, James Cook University stated that “the lack of coverage for smaller organizations (fewer than 100 employees) and the lack of contact by those small organizations, particularly in regional areas, with those organizations which are required to be compliant” represents an obstacle that may impede further progress towards equal employment opportunity within organisations and in Australia generally.

The exemption of the Commonwealth public sector from reporting to EOWA was also raised at the roundtables as a concern. In particular, participants questioned this exemption in light of the size of the Commonwealth public sector workforce.
5.1.2 Development of workplace programs

The consultation process identified that there was general support for the EOWWW Act requirement that employers develop workplace programs to prevent discrimination and achieve equal employment opportunity for women. However, overall, the effectiveness of the workplace programs in achieving improved outcomes for women in the workplace was widely questioned.

Some submissions indicated that employers thought that workplace programs had contributed to improved employment opportunities for women within reporting organisations. Of the submissions received, 20 percent indicated that workplace programs had contributed to outcomes and eight percent indicated that they had not. With respect to whether the EOWWW Act's requirements regarding the content of workplace programs are useful and appropriate, 23 percent of public submissions received indicated the requirements are not useful and appropriate and 13 percent indicated that they are useful and appropriate.

The requirement to develop reports under the EOWWW Act has provided reporting organisations with the underlying data to support organisational change. The reporting structure and the legislation that underpins it have been very important in legitimising an organisational function/role dedicated to gender and diversity in the workplace.

(Interview, Juliet Bourke, Chair Equal Employment Opportunity Network of Australasia)

... The analytical and evaluation activities called for by the legislation demand a level of attention from employers that has proved hard to sustain over time, particularly in organisations with overstretched human resource staff. Analysis can become perfunctory ... in many cases the reporting of actions suggests that they are being retrofitted into a largely notional equal opportunity program.

(Submission, EOWA)

The link between program development and reporting was highlighted at the Melbourne roundtable where participants noted that the planning and reporting regime did not support development of evidence-based programs. Some stakeholders who were interviewed also expressed dissatisfaction with the rigour of the workforce analysis that is meant to inform workplace programs, particularly in relation to pay data.

We have never used the reports when looking at issues inside particular companies or representing particular employees. We have not found them to be a helpful form of information as there is little detail and a lot of rhetoric. In addition most of the employers we cover have less than 100 employees so they don’t need to compile reports.

(Interview, Louise Tarrant, Katherine Whitty and Elaine Hudson, Liquor, Hospitality and Miscellaneous Union)
Some submissions and interviewees also raised concerns regarding the effectiveness of the feedback on the workplace programs and reports provided by EOWA.

_EOWA has done a good job with the limited resources that it has and its people work well and they work very hard. However EOWA’s approach of reviewing reports and providing feedback is superficial and has very limited impact. They are usually 5 or 10 minute conversations and there is no framework to them. The approach is at the discretion of the consultant and often they do not ‘tell it straight’ and the feedback is too soft._

_(Interview, Philippa Hall)_

_There is a lack of guidance in the EOWW Act in terms of specifying a standard on the amount of information that should be provided in an employer’s analysis of their workplace in determining EO issues, or the extent to which the Agency can direct an employer to take action._

_(Submission, EOWA)_

In the survey of reporting organisations, 46 percent of respondents either agreed or strongly agreed that the requirement under the EOWW Act to develop a workplace program has had a positive effect on the development of equal employment opportunity initiatives in their workplace. Thirty-two percent neither agreed nor disagreed, and 21 percent disagreed or strongly disagreed.

The level of support that reporting organisations indicated for the requirement to develop a workplace program through the survey correlated with the compliance level of the organisation. Organisations with the highest level of compliance were more likely to agree that the requirement under the EOWW Act to develop a Workplace Program has had a positive influence on the development of equal employment opportunity initiatives for women (44 percent agree, 9 percent disagree). The level of agreement fell with compliance level. Organisations that were moderately compliant agreed 39 percent and disagreed 15 percent, whilst marginally compliant respondents agreed 30 percent and disagreed 19 percent.

Across all categories, responses to the employee survey indicated that a significant number of employees were not aware of employee involvement in developing (35 percent) and evaluating (40 percent) workplace programs. The results from the employee survey show that female employees were more likely to indicate that employees were not involved in the development of strategies relating to equal opportunity and employment for women (33 percent) or that they did not know whether employees were consulted (35 percent). Male respondents more often indicated that employees were involved in the development of these strategies (49 percent). This disparity between male and female employees was also reflected in the responses regarding evaluation of the equal opportunity strategies.

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55 ‘Compliance status’ is an internal rating used by EOWA, which is not made public.
5.1.3 Reporting to EOWA

Mixed responses were received across consultation activities in relation to the effectiveness of the EOWW Act’s reporting requirement. The responses to the reporting organisation survey indicate that, overall, the EOWW Act requirement that employers prepare and submit a report to EOWA has had a positive influence on the development of equal opportunity initiatives for women. However, many respondents indicated that changes are required to improve the effectiveness of the reporting process. A recurring theme arising from the consultations was that reporting was process, rather than outcomes, driven and, overall, largely ineffective in improving employment outcomes for women. There also appear to be low levels of employee consultation and involvement in the development of reports to EOWA.

Ten percent of submissions attributed some of the EOWW Act’s contribution to improving women’s employment opportunities to EOWA reporting. However, the submissions lacked consensus on the utility of reporting requirements to organisations with 13 percent saying that they were very useful, 15 percent moderately useful and 13 percent not useful.

The current reporting arrangements are inconsistent, discursive and subject to evasion… One could suggest that the lack of quality and comprehensive reporting and the failure to properly administer these requirements has not encouraged employers to take their obligations seriously… The reports do not contain the information required to make any analysis or form any clear picture of equal opportunity or pay equity in large organisations…

(Submission, Community and Public Sector Union - State Public Services Federation Group)

Submissions were also neutral on the issue of the reporting cycle, with 14 percent of submissions agreeing that reporting times were optimal and 15 percent saying that they were not. Of those that did not see the reporting timeframe as being optimal, the majority suggested that it should be extended. This is discussed further in section 7.

Annual reporting is too frequent. As well as having implications for company resources, the short time frame does not allow sufficient time for progress to be made, and many relevant projects take considerable time to “get off the ground”… the EOWA Act reporting year should coincide with either a calendar or financial year to make generating relevant data more efficient.

(Submission, Australian Industry Group)

Many submissions noted that the reporting requirements were resource intensive; with 15 percent nominating that they were very resource intensive, nine percent that they are moderately resource intensive and four percent that they are not resource intensive or not appropriate.

In regard to the waiving provisions, 14 percent of submissions received indicated that the requirements were not effective, whilst six percent believed that they were effective.
In its submission, EOWA noted that a range of issues had arisen as a result of the flexible reporting format. Although employers are able to devise any reporting format that addresses the employment matters identified in section 3(1) of the EOWW Act, it is estimated that more than three-quarters of compliance reports are currently submitted using a version of the optional Public Report form.

Flexibility that was built into the 1999 Act has created uncertainty among employers about the standards to be applied both to their equal opportunity programs (i.e. their analysis, actions and evaluations) and to their reporting. This uncertainty has been reflected in employers’ reports and has often meant that the Agency may not have a clear basis for evaluating many programs

(Submission, EOWA)

The issue of reporting was widely discussed at the roundtables. Many of the discussions focused on the reporting burden on industry and its impact on equal opportunity. Of particular concern to participants was the frequency of reporting as many considered that annual reporting was too frequent. The fact that the reporting cycle does not align with other reporting requirements, such as those for the Australian Securities and Investments Commission (ASIC) and ASX, was also noted.

Some roundtable participants expressed the view that reporting requirements were too onerous for the benefit derived. Participants also noted that the current reporting format is too general and lacks clarity. It was also suggested that the ability to seek a waiver from reporting impacted on transparency.

A number of individuals interviewed through the consultation process commented on EOWA reporting requirements, including on the frequency of reporting. Some noted the positive impact that reporting had on equal opportunity issues and that reporting allowed businesses to track their progress over time.

A number of reporting organisations have indicated that the requirement to report has been beneficial to their operation as it has highlighted some important business metrics, which it can track over time.

(Interview, Daniel Mammone and David Gregory, Australian Chamber of Commerce and Industry)

Yearly reporting is also too frequent, it comes around too quickly and often implementing change takes longer than this so you are not getting meaningful reports being generated.

(Interview, Samantha Edwards and Tanya Zuccarino, Australian Industry Group)

Other interviewees raised the lack of transparency in reporting and the need to make reports public.

There is now a deregulated approach to reporting which means that reports are very inconsistent and subjective, most put a positive spin on policies and programs
but there is very little real data or real action included in them. There is an incentive for organisations to submit ‘glossy’ reports which do not identify any problems because nothing is done about it if they don’t, and in fact, there are public relations issues for them if they do. We have even seen organisations re-submitting the same report every year but there doesn’t appear to be any compliance action taken for doing this. Most reporting organisations resort to the lowest common denominator now.

(Interview, Catherine Bowtell and Belinda Tkalcevic, Australian Council of Trade Unions)

The overall result of the survey of reporting organisations was mixed as to whether the requirement to prepare and submit a report to EOWA has had a positive influence on equal opportunity for women (38 percent either strongly agree or agree and 32 percent either disagree or strongly disagree). When asked which reporting requirements should be changed, the majority of organisations did not think that any amendments should be made (‘no change’ responses scored between 63 percent and 77 percent across the requirements). Some respondents noted that compiling an annual report drained resources that could be better utilised implementing equal employment opportunity programs.

Forty percent of reporting organisation survey respondents either disagreed or strongly disagreed with the statement that their employees were supplied with a copy of the organisation’s report to EOWA compared with 27 percent that either agreed or strongly agreed.

This result is broadly consistent with the results from the employee survey, where most respondents (53 percent) indicated that they did not know if employees in their organisation were consulted in the process of developing the report to EOWA and 33 percent said that they were not consulted. Only nine percent of employee respondents said that they were consulted on the EOWA report.

5.1.4 Penalties, sanctions and enforcement

Issues relating to penalties, sanctions and enforcement of the EOWW Act were widely discussed throughout the consultation process. In particular, most stakeholders were generally dissatisfied with the adequacy of the available penalties and sanctions and the enforcement power available under the EOWW Act. Industry and employer representatives also generally acknowledged the lack of penalties and enforcement activity under the EOWW Act, however they did not support any strengthening of these arrangements.

Of the respondents to the public submission process, no respondents indicated that appropriate penalties had contributed to the effectiveness of the EOWW Act. However, of those that did not consider that the EOWW Act had contributed to improving women’s employment opportunities, only five percent indicated that the cause was a lack of appropriate penalties.
The lack of enforcement power was highlighted as a significant issue in many submissions, with 39 percent (50 submissions) saying that the enforcement mechanisms currently in place are not sufficient to ensure that the objectives of the legislation are met. This contrasts with nine percent of responses that indicated that the enforcement mechanisms were sufficient. Categories of submitters indicated stronger views on this issue than others. Individuals, industry, academics and community organisations were less likely to consider that the enforcement mechanisms were insufficient, whereas submissions from expert individuals, government, union and peak body respondents were more likely to consider enforcement mechanisms insufficient.

Submissions indicated that enforcement mechanisms were insufficient because the penalties were not strong enough (34 percent – 43 submissions). Only one percent of submissions indicated that enforcement mechanisms are too strong.

Effectiveness of the procurement ban is dependent upon the relevant Government agency which is procuring the services/goods being aware of the EOWA determination, and the “naming” outcome is dependent upon the employer being recognised as a brand name and therefore attracting media attention

(Submission, Equal Employment Opportunity Network of Australasia.

'The (submitter) is unaware of any tendering organisations or grant or loan applicant which has failed to win a tender, a grant or a loan as a result of non-compliance with the Act. This may be because there are so few organisations assessed as non-compliant.'

(Submission, Union)

Under current legislation, there are few serious implications for organisations that fail to improve their gender diversity and equality performance...‘Naming’ in parliament is a meaningful sanction only for blue-chip (and publicly listed) companies for whom brand and reputation as an employer of choice is important, and who need to respond to stakeholder expectations in relation to corporate social responsibility

(Submission, Industry)

The current reporting framework and requirements do not compel organisations to explain if and how EO is progressing for women in their organisation The minimum requirements for achieving compliant status are too easy and are heavily focused on descriptive narrative regarding implementing annual reports providing essentially the same descriptive material year after year can attain compliance status...little effective mechanisms currently exist to compel reporting organisation to report on the development and implementation of EO for Women in any effective manner.

(Submission, Academic)
The compliance mechanism of naming in Parliament is only effective for organisations that need to maintain a good public relations profile. Organisations which do report have expressed discontentment with the fact that there is no penalty for organisations which do not report.

(Interview, Samantha Edwards and Tanya Zuccarino, Australian Industry Group)

Few submissions expressed the view that existing compliance mechanisms are appropriate and effective.

The current system appears to be working when you look at the ratio of organisations completing the report, compared to those not completing the report (2,500 to 12).

(Submission, Industry)

EOWA’s submission highlighted issues with enforcement and penalty mechanisms including the lack of deterrent effect that the naming in Parliament sanction has on some organisations. EOWA’s submission also highlighted that a significant number of organisations that fit within the scope of the EOWW Act have failed to self-identify. It is estimated that approximately 4,500 organisations fit into this category.

Roundtable participants raised concerns about the ability to sanction organisations for non-compliance. Specific comments were made about organisations having nothing to lose through non-compliance and sanctioning applying at an organisational, rather than individual, level.

Individuals interviewed through the consultation process raised similar concerns to those raised in the public submissions and roundtables. Whilst there was some support for the power to name non-compliant organisations, this was outweighed by significant concerns about the strength of enforcement and sanctioning powers.

Those companies who are named in Parliament really don’t care and don’t believe there will be any resulting damage to their business. Naming in Parliament results in one bad media article, and no one remembers after that, unlike the high profile sex discrimination cases which people remember for years.

(Interview, Chris Ronalds SC)

EOWA is effective in supporting good and willing organisations to achieve improvements, however their overall impact is limited, especially when we are talking about the unwilling and recalcitrant organisations. EOWA has no teeth. There is a 'limp' compliance framework which means it can not deal with those organisations that choose not to comply with the legislation or choose not to take any action to improve outcomes for women, or for that matter choose to report that they are a lot better than they are.

(Interview, Susan Halliday)
There is a lack of penalties for non-compliance in the Act – the agency is not using the tools and force of the legislation effectively. The way that naming in Parliament power is used now is not very persuasive and nothing in the Act actually encourages organisations to internalise the priorities and put into effect change. To do this, companies need to develop strategies to effect cultural change, there is nothing in the Act that promotes this.

(Interview, Catherine Bowtell and Belinda Tkalcevic, Australian Council of Trade Unions)

The mechanism available to punish non-compliant reporting organisations has not provided a sufficient disincentive not to comply. Many tenders do not go through a formal tender process and government also relies on organisations to declare their non-compliant status, which many may not or may not be aware of.

(Interview, Juliet Bourke, Chair Equal Employment Opportunity Network of Australasia)

The results of the employee survey also highlight that some respondents are concerned about the effectiveness of current enforcement and penalty provisions. When asked what more could be done to achieve equal employment opportunities for women, seven percent of female respondents and 17 percent of male respondents indicated that clear and enforceable laws and reporting including penalties for non-compliance would have a positive impact.

5.1.5 Incentives and awards

There were some issues raised by consulted stakeholders in relation to the effectiveness of the current incentives to prevent non-compliance or drive organisations to go further than the minimum requirements of the EOWW Act.

The submissions received were not strong on the issue of whether a lack of incentives had impacted on the outcomes of the EOWW Act. Of the submissions that said that the EOWW Act had not contributed to improving women’s employment outcomes, only one percent put forward a lack of incentives as the reason. Overall, only two percent of submissions stated that procurement incentives were appropriate.

Roundtable participants generally noted that the incentive mechanism of awards and competition between businesses is effective in compelling organisations to strive to achieve equal opportunity for women because there is a desire to better competitors’ achievements. However, the structure of the award system was also discussed at roundtables as an area of concern, with a particular focus on the award criteria and whether it sufficiently rewards organisations that go beyond the requirements of the EOWW Act. Some participants questioned the credibility of the awards as they were aware of organisations who had won them, who they considered as having poor or mediocre performance in relation to employment equity for women.
Some interviewees noted that the existing incentives and awards are not bringing about change for women. However, other interviewees considered that the awards process has provided an incentive for organisations to strive for equal opportunity.

_Awards have been particularly good incentives for organisations to strive to achieve EEO_

_(Interview, Juliet Bourke, Chair Equal Employment Opportunity Network of Australasia)_

_EOWA’s education and awards as incentives have not been as effective as other mechanisms for change_

_(Interview, Professor Mark Wooden)_

A larger proportion of surveyed reporting organisations indicated that the EOWA Employer of Choice citation provides an effective incentive mechanism for organisations to work towards achieving equal opportunity for women in the workplace than those who did not (32 percent agree or strongly agree and 19 percent disagree or strongly disagree). The Business Achievement Awards did not receive the same level of support, with 24 percent of respondents either disagreeing or strongly disagreeing that it provided an incentive and 21 percent agreeing or strongly agreeing that it provided an effective incentive mechanism. The reporting organisation survey results suggest that, as the size of the organisation of the respondent decreases, so does the likelihood of a positive response to these programs.

5.2 **EOWA**

This section discusses findings from the consultation process in relation to the effectiveness of EOWA. It examines EOWA’s roles and functions, including implementing reporting requirements, collecting data, and education and awareness raising.

5.2.1 **Implementing reporting requirements**

The consultation process has identified that, while many respondents were satisfied with EOWA’s work in implementing reporting requirements, many also noted that EOWA is constrained by the legislative framework in which it operates as well as the resources it has available to it.

Within public submissions received, EOWA’s role in implementing reporting requirements was relatively less valued and described as less effective than it could be. Seventeen percent of public submissions described EOWA’s role of advising reporting organisations in their development of workplace programs and annual reports as valuable and effective. This was the fourth most valued and effective function of EOWA perceived by public submissions. Of the categories of submitters, government (four submissions) and expert individuals (two submissions) valued this function more highly than industry, peak bodies, academics and community organisation submissions.
Public submissions to the review indicated that there is concern regarding the role of EOWA in monitoring compliance of reporting organisations. Of the submissions received, 37 percent indicated that they did not consider EOWA’s role to be adequate, compared with eight percent who believed it was adequate.

Roundtable participants were generally supportive of EOWA’s role in overseeing the implementation of reporting requirements. Participants did question the scope of reporting requirements and noted that EOWA interpreted minimalist reports to be compliant with the EOWW Act. Some interviewees expressed the view that insufficient guidance on how organisations could best report was available and that there were few opportunities to hear about best practice. Participants were concerned that the current arrangements do not encourage continued improvement.

A number of roundtable participants and interviewees identified a key limitation in EOWA’s ability to undertake its role effectively as arising from budget constraints.

The survey of reporting organisations showed a significant level of support for the feedback that EOWA assessors provide to organisations. Respondents indicated that EOWA had supported them in the preparation and submission of reports, with 69 percent either strongly agreeing or agreeing that EOWA had been effective in providing advice and information.

Some employees surveyed considered that EOWA did not provide sufficient recognition for good practice or going beyond what was required.

There appears to be inconsistencies in the application of EOWA requirements within and across industries

(employee survey respondent)

The feedback obtained by our organisation has been very helpful in identifying areas in which we could improve our service to women

(employee survey respondent)

5.2.2 Data collection

The scope of the data collected, and the capacity of EOWA to analyse and report on that data, were the main issues highlighted through the consultation process in relation to EOWA’s data collection function.

In EOWA’s submission to the review, it acknowledges that the current data set has significant limitations.

The reporting arrangements put in place by the EOWW Act enable the Agency to collect considerable information on workplaces’ equal opportunity programs, issues and initiatives. Much of this information is, however, discursive...because organisations can choose what they want to report on under a given employment
matter, comparison can be largely subjective and collated data is unavailable....There are a number of limitations to the current data

(Submission, EOWA)

Many submissions indicated concerns about the data set that EOWA maintains and its ability to measure changes in women’s participation and equality in employment. Only eight percent of submissions believed the data set is adequate, whereas 22 percent did not.

The national reporting regime currently legislated by the EOWW Act is minimal and inadequate. This is largely due to the: lack of broader data collection in which employers and employees can contextualise their targets and achievements, and through which government is able to form appropriate policy and legislative response

(Submission, Australian Council of Trade Unions)

The Agency’s data collection needs to be more substantive and should be a useful resource for researchers and practitioners

(Submission, Community and Public Sector Union - State Public Services Federation Group)

Roundtable participants commented that EOWA had insufficient data collection powers to properly fulfil its role. Participants at the Melbourne roundtable noted that EOWA’s data collection and analysis was insufficient as it was too broad. At the Sydney roundtable, participants noted that there has been a loss in the tracking of important data within last decade.

Some respondents to the survey of reporting organisations commented that EOWA currently does not compare an organisation’s results year by year. There was concern that this does not allow organisations to track their progress or to examine whether there is a change in the type of programs being delivered. Others also noted that data collection was too narrow and did not capture the type of information that can be used to successfully gauge and influence change.

EOWA is a function of the Act and therefore only as effective as the Act enables them to be.

(reporting organisation survey respondent)

5.2.3 Education and awareness raising

EOWA’s education and awareness raising role was highly valued by those consulted, though it was noted by many that this role was not adequate. A number of respondents also commented on the cost of EOWA programs and workshops reducing some organisations’ ability to access these educational services.
EOWA’s role as an educator and agent of change was supported by the submission results. Thirty-nine percent of submissions considered that education and awareness raising was EOWA’s most valuable and effective function. However, 32 percent of submissions indicated that EOWA’s role in promoting understanding, acceptance and public discussion of equal opportunity was not adequate or appropriate. (Fourteen percent considered that the role was adequate and appropriate.)

Some roundtable participants in Adelaide noted that EOWA’s training courses were expensive for smaller organisations and that most training was conducted in metropolitan areas. Participants considered that this limited the scope and reach of EOWA’s education and awareness campaigns.

The issue of best practice was also discussed at the roundtables. The Adelaide roundtable discussed the need for enhanced networking opportunities between organisations that are doing well as a way of enhancing practices and building a body of knowledge in the business world about how things can be improved. It was noted at both the Melbourne and Adelaide roundtables that publishing information about best practice would be an effective tool for educating businesses and raising awareness of equal opportunity.

A theme in the individual interviews was that EOWA should either receive, or dedicate, additional resources to education and public awareness activities. Interviewees recognised the role of EOWA in driving behavioural change, but noted that it did not reach a wide enough audience or promote a deep understanding of the issues. Several interviewees stated that they believe the public profile of the organisation needs to be increased, through closer links into industry, greater independence from government and increasing the profile of its commentary in the media.

*Refresh EOWA, potentially through re-branding to introduce it as a ‘switched on’ Agency able to provide expert advice and to influence change at the highest level.*

*(Interview, Amanda Mostyn, ASX)*

*It will also be important that through an enhanced educative role, EOWA’s message is communicated to a broader audience. For example, small to medium size organisations and immigrant groups who may not be aware of the legislation or the rights of individuals according to the Act. In the case of SMEs, this is important in ensuring that as they grow and potentially become reporting organisations, they are aware of and prepared for the requirements*  

*(Interview, Judith van Unen, Council of Small Business Organisations of Australia)*

5.3 Institutional arrangements

The consultation process considered the effectiveness of the current institutional arrangements in achieving the objectives of the legislation to improve equal employment opportunity for women. The issues identified around the institutional arrangements were the role of different agencies and duplication and gaps in their functions, as well as the role and function of EOWA, its portfolio location within government, and whether it
should remain as a separate agency or be combined with another entity. These issues were largely raised in the public submissions, interviews and roundtables, and were less prominent in the employee and reporting organisation surveys.

There were mixed views expressed through the submissions in relation to the question of whether there is duplication between EOWA and other agencies, including the FWO and the Sex Discrimination Commissioner. Fifteen submissions (12 percent) expressed the view that there was duplication, whereas 11 submissions indicated that there was not. A number of the submissions that disagreed with the statement that duplication exists particularly objected to the suggestion that there was overlap between the reporting obligations of EOWA and the role of the FWO. These submissions believed that the FWO has a stronger compliance and inspecting role in relation to the law, whereas EOWA should be more concerned with promoting leading practice and cultural change in organisations and, as such, that these agencies are complementary to an extent.

The submissions from key government agencies, such as the Australian Human Rights Commission, and the interview with the FWO, raised some concerns about the current lack of clarity in roles and responsibilities between these agencies, particularly for action to tackle systemic discrimination and to drive systemic reform to achieve gender equality in Australian workplaces.

There is a lack of clarity about which statutory authority is responsible for which lead roles, particularly in taking systemic action to achieve gender equality in the workplace. For example, it is possible that any one of these authorities (EOWA, Sex Discrimination Commissioner/Commission and the Fair Work Ombudsman) could be responsible for driving systemic action to close the gender pay gap in Australia. The same could be said for reporting on progress to achieve gender equality in the workplace. There are also no formal links or obligations to coordinate action in situations where coordination is required to ensure the system operates in a cohesive manner. The lack of clarity about roles, and obligations to coordinate action, means that the national gender machinery is not as effective as it could be.

(Submission, Australian Human Rights Commission)

The legislation and the agencies are basically in the same arena but come at the issues from different perspectives. The Fair Work Ombudsman has a much stronger compliance role around minimum standards whereas the role of EOWA is more about promoting and providing incentives for best practice...I think overall, the institutional and legal arrangements are quite fragmented at the moment, however this review, along with the other government review activities underway, provide an opportunity for government to come to a more coherent view about how to best address workplace issues around discrimination and equality.

(Interview, Nicholas Wilson, Fair Work Ombudsman)

It is of great concern however, that the issues to be dealt with remain largely the same as 25 years ago, and having a dedicated agency, albeit a very small agency, allows for abrogation of broader responsibilities within government to this tiny specialised unit. Having a government agency allows the rest of government to
distance themselves from the issue; having HR departments in organisations involved with the ‘busy’ work of reporting to EOWA allows the CEO and board to remain at arm’s length from the facts.

(Submission, Boardroom Partners)
What works to achieve equal employment opportunity for women

Through the consultation process, consideration was given to the levers or drivers of change in achieving equal employment opportunity for women. This section presents these consultation findings. The section firstly outlines some measures and actions that organisations can pursue which are considered by stakeholders to be effective in improving employment outcomes for women. The section then describes the key enabling factors or drivers of change to the policies, practices and culture of organisations which have the effect of improving outcomes for women. This includes the internal and external drivers of change, some of which government can influence to generate adjustment within organisations.

6.1 Effective organisational initiatives and practices

A range of measures and initiatives that are considered to be effective responses to the barriers in women’s employment were raised across the consultation activities, including changes to work processes and human resources practice.

Changes to human resources practices were frequently identified in the submissions as an effective measure for improving employment opportunities for women. Many stakeholders considered that having a policy on equal employment opportunity was important, with 27 submissions raising this issue, representing 21 percent of all submissions received. In the employee survey, 62 percent of respondents identified having a policy on equal employment opportunity as contributing to equal employment opportunity in their organisation.

In relation to changes to work processes, the most frequently raised measure by submissions was providing access to flexible work arrangements. Nineteen submissions (15 percent) identified access to flexible work arrangements as an effective lever for change in organisations.

Three out of the five roundtables also identified that flexible work arrangements were important to achieve equality for women. The Sydney roundtable broadly agreed that there needs to be a shift away from the notion of ‘part-time work’, which assumes that for example, 34 hours per week is part time while 37 hours is full time, as is 70 hours per week. It also fails to take into account that a good, flexible work outcome may not actually be in flexible hours on a daily or weekly basis, it may be spread throughout the year, or it may involve working from home. The Brisbane roundtable also recognised that working from home may help individuals to balance work and family life.

Closely related to the provision of flexible work is the importance of ensuring that taking up flexible work arrangements does not result in a downgrading of the woman’s role in the organisation or limit access to developmental and promotional opportunities in the future. Some participants at the Perth roundtable were less enthusiastic about the benefits of flexible work for women, and discussed concerns that flexibility was often driven by the employer and by ‘male values’ of flexible work. This issue was also raised in the interviews with representatives from the Liquor, Hospitality and Miscellaneous Union,
who considered that some flexible work arrangements can have a negative impact on family life.

*Flexible working hours can be a doubled edged sword. We are seeing polarisation between women (and men) who work full time working longer, while part time or casual workers are working less and being underemployed. Also the 10-hour shift can have a negative impact on trying to balance work and family life. Part of the long hours culture is driven by the 24/7 hour society. Also the difficulty in finding quality part time work is a major challenge – this can be a key lever to improving outcomes for women. All of this means that we need to not see women as a single group and understand that the issues are stratified and different for different types of women workers.*

*(Interview, Louise Tarrant, Katherine Whitty and Elaine Hudson, Liquor, Hospitality and Miscellaneous Union)*

Providing equal access to training and development opportunities was also identified as a contributor to equal employment opportunity. Eleven submissions (nine percent) identified this as important, with most of these being industry submissions. Access to training and development was identified as an effective measure for improving employment opportunities for women in four of the five roundtables. It was also strongly identified in the survey of employees, with 68 percent of respondents identifying this as a factor that contributes to equal employment opportunity for women in their organisation.

The other key measure identified in the roundtables, interviews and employee survey was transparency in providing information to staff about relative rates of pay in the organisation. The lack of transparency in pay rates within organisations was raised as a barrier to equal opportunity for women in several interviews and roundtables. The corollary of this point, also noted by participants, is that giving employees access to such data can be an effective lever for change in the organisation.

The Perth and Sydney roundtables raised concerns that the secrecy and lack of transparency around pay was a barrier to women understanding the level of inequality in the workplace. In the employee survey, access to information about pay levels was identified as an important contributor to equal employment opportunity by 51 percent of respondents.

### 6.2 Internal drivers for change within organisations

Many stakeholders consulted during this review commented on the key attributes of organisations that have successfully implemented change that improves the employment status of women, and the factors or enablers that have assisted that change to occur. Many stakeholders acknowledged that often the barriers to change are cultural and attitudinal and that, when these are translated into policies, practices and behaviours arise that have a negative impact on women’s employment outcomes. Therefore, several of the levers for change that were identified in the consultation process were aimed at tackling those attitudinal and cultural barriers and creating the incentives for organisations to implement change.
Overall, the major internal drivers for change that were identified included linking equal employment opportunity to overall business strategy, fostering a strong commitment at the Board and CEO level, developing a solid understanding of the dimensions of inequality in the organisation, demonstrating that the benefits of initiatives outweigh the costs, undertaking consultation with employees, and undertaking robust strategic planning and establishing accountability mechanisms to ensure that actions and measures are implemented. Each of these drivers is described further below.

### 6.2.1 Business competitiveness

One effective internal driver for change that stakeholders identified is to create strategic connections between the achievement of employment equality for women and the business success of the organisation.

Of all reporting organisations surveyed, a significant proportion responded that their organisation has initiatives aimed at equal employment opportunity for women because it makes good economic sense to the organisation (23 percent ranked it first or second as a reason).

In the individual interviews and the roundtables, several industry leaders identified the importance of having a gender balance in the organisation that is linked to its core business strategy as a major driver of change. This included ensuring the composition of the leadership team reflects the organisation’s customer base, in order to ensure its strategic directions were positioned well. Other industry leaders referred to the importance of diversity in an organisation as a driver of innovation and responsiveness to change, both of which are essential attributes if businesses are to adapt and maintain their competitive advantage in the marketplace. In addition, the need to maximise the talent pool from which staff are drawn was identified as essential to business success.

In terms of business competitiveness I believe that IBM has an excellent way of arguing for EEO as vital to its business success, which include the following three main reasons: (1) EEO is about attracting and retaining the best talent from the widest talent pool possible– this aspect of the business case is clear. (I am less convinced there are intrinsic characteristics of women that make them more successful in business or work but I do believe that it is important to ensure the selection of talent is from a broader pool than just men.); (2) To be successful businesses and organisations need to have employees that reflect their customer base. This means that organisations need to be more diverse than they currently are. This enables business to identify customer needs and social changes which are essential from a marketing and strategy point of view; and (3) Businesses and organisations need to be able to change, innovate and adapt. Homogenous organisations are more resistant to change and lack flexibility and creativity.

*(Interview, Catherine Harris AO)*
Increased competition has also been a contributing factor. As organisations compete for scarce talent the realisation that such talent is often held by women increases.

(Submission, Griffith University)

Obstacles that impede further progress towards equal employment opportunity within organisations include...Failure to create meaningful diversity objectives which link to business plans and objectives; Failure to integrate measurable diversity outcomes into individual, team and business scorecards; and Inadequate or inaccurate diversity metrics and an inability / unwillingness to proactively respond to these.

(Submission, Industry)

Diverse teams at Board and senior executive levels create a more open and questioning culture. They are more likely to avoid “group think” and have a more sophisticated approach to risk management.

(Submission, Community organisation)

Those organisations with the greatest success tend to have deeply integrated diversity with the cultural values and are working towards hardwiring diversity into recruitment, promotion, remuneration, development programs, succession planning and the broader business strategy.

(Submission, Katie Spearritt and Diane Ryall)

6.2.2 Commitment

Many stakeholders who contributed to the review referred to the importance of cultural change in senior and middle management to achieve better employment outcomes for women, including that there was strong support at senior levels of the organisation for effecting change that improved the position of women in the organisation. A total of 16 submissions identified this as an effective lever for change, with most of these submissions coming from industry and expert individuals (66 percent).

Company leadership is vital to achieving the goals of the legislation.

(Submission, Woolworths)

At the stakeholder roundtables, commitment at the top levels of an organisation was identified as an enabler of change in three of the five roundtables. Similarly, the personal commitment of the Board and the CEO to equal employment opportunity was identified in several stakeholder interviews with industry leaders as a vital factor for driving and achieving positive changes for women in organisations.

I think that while all those [reporting] requirements may be in place, the focus should be on trying to generate and foster the real commitment to the issue by
people at the CEO level, as without that the effectiveness of the legislation and agency will be limited.

(Interview)

One of the most effective levers for change within organisations is to have a CEO and Board that are supportive of equal employment opportunity for women

(Interview Amanda Mostyn, ASX)

In the survey of reporting organisations, the results reinforced the contribution that strong support from senior levels of the organisation make to improving employment outcomes for women. Twenty-seven percent of respondents stated that their organisations had equal employment opportunity initiatives for women because of a personal commitment of the Board or the CEO. In the employee survey, 48 percent of respondents identified that the commitment of senior and middle management to equal employment opportunity was a factor that contributed to improved outcomes for women in the organisation.

6.2.3 Understanding inequality

Understanding the dimensions of inequality in the organisation has been raised as an important factor that influenced whether organisations placed priority on the issue and understood its impacts on business success and employees.

Most expert individuals in equal employment opportunity and some industry leaders that were interviewed through the consultation process emphasised the importance of understanding the dimensions of inequality in the organisation. To better understand the issues in workplaces, stakeholders stressed the importance of analysing their workplace in terms of the representation of women at different levels of the organisation, pay levels, take up of training and development initiatives, and retention and separation. This was seen as essential to address perceptions that equal employment outcomes have already been achieved or to address a sense of apathy that there is no problem that needs to be addressed.

...a systematic analysis and review of an organisation’s workforce in order to identify barriers to women’s full and equal participation...is an essential tool for the proper formulation of forward estimates and objectives; it also enables measurement of achievements and compliance.

(Submission, Anne Summers)

The importance of understanding organisational data was also raised as a key enabler of organisational change at most roundtables. This was seen as particularly important for pay equity, which can be complex to analyse in an organisation. The Sydney roundtable observed that organisations need better quality data on the current position of women in the workplace and the impact of encouraging equal employment opportunity for women on their bottom line. It was expressed that this type of data is currently not available in Australia. The roundtable felt that such data should be collected by organisations, and should be publicly available. The roundtable discussed the importance of organisations
examing the pay equity gap carefully, as many at a Board or CEO level believe their organisation does not have a pay gap, however when a rigorous audit is undertaken, they are surprised at the results.

One interviewee, who has recently completed extensive work in New Zealand developing tools to assist pay equity audits throughout the public sector, acknowledged the importance of assisting organisations to grapple with pay data to understand inequality for women.

"Organisations don’t know how to make the change, they don’t know how to do pay equity reviews, they don’t understand the data – or they try to justify it in ways that are not legitimate, they don’t do job evaluations or even have job descriptions....A key change is that organisations need greater assistance to build their capacity to properly assess equity issues and put in place change. These need to include tools and accompanying on-line courses (at a minimum)."

(Interview, Philippa Hall)

6.2.4 Proving the business case

As a next step to identifying and understanding the dimensions of inequality in the organisation, many stakeholders referred to the need to prove the business case in terms of the financial benefits to the organisation of implementing certain programs or initiatives. This requires an analysis of the costs and benefits of taking action to improve employment outcomes for women.

From the perspective of some industry leaders who were interviewed, proving the business case and “running the numbers” was an essential step to demonstrating the benefits of taking actions such as recruiting more women, implementing family friendly work practices, and offering paid maternity leave.

"It also works to do the numbers around all the key strategies that can make a difference – paid maternity leave, part time work, returning to work after maternity leave. In my experience it is easy to show that reducing turnover and training costs through these changes very quickly achieves a positive financial return – and then the reason for acting becomes a ‘no-brainer’ to the Board. Often people are very “woolly” or lazy about doing the business case, but once you do it these measures sell themselves."

(Interview, Ann Sherry AO)

"Education can be more valuable than regulation – where organisations gain an understanding of the financial and other benefits that can be reaped through their achievement of equal employment opportunity for women"

(Interview, Daniel Mammone and David Gregory, Australian Chamber of Commerce and Industry)
At the Sydney roundtable, participants said that stronger information on the business case is required as financial benefits and productivity arguments exist at an organisational level and for the broader economy. This needs to be understood particularly by CEOs and Boards of Directors. Some participants thought that this can most convincingly be argued in terms of attracting and retaining talent. The Melbourne roundtable noted that equal employment outcomes are more successful when initiatives are taken as an integrated part of business strategy and the business case is recognised at the most senior levels of the organisation.

From the perspective of reporting organisations, only three percent stated that they undertake cost benefit analysis to assess the effectiveness of their measures to improve equal employment opportunity for women. Instead, most organisations said that they:

- review / assess changes in their workplace profile (81 percent);
- consult with employees (79 percent); and
- track changes in quantitative indicators of effectiveness such as changing workforce retention rates, number of women in senior positions, and rates of absenteeism (72 percent).

The submissions also reflected that there are relatively few organisations that undertake analysis of the costs and benefits of implementing initiatives to improve employment opportunities for women. Only three submissions stated that they were aware of organisations undertaking analysis of the costs and benefits of compliance with the EOWW Act, and 13 submissions responded that organisations did not undertake such analyses.

Although it appears that most organisations do not undertake formal cost benefit analyses to inform their business case for equal employment initiatives, 48 percent of reporting organisation survey respondents agreed or strongly agreed that the benefits of implementing initiatives for equal employment opportunity outweigh the costs. Only 18 percent disagreed or strongly disagreed and 31 percent neither agreed nor disagreed.

Most employer representatives who were interviewed, and who made written submissions, said that the cost-benefit outcomes are different for small and medium sized businesses. Some employer representatives argued that the costs of equal employment opportunity measures are significant and outweigh any benefits for organisations.

### 6.2.5 Setting measurable targets and actions

A common theme throughout consultation activities was the view that, to achieve change, organisations need to set goals and targets and identify actions to achieve them. Setting numerical targets was seen by many stakeholders as a fundamental element of business success and the key to achieving improvements in the employment status of women. Reporting mechanisms are then required to ensure there is public accountability for achieving progress against these targets and actions.
A significant proportion of submissions referred to the need for quantitative goals and measures of organisational performance, with 21 percent (27 submissions) making this recommendation. Almost all roundtables discussed the need for quantifiable targets, with many participants strongly in support of them. The Sydney roundtable reached a consensus that a target of 40 percent representation of women at all levels of organisations should be set for the next three to five years. Most expert individuals, academics and female industry leaders that were interviewed also argued that unless numerical targets are set, there will be little progress achieved.

I am an advocate of keeping it simple – it’s about recognising that in business nothing is important unless it has a number attached to it and you can measure it. It is essential to have measurable targets for performance, and then linking actions that achieve those targets which can also be measured.

(Interview, Ann Sherry AO)

The economic and business benefits of gender diversity are well-known to advocates for a greater role for women in senior corporate positions. However, they have been insufficient to drive forward real change. Corporations are very familiar with achieving outcomes based on numerical targets and in tracking whether these are being achieved.

(Submission, Community organisation)

However, it is important to note that the support for setting measurable numerical targets or quotas as an enabler of change is contested. Several employer organisations submitted that they oppose the imposition or the requirement to develop numerical targets and report on their progress against them.

Employers support the emphasis under the current Act being based upon the attainment of equal opportunities based on merit, rather than the filling of quotas or other affirmative action measures.

(Submission, Australian Chamber of Commerce and Industry)

6.2.6 Employee communication and consultation

Employee participation in the development of strategies and actions was also identified by some stakeholders as an enabler for identifying effective initiatives to achieve equal employment opportunity for women.

In particular, the submissions from trade unions placed a strong emphasis on the need for strong employee engagement as a component of any equal employment opportunity strategy and in the preparation of reports to EOWA. This included an ongoing role in supporting the effective implementation of initiatives across the organisation.
Engaging employees and unions in the reporting process ensures penetration of the educative aspect of EEO across the workplace. It also helps build a sustainable EEO reporting capacity which is not dependent on a sole practitioner.

(Submission, Australian Council of Trade Unions)

The Sydney and Perth roundtables noted the importance of employee engagement in developing, implementing and reporting on equal employment opportunity initiatives. In Sydney, it was suggested that this should be mandatory for organisations and greater guidance provided about what level of consultation in the process of preparing a workplace program and report is adequate. In Adelaide, participants spoke of the need to engage staff and seek feedback on work practices, needs and culture to inform the way the organisation responds to the needs of women. Useful mechanisms for such engagement identified included staff surveys and access to the CEO through regular forums.

6.3 External drivers of organisational change

The consultation process also raised a range of external drivers or factors that are effective in influencing organisations to put in place changes that help to improve the employment status of women. These included economic factors, competition between organisations for talent and public recognition, financial incentives, leadership by the public sector, compulsion and public accountability for organisational performance.

6.3.1 Economic drivers

Skill shortages are an external factor that can increase the need for employers to put in place measures that attract and retain employees and also improve employment outcomes for women, such as flexible working arrangements and paid parental leave.

Some stakeholders said that this economic driver is not strong at present and, with the advent of the global financial crisis, economic factors are possibly working against, rather than in favour of, increased employment equality for women. They did however point to demographic trends over time, which suggest that labour shortages will become a greater priority issue in the future and will require organisations to position themselves for much stronger competition in the market for attracting talented employees.

Insufficient resources (have been) dedicated to the diversity agenda (particularly during and post GFC) despite verbal commitment.

(Submission, Industry)

In the survey of reporting organisations, 15 percent of respondents ranked the need to address skill shortage issues as the first or second priority reason for having equal employment opportunity initiatives in their organisation. This reason was more frequently identified by respondents in the Agricultural and Mining industries compared to other sectors, suggesting that skills shortages may be a higher priority concern and driver of change in those industries at present.
6.3.2 Positive competition between organisations

Generating opportunities for organisations to compete for public recognition as the top performers was identified as a key enabler of change. In the reporting organisation survey, overall, nine percent of respondents identified that they have equal opportunity measures because they are good for corporate branding. This was more commonly identified as a reason in the Accommodation and Food Services industry and the Arts and Recreation Services than other more male-dominated sectors such as Mining, Construction, and Electricity, Gas, Water and Waste Services.

Establishing competition to gain public recognition of achievements in equal employment outcomes for women was raised by industry leaders in the consultations as a powerful driver of business success which can be leveraged to achieve better outcomes for women. Mechanisms, such as awards, or publication of league tables based on the performance of organisations, were highlighted as effective ways to drive change.

*The citation is something to strive for and maintain as a way of gaining a competitive advantage in the employment market and in recognition of their efforts*

*(Submission, Diversity Council of Australia)*

*A report is a public document. Therefore organizations are going to be intent upon showing themselves in the best possible light.*

*(Submission, James Cook University)*

While there was general support for the principle of awards, many stakeholders consulted articulated the importance of ensuring that it is only the leading performers that are able to obtain them. There were concerns raised frequently regarding the credibility of the awards that are presently administered by EOWA, and calls for the assessment of applications for awards to be more robust and transparent and to involve site visits and employee consultation. These comments are detailed further in section 7 of this report.

6.3.3 Public accountability

The flipside of providing opportunities for the recognition of outstanding performance are establishing mechanisms for ensuring accountabilities for poor performance. There was a high level of in-principle support demonstrated in the consultations for the current mechanism in the EOWW Act of naming organisations in Parliament that have demonstrated non-compliance with the reporting requirements, and/or as poor performance in achieving equal employment opportunity for women.

*Until accountability is at the feet of decision makers, this issue will continue to languish and be relegated to 'someone else' or seen as a 'women's issue' as opposed to an international embarrassment that Australia makes such poor use of its educated and capable women*

*(Submission, Boardroom Partners)*.
Organisations should produce good public reports on work issues for women in their workplace, and these should be benchmarked against industry practice. This means that some of the emotional blackmail that goes on during bargaining processes can be weakened if it’s clear what an industry standard is.

(Interview, Louise Tarrant, Katherine Whitty, and Elaine Hudson, Liquor, Hospitality and Miscellaneous Union)

Factors and measures that have contributed to improving employment opportunities and outcomes for women (include) ...Publication of annual reports on EOWA’s website; visible leadership by CEOs and Board Members; leadership programs for women; and diversity programs for managers to assist them in managing inclusively

(Submission, Katie Spearritt and Diane Ryall)

Remove the option for employers to submit confidential reports on the efficacy of measures taken to address equal opportunity issues affecting women in their workplace program... require that all employers submit their reports on their workplace program in the ‘Public Report Form’ supplied by the EOWA

(Submission, Human Rights Law Resource Centre Ltd)

Employers no longer had to report on progress but were merely able to submit reports that stated they had equal opportunity plans in place. These reports were not made public and were not subject to any form of verification. Employers no longer risked being “named and shamed” in Parliament. It is perhaps not surprising that women’s employment and pay status has not improved since then.

(Submission, Anne Summers)

However, several expert individuals, women’s representatives and industry leaders who participated in the roundtables or who were interviewed raised concerns about the effectiveness of the way that the “naming and shaming” mechanism is currently used, as in recent years it has focused only on organisations that refuse to submit a report and does not include those that have failed to make any improvements for women in their organisation. These concerns are outlined further in section 5 of this report.

Other stakeholders believed the effectiveness of public accountability levers applied only to large, high profile organisations that would attract media attention and were concerned about their public image, or believed their employees, customers or shareholders would be concerned about their performance in relation to employment of women.

...The “naming” outcome is dependent upon the employer being recognised as a brand name and therefore attracting media attention.

(Submission, Equal Employment Opportunity Network of Australasia)
The principal sanction for non-compliance—naming in the Parliament—is not necessarily a deterrent to those organisations that refuse to comply with Australian equal opportunity law.

(Submission, EOWA)

### 6.3.4 Financial incentives

Some stakeholders identified that a strong lever for change is to offer organisations financial incentives for implementing practices that improve women’s employment outcomes. A range of different financial incentives were identified in the consultations, including the provision of direct financial incentives, in the form of direct funding assistance to undertake workplace audits or to implement certain practices, and taxation rebates and subsidies. This includes industry organisations, which saw the use of financial incentives as complement to regulatory approaches and a way of reducing the cost burden of regulatory compliance.

Regulation is but one of a number of policy levers that Government has at its disposal. Other levers include incentives for employers, programmes, grants, best practice educational material, awards that recognise Employers of Choice. Other important levers include funding measures that address female participation in the workforce (i.e., child care, maternity services, tax and benefits system etc).

(Submission, Australian Chamber of Commerce and Industry)

Provide financial assistance to support employers to develop appropriate record keeping systems to facilitate EEO reporting requirements

(Submission, Australian Council of Trade Unions)

An effective lever for change for business is to link it to a financial outcome. Businesses are focused on protecting or improving their financial position (even incrementally).

(Interview, Dr Alex Birrell)

### 6.3.5 Public sector leadership

Leadership and demonstration of leading practice by the public sector and other organisations was identified by roundtable participants and interviewees as an important lever for change. Stakeholders appeared to generally consider that the leadership of the public sector in Australia is patchy at best and, overall, could be improved.

Government should concentrate first on setting a good example, including raising the proportion of women in senior positions. The public sector is usually thought to do relatively well already on this front. This may be because alternative performance assessment criteria are valued more highly compared to those used by
the private sector. ... That said, the public sector is still a long way from achieving gender equality in either pay or in terms of access to senior positions.

(Interview, Professor Mark Wooden)

Submissions from the Australian Human Rights Commission and a number of individual women, advocated that leadership by government is required and this should involve increasing the representation of women on government boards. Currently, several State and Territory Governments have in place targets for achieving 50 percent representation on government boards (including Victoria, South Australia, ACT, and Queensland). Some also have targets in relation to the representation of women in senior leadership positions (South Australia and ACT).

It is important that the Australian Government also models better gender diversity on Boards by establishing a target of a minimum of 40% of each gender on all Australian Government Boards.

(Submission, Australian Human Rights Commission)

Federal, State and local government organisations should be covered under the Act, to increase consistency between the public and private sectors, and to encourage the public sector to be more proactive and transparent in introducing strategies to support women in the workplace.

(Submission, Individual)

6.3.6 Compulsion

The final external lever that was often identified as important for achieving changes in behaviour and practices within organisations was regulatory requirements that are imposed by government. Most stakeholders supported the retention or strengthening of a legislative or regulatory approach in recognition that gender equality is not being achieved at present and regulation is an accepted driver of change. Related to the establishment of regulatory requirements is also the ‘stick’ – sanctions, penalties and enforcement to ensure compliance. Most stakeholders believed, however, that while regulation is generally a strong lever of change, the impact of existing regulatory mechanisms under the EOWW Act have, in practice, been more limited. These concerns about effectiveness are described further in section 5 of this report.

Regulation has provided additional impetus for change, however, the catalyst has largely been through private enterprises, their expansion to create job opportunities and capacity to offer flexibility in the workplace. The Workplace Relations Act and the recently introduced Fair Work Act are examples of legislation that have had an impact.

(Interview, Daniel Mammone and David Gregory, Australian Chamber of Commerce and Industry)
I think in general the framework for discrimination and pay inequity has only achieved some fairly low level outcomes to date and generally has not been very effective. The new provisions under the Fair Work Act provide an opportunity to push these issues further, due to the stronger compliance mechanisms that are available. In contrast, in the area of occupational health and safety there has been much greater success in changing business culture and behaviours in the workplace. The tough compliance approach has changed employers’ understanding of what is acceptable in the workplace.

(Interview, Nicholas Wilson, Fair Work Ombudsman)

In discussing the role of government, the largest proportion of submissions advocated that government should have a regulatory role in setting or requiring targets for women (21 percent), in mandatory reporting (16 percent), and in regulating or focusing on performance against benchmarks rather than implementation of strategies (13 percent). This view was more frequently raised in expert individual, academic and government submissions than in industry submissions, although 13 percent of submissions from industry did indicate that government should have a regulatory role in setting or requiring targets for women.

In addition, eight percent of submissions advocated non-regulatory approaches as a preferred role for government (eg education, incentives, or program assistance) and two percent of submissions advocated for no further regulation. This perspective was most frequently raised by industry peak body submissions.

Views expressed during the stakeholder interviews generally reflected the range of sentiments in the submissions.

While the government should have a regulatory role, there is currently overregulation. Some rationalisation of regulation related to discrimination in general may be required, with sufficient industry input

(Interview, Daniel Mammone and David Gregory, Australian Chamber of Commerce and Industry)

Business generally hates regulation but it is the major driver for achieving any change that is not perceived as necessary for business success. For example, in food safety the only reason anything has changed is because of regulation and compliance.

(Interview, Catherine Harris AO)

In the survey of employees, 87 percent of respondents strongly agreed or agreed that regulation is necessary to ensure employers take actions aimed at equal employment opportunity for women. Twenty percent of all male respondents and four percent of all female respondents strongly disagreed or disagreed.
7 Options to improve equal employment opportunity framework

This section provides findings from the consultation activities in relation to practical solutions to improve the equal opportunity for women framework to enable the delivery of better outcomes for Australian women. This includes the range of reform options that have been suggested in relation to legislative changes, the role of EOWA, incentives and institutional arrangements.

7.1 Legislative change

The consultation process identified that overall people support the retention of the EOWW Act as a separate piece of legislation. In the main, where there was support for the EOWW Act, there were also recommendations that the legislation be strengthened.

7.1.1 Name of the EOWW Act

A range of suggestions were received in relation to a more appropriate name for the EOWW Act. These suggestions came from a small minority of public submissions. While some dissatisfaction with the existing name of the EOWW Act was expressed through other consultation mechanisms (e.g., the individual interviews), few suggestions for an alternative name were received.

Some dissatisfaction with the name of the EOWW Act related to its length and its acronym. Others had more fundamental objections that the name reflected a philosophy or approach to the issues which should be changed. There were two dimensions to this – first that it reflected a focus on creating ‘equal opportunity for women’, which is focused on changing processes and programs not actually achieving equal outcomes and, second, that it reflects a focus solely on women rather than equality between men and women.

Of those submissions that commented on the name of the EOWW Act, a number suggested that a greater focus on equal outcomes for women, rather than equal opportunity for women, is appropriate.

The core purpose of the EOWW Act and Agency should change from being the promotion of equal opportunity for women to promoting gender equality in the workplace. This change in purpose is to ensure that action by the EOWA is clearly directed towards promoting equal outcomes for women and men (substantive equality) rather than ensuring that women have the same formal opportunities (formal equality).... 22. The EOWW Act should therefore be amended to change its name to the Gender Equality in the Workplace Act, the EOWA should be renamed the Gender Equality in the Workplace Agency, and the EOWW Act should include the achievement of gender equality as a key object

(Submission, Australian Human Rights Commission)
The EOWW Act and EOWA should be renamed the Workplace Equality Act and Agency, or the Women in the Workplace Act and Agency

(Submission, EOWA)

7.1.2 Objects of the EOWW Act

The consultation process identified a number of options relating to improvements to the objects of the EOWW Act. These focused on reflecting the aim of achieving equality rather than equal opportunity for women (consistent with comments on the name of the EOWW Act), and greater recognition of the role of men as carers being incorporated in the objects of the EOWW Act.

A small minority of interviewees expressed caution in their support of the EOWW Act and any amendments that may be made to its objectives. This view was largely held by employers and employer groups who argued that legislation and the reporting requirement was not the most appropriate means of addressing the root cause of inequality. The recent introduction of new legislation, namely the FWA, and the right to request Individual Flexibility Arrangements (IFA), which may impact on women’s equality in the workplace, was given as a reason to take a cautionary approach to changing the EOWW Act. It was recommended that a ‘wait and see’ approach be taken to the impact of the FWA before changing the EOWW Act.

There is no need for substantive changes to the EOWW Act or EOWA. This is particularly so in light of recent, significant change to industrial relations legislation, namely the Fair Work Act... There are a number of untested regulatory mechanism related to equal employment opportunity, introduced through the FWA, which should be allowed time to play out and for their impact to be assessed, prior to changing the EOWW Act.

(Interview, Daniel Mammone and David Gregory, Australian Chamber of Commerce and Industry)

The consultation process also raised the option of extending the objects of the EOWW Act in relation to the entire diversity agenda. For example, a community organisation expressed in its public submission that the EOWW Act needs to have a broader scope of focus from just women to looking at the diversity of participation from many under-represented groups.

Consideration should be given to the proposed Equality Bill currently before the British Parliament, which includes extending the scope of positive action. For example, employers will be able to take into account under representation of particular groups when they are selecting between equally qualified candidates; inequality within and between industries will be able to be investigated; requirements in relation to promoting equality via public procurement activity will be strengthened; and trade union equality representatives will be supported.

(Submission, Government)
A number of individual interviewees representing industry indicated that such a change was necessary to keep pace with the increasingly prevalent business practice, which had a ‘diversity’ agenda, rather than a ‘gender’ agenda. Respondents to the survey of reporting organisations also raised the suggestion of focussing on diversity rather than gender:

I feel it would be more beneficial to focus on broader diversity, rather than solely women as all diverse groups could benefit from undertaking a Program such as this. This would also mean the investment of time would be more worthwhile.

(reporting organisation survey respondent)

7.1.3 Coverage of men under the EOWW Act

Of the public submissions received, 28 percent (36 submissions) indicated that the role of men as fathers and carers should be acknowledged in the EOWW Act, while nine percent indicated that the role of men should not be acknowledged in the EOWW Act. In addition, 35 percent of submissions (45 submissions) suggested that there should be a greater focus on enabling men and women to share paid work and caring responsibilities more equally.

An extension to the work of EOWA would be to encourage workplace programmes which are supportive of carers and to more actively recognise and promote the involvement of men in caring work as a way of providing support to women in gaining more equitable access to employment and career development.

(Submission, Government of South Australia, Premier’s Council for Women)

The objects of the EOWW Act should include the promotion of substantive gender equality in the workplace, recognising that:

barriers to women’s equal participation in paid work are directly impacted by men also having greater access to flexible work arrangements for family and caring responsibilities; and

achieving substantive gender equality will require both removal of barriers to equal opportunity and also special measures to achieve equal outcomes for both genders in the workplace

(Submission, Australian Human Rights Commission)

Further to this, 20 percent of submissions recommended that employers encourage men to take up flexible work arrangements as a way of providing men with better opportunities to participate in the care of their children and other dependents. This mechanism was most popular among submissions from industry. Ten percent of submissions felt that awareness raising to change the perception of men’s and women’ roles was a means to provide men with better opportunities.
The survey of employees found a strong recommendation for men and women to be encouraged to share paid work and care more equally. Eighty-nine percent of respondents either strongly agreed or agreed with this proposal, while only four percent of respondents disagreed or strongly disagreed. Female respondents were more likely to strongly agree with this proposal compared to male respondents. There was little difference in responses when considering the respondents employment status, organisational size, whether they have dependents or not and whether they are employed in the public or private sector. When considering the occupational groups, managers and professionals expressed a stronger desire to see men and women encouraged to share paid work and caring more equally when compared to clerical or administrative worker respondents.

Acknowledging the role of men within the EOWW Act was discussed at two of five of the roundtables in the context of the future scope and content of the EOWW Act. One roundtable suggested that men be included in the ‘debate’ about how to improve women’s equality in the workplace and the other roundtable expressed mixed opinions regarding expansion of the EOWW Act to include men. A suggestion was received from one participant that the EOWW Act could expand the understanding of the caring role as a role undertaken by men as well as by women.

Through the individual interviews, it was suggested that the relationship between home/caring roles and work roles be acknowledged. Some interviewees felt that there should be greater sharing of the home/caring role between men and women and that this should be encouraged through legislation. One interviewee was of the opinion that, from an economic point of view, promoting shared care arrangements is inefficient for couples involved and for the economy as a whole. This view was expressed as particularly important at the upper end of the occupational spectrum (e.g. skilled professionals and senior management) where the gains from specialisation are greater than at the lower end. This view held that there was no reason why the member of a couple that specialises in work should be male while the member that specialises in the home/caring role should be female.

### 7.1.4 Coverage of the reporting requirements

Coverage of the EOWW Act was a key area for comment across the consultation tasks undertaken. Strong views and suggestions for improvement were expressed in relation to the application of reporting requirements on organisations with less than 100 employees, the application of reporting requirements on government agencies, departments and statutory authorities, the specification that subsidiary organisations report separately where they belong to significant parent organisations, as well as stricter identification of organisations covered by the EOWW Act.

**Extending reporting requirements to smaller organisations**

The consultation process has identified a general desire to expand reporting requirements to organisations with less than 100 employees. The rationale in many instances was the view that a significant proportion of women in the workforce are employed by small-to-medium size organisations that employ less than 100 individuals. As such, current reporting requirements are not impacting on a sizable portion of the female workforce.
Of those submissions that commented on the current coverage of the EOWW Act, 72 percent felt that coverage should be expanded, while one percent felt that coverage should be decreased. Of those that felt that coverage should be expanded, 53 percent felt that smaller organisations should be covered.

...Companies with fewer than 100 employees need to be involved...with a view to being included in the legislation in a streamlined manner in 3 – 5 years’ time

(Submission - Expert individual)

...Consideration be given to gradually extending the Act's coverage to smaller employers with appropriate adjustments to compliance obligations

(Submission, Peak body)

...Workplaces of 15 employees or more should be defined as a reporting organisation...an appropriate reporting mechanism for organisations of fewer than 15 employees needs to be identified

(Submission, Union)

In the context of roundtable discussions of the future scope of the EOWW Act, participants expressed mixed views regarding extension of reporting requirements to cover organisations with less than 100 employees. Consensus was reached at three roundtables that compliance with the legislation should include organisations with less than 100 employees (Adelaide, Perth, and Brisbane). The remaining two roundtables (Melbourne and Sydney) did not come to a consensus view. Participants at Melbourne’s roundtable felt that more needed to be done to identify the implications of expanding the reporting requirement to small business, while participants in Sydney held different views as to the utility of extended reporting requirements, with some indicating that the focus in the immediate term should be on ensuring that all organisations with over 100 employees are complying with the EOWW Act.

A number of individual interviewees recommended that reporting requirements be extended to cover organisations with less than 100 employees. These interviewees also suggested that the reporting obligation should be reduced to be commensurate with the size of the organisation, as existing requirements would be too onerous for small-to-medium enterprises.

Employer organisations and some businesses consulted, however, opposed any expansion of reporting requirements to smaller organisations. This view was expressed by employer organisations and a small number of industry representatives through the public submission process, the roundtables and the individual interviews. The reason given was that the reporting burden and associated resource requirements, as they currently exist, outweigh any benefits that could be derived through meeting a reporting obligation. In addition, some employer organisations felt that small to medium organisations faced a substantially different operating environment compared to larger organisations which meant that reporting requirements were inappropriate. This included the view expressed by the Vice Chair of the Council of Small Business Organisations of Australia that smaller
organisations naturally experience fewer blockages to equal opportunity for women and that compliance with equal employment opportunity principles is generally high, without the reporting requirement. The example was given that, due to resourcing constraints faced by smaller organisations, there is a greater will to retain employed females through quality training and flexible work arrangements, rather than incur the cost of absenteeism and recruitment (Interview, Judith van Unen, Council of Small Business Organisations of Australia).

(Submitter) consider that even less stringent reporting requirements than those that currently apply to businesses with more 100 employees would be too great a burden for small business

(Submission, Peak body)

Extending the scope of the Act to place obligations (i.e. reporting requirements) on small and medium enterprises is strongly opposed

(Submission, Chamber of Commerce and Industry Queensland)

Smaller firms achieve EEO in different ways to larger firms – smaller firms may not, for example, be able to offer the same level of flexibility in work arrangements as larger firms can

(Interview, David Gregory and Daniel Mammone, Australian Chamber of Commerce and Industry)

In general, and where employer groups acknowledged the introduction of extended reporting requirements to smaller organisations, all were of the opinion that the requirements need to be proportionate to the size of the organisation.

**Reporting requirements on government agencies, departments and statutory authorities**

The roundtables, individual interviews and public submissions all raised the suggestion that the coverage of the EOOW Act should be extended to government agencies, departments and statutory authorities. It was reasoned that government should be covered under the EOOW Act to increase consistency between the public and private sectors, to encourage the public sector to be more proactive and transparent in introducing strategies to support women in the workplace and to ensure that the public sector is ‘leading by example’.

Of those public submissions that advocated for coverage of the EOOW Act to be expanded, 27 percent suggested that the public sector be covered by the EOOW Act.

*It is essential that government 'practices what it preaches'*

(Submission, Chamber of Commerce and Industry Queensland)
The Adelaide roundtable reached the consensus view that requiring the public sector to report under the EOWW Act was necessary, particularly given the size of the sector. The Brisbane roundtable also advocated for government agencies to report under the EOWW Act. The Sydney roundtable expressed the consensus view that reporting should be extended to unions and government-funded Non-Government Organisations (NGOs).

**Subsidiary organisations report separately where they belong to significant parent organisations**

Of those public submissions that indicated that the current coverage of the EOWW Act should be expanded, six percent expressed the view that subsidiaries should be covered as separate entities. The reason provided was that the workplace experience of many women was not adequately captured where their direct employer was included as part of a much larger corporate structure.

> Corporations should not be able to submit one EEO report on behalf of all their operating companies when any one of their operating companies satisfies the definition of ‘relevant employer’ for the purposes of the Act

*(Submission, Australian Council of Trade Unions)*

> It would be considerably more meaningful and appropriate to break up these exceptionally large organisations into business areas for reporting

*(Submission, Diversity Council of Australia)*

**Stricter identification of organisations covered by the EOWW Act**

Many stakeholders raised concerns about the quantum of covered organisations that do not self-identify to EOWA and therefore are not providing reports in compliance with the EOWW Act. Many recommended that a stronger compliance role be taken by EOWA or another relevant agency. It was frequently suggested that this identification be enabled through access to relevant government databases, which may include Australian Tax Office taxation records, ASIC company records, or relevant ABS data.

> The Agency recommends that the Government amend the Income Tax Assessment Act 1936 to enable it to receive an annual list of organisations whose corporate structure employs 100 or more people

*(Submission, EOWA)*

Of those public submissions that commented on whether or not self-identification and disclosure was appropriate (43 submissions), 53 percent responded that it was not appropriate (23 submissions). Of those who felt that there are alternative means of identifying organisations,(16 submissions), 56 percent (9 submissions) expressed that there should be linkages to other government data.
The (submitter) recommends that self identification be an explicit requirement of the Act.

(Submission, Union)

A mechanism should be established to ensure that all covered employers are notified to the Agency, for example, through amending the Income Tax Assessment Act 1936 (Cth) to enable the EOWA to receive an annual list of all organisations employing 100 people or more. Pending amendment, EOWA should conduct a high profile campaign to alert all covered employers of their legal obligations under the EOWW Act

(Submission, Australian Human Rights Commission)

A number of stakeholders interviewed recommended that companies no longer be able to self-report as many were either choosing not to report or were unaware of their reporting obligations. In her interview, Elizabeth Broderick, Sex Discrimination Commissioner, reiterated the recommendation made in the public submission of the Australian Human Rights Commission that the compliance framework relating to organisations with more than 100 employees be strengthened by organisations being required to obtain a certificate of compliance from EOWA and publish their certification in their annual reports, including annual reports to the Australian Stock Exchange, where applicable.

7.1.5 Preparation of workplace programs

Mixed views were received in relation to the usefulness of the requirement to prepare a workplace program and ways in which this requirement could be improved. Consultation activities highlighted a view that workplace programs are meritorious in ‘keeping equal employment opportunity for women on the agenda’ and for illustrating areas that require attention. For these reasons, it was felt that workplace programs should continue to be prepared. Consultation activities also uncovered a view that workplace programs are an administrative and time-consuming task that on a year-on-year basis provide little insight to an organisation’s performance. In response to this, recommendations for improvement centred around reducing or removing the requirement to prepare a workplace program.

The public submission process highlighted a range of proposed improvements to the preparation of workplace programs. Fifteen percent of public submissions indicated that the content of workplace programs are useful and appropriate and 16 percent indicated that they are not. Of those submissions that suggested improvements to the content of workplace programs, 56 percent proposed that requirements relating to content be expanded, while 35 percent suggested that they be changed, and four percent suggested that requirements be reduced. The remaining four percent suggested that requirements be removed entirely.

In relation to the process of preparing workplace programs, 16 percent of submissions found the process useful and appropriate, whereas 14 percent did not. Proposed solutions
that consistently received attention across public submissions related to the need to consult with employees, the need to simplify the requirements of developing a workplace program, the need to be more prescriptive in the information provided and the need to link this process to quantitative goals and measures of progress. Quotes from public submissions relating to these suggestions are provided below.

The need to consult with employees:

..One of the main deficits that needs to be urgently addressed is a requirement for consultation with employees and their unions, where present, in the equality audit and reporting process

(Submission, Dr Sara Charlesworth)

The need to simplify the requirements:

There is a lot of duplication/repetition when preparing an analysis of issues, actions to be taken and evaluating actions

(Submission, Industry)

The need to be more prescriptive:

(The) free form structure of current reporting...does not provide a benchmark for organisations to use as a guide as to whether a practice is inequitable or what standards they should aspire to achieve

(Submission Australian Council of Trade Unions)

The need to link the development of workplace programs to measure or outcomes of progress:

Stronger focus on tracking actual changes in gender equity within the workforce. This could include, for example, changes in the pay gap, flexible work arrangements, and gender diversity leadership roles, rather than processes such as training and mentoring schemes.

(Submission, Australian Human Rights Commission)

Individual interviews also strongly advocated that consultation with employees, specifically with women employees, become a formal and enforceable workplace planning and reporting requirement. Anecdotal evidence was provided during interviews in relation to the lack of employee consultation, despite it being a requirement of developing a workplace program.

Furthermore, individual interviews suggested that additional tools and resources would be useful to reporting organisations in developing their workplace program. It was suggested
that these tools and resources be developed and disseminated by EOWA administering the EOWW Act and be provided as online resources, as well as through facilitated workshops where reporting organisations could come together to share ideas on initiatives and strategies detailed within their workplace program. A small number of interviewees did recommend that the planning and reporting cycle be linked to the more common three to five year strategic planning process that organisations undertake, rather than being run on an annual basis. This was stressed as a means of reducing the regulatory and resource burden on reporting organisations.

The survey of reporting organisations found that, overall, respondents would make no change to the following elements of developing a workplace program: the requirement to confer responsibility for developing a workplace program on a person with sufficient authority within the organisation; the requirement to consult employees; the requirement to prepare a workplace profile; the requirement to prepare an analysis of workplace equal opportunity issues relating to the employment matters; the requirement to take actions on priority issues; the requirement to evaluate the effectiveness of actions; and the requirement to specify future actions in relation to achieving equal opportunity for women in the workplace. Of all of these requirements, the latter received the highest score in relation to changing it, with 20 percent of respondents recommending that the requirement be removed. The removal of the requirement to prepare an analysis of workplace equal opportunity issues relating to the employment matters was also suggested by 19 percent of respondents.

The level of compliance attained by reporting organisations appears to be related to their recommendation to change the requirements for developing a workplace program. The group most likely to recommend change were those who achieved marginal compliance in 2008, while the group most likely to support the preservation of existing requirements were those that attained a high level of compliance in 2008. Across the requirements identified for potential change, marginally compliant respondent organisations recommended complete removal of the requirements at a rate of 23 percent. This is compared to highly compliant respondent reporting organisations, which only recommended complete removal, on average, in seven percent of cases.

7.1.6 Reporting requirements

A strong view was expressed in the consultations that reporting requirements need to be simplified and that this should be done through reporting on outcomes. Many advocated for a requirement to report progress against a set of industry benchmarks or indicators of performance. These indicators may represent industry-specific targets to which organisations should aspire. Many individuals further recommended that reported progress against targets be made public. In addition and across all consultation activities, it was recommended that the reporting timeframe be extended. Streamlining the way in which reports could be delivered was also seen as necessary, with the primary recommendation focussing on completion of a pro-forma that would be submitted electronically directly to EOWA.

56 ‘Compliance status’ is an internal rating used by EOWA, which is not made public.
The need for mandatory reporting

In considering the regulatory role for government, 16 percent of submissions indicated that mandatory reporting should be a role for government. Mandatory reporting was the second most highly ranked role for government by those submitters who discussed what the government’s regulatory role should be. Public submissions from academic, industry, expert individual and union sources indicated a stronger preference for mandatory reporting compared to public submissions from community organisations, government, peak bodies and individuals.

The reporting organisation survey found that, overall, reporting organisations did not consider it necessary to change the requirements of developing a report to EOWA. The requirement that respondents most frequently requested to change was the requirement to report on future actions in relation to achieving equal opportunity for women in the workplace. Twenty-four percent of respondents suggested that this requirement be removed, whilst 11 percent suggested that it be made more specific. The second most frequently requested change was the requirement to report on the effectiveness of actions. Twenty-two percent of respondents indicated that this requirement should be removed while 10 percent indicated that it should be made more specific.

When considering reporting organisation respondents by industry, it is apparent that there are differences in the extent to which different industry sectors recommend changes to reporting requirements. The Education and Training, Arts and Recreation Services, as well as the Information Media and Telecommunication industries, reported lower levels of satisfaction with current reporting requirements compared to Construction, Electricity, Gas, Water and Waste Services, Professional, Scientific and Technical Services, as well as Rental, Hiring and Real Estate Services. Of the three industries listed that sought a change to the requirements for developing a report to EOWA, approximately one-quarter from each industry recommended removal of the reporting requirement.

Whilst the sample size of reporting organisation respondents with between 20 and 99 employees (29) is relatively small, there is a clear preference from these respondents that reporting requirements should be removed, relative to the respondents from organisations with over 100 employees. In fact, the survey responses suggest that larger reporting organisations are more comfortable to leave reporting requirements unchanged, compared to smaller reporting organisations. Whilst 31 percent of organisations with 20 to 99 employees recommend that reporting requirements be removed, only 19 percent of organisations with over 500 employees indicated this preference.

Unsurprisingly, marginally compliant reporting organisations exhibit the greatest desire to have reporting requirements removed (29 percent of marginally compliant respondents), compared to 11 percent of highly compliant reporting organisations. Fifty-seven percent of highly compliant reporting organisations suggest that reporting requirements be made more specific and appear to be particularly concerned with the requirement to report on actions on priority issues as one that needs to be made more specific (19 percent of highly compliant respondents).

57 ‘Compliance status’ is an internal rating used by EOWA, which is not made public.
The survey of employees highlighted a strong preference for regulation as necessary to ensure employers take actions aimed at equal employment opportunity for women. Eighty-seven percent of employee survey respondents either strongly agreed or agreed that regulation is necessary, while only four percent strongly disagreed or disagreed. Female respondents showed a stronger preference for regulation over male respondents as did Community or Personal Service Workers and Sales Workers over Managers and Clerical or Administrative Workers. Responses across industries were relatively consistent as were responses across organisations of different sizes and individuals with dependents or not with dependents.

In relation to proposals that employee survey respondents felt would have the greatest impact in achieving equal employment opportunity for women, compulsory reporting of pay and pay ratios was proposed by six percent of employee survey respondents.

**Outcomes-focussed reporting**

The public submission process identified a range of solutions relating to perceived issues with the reporting requirements under the EOWW Act. When describing mandatory reporting requirements, 13 percent of the all submissions received recommended that there be a greater focus on indicators or benchmarks and not processes. For example, in a submission from government, it was suggested that streamlining the reporting process could be enabled by requiring organisations to “report on standard outcome-based measures in their workplace programs as part of their annual business reporting”.

This sentiment is also expressed in the following quotes from submissions:

- "[organisations should] report annually to the federal government on the gender breakdown of their entire workforce, the gender breakdown of each salary band and their targets for improving equity at each level of employment"

  *(Submission, Anne Summers)*

- "[AEU] supports the re-introduction of a more structured reporting format which requires employers to provide the relevant statistical data, identify any inequity, set targets and action plans and assess progress for each key employment matter"

  *(Submission, Australian Education Union)*

**Targets**

Recommendations for targets to be established as part of the reporting process emerged relatively strongly through public submissions. Targets were generally understood by stakeholders to be voluntary goals for organisational performance in relation to measures of employment equality which are reported against publicly. Setting or requiring targets to achieve equality for women was the most highly discussed role for government across the public submissions.
Thirty-six percent of submissions that saw a regulatory role for government indicated that this should include requiring, or setting targets. This is equivalent to 21 percent of all public submissions making this recommendation. Over 20 percent of submissions from academics, community organisations, expert individuals, government and peak bodies recommended the setting of targets, with submissions from government, expert individuals and community organisations being the strongest advocates. Submissions with an industry or union source recommended targets to a lesser extent.

The setting of targets for the promotion of women to more senior levels would require companies to take action to train, develop and advance the careers of women in their organisations in a more targeted and systematic manner.

(Victorian Government Submission)

In order to be able to apply the merit principle to women’s recruitment, remuneration and promotion, ‘special measures’ such as targets (both voluntary and ultimately mandatory if significant change has not taken place) are needed, for a period. Strategies such as targets and quotas are one way of changing the dynamic and making meaningful progress on the numbers

(Submission, Expert individual)

Each organisation should be made to publish their self-selected targets or goals and report publicly on their progress towards achieving them.

(Submission, Boardroom Partners)

A changed Public Report Form should be mandated, requiring employers to complete a self-audit against a specified set of gender equality standards and measures on the basis of a yes/no/not reasonably practicable format

(Submission, EOWA)

In their submission, EOWA argue that, with this is approach, “organisations would be required to make and report actual progress over time against a specified number of concrete gender equality measures” and that “the use of a clear and factual self-audit format should help employers to understand what gender equality measures are, and whether they have put into practice any of those that are specified on the form and whether they are also reasonably practicable.” (Submission, EOWA)

Other relevant proposals include:
...employers be required to collect, analyse and report on specified gender equality data including gender pay gaps, and set targets for change over three to five years, publish annual evaluations and provide non-discriminatory justifications for lack of progress should this occur.

(Submission, Peak body)

The AEU strongly supports the notions of ‘special measures’ to achieve gender equality, as the concept recognises that the removal of discrimination per se’ does not equate to equality.

(Submission, Australian Education Union)

While many made the broad suggestion that targets for equality be established, a number recommended that targets should be industry specific.

Through its submission, EOWA recommended that industry-specific targets be established and that these include targets relating to the composition of boards, senior management and middle management. EOWA’s submission describes targets as indicating “appropriate and realistic averages as well as what is considered to be best practice”. In this way, there can be recognition that what constitutes compliance in one industry constitutes best practice in another.

During her individual interview, Susan Halliday proposed that targets be set at the firm level:

I agree that there should be targets to drive performance...Mandatory quotas across the board do not work. If we are to do this properly I think it is better for each organisation to look at its own issues and develop goals and strategy to improve, based on its own unique set of circumstances. They need to report their numbers every year and be compared to their last year, and compared to like organisations. All of these figures need to be public.

(Interview, Susan Halliday)

The ACTU proposed a different process for setting targets:

Clear, achievable minimum standards, linked to the key employment matters, should be developed to assist employers to achieve acceptable EEO practices and to articulate community benchmarks of acceptable practices...The development of the standards should be conducted through the establishment of industry tri-partite employer, union and government EEO bodies...To achieve compliant status, an organisation should be able to demonstrate they meet the minimum standards

(Submission, Australian Council of Trade Unions)

A number of other submissions went to a greater level of detail, including to suggest that there be a standard set of gender equality targets that apply to all reporting organisations and a subset that are tailored to particular industries.
Obligation on respondent organisations to undertake a gender equality audit and report annually against specified targets on progress towards both gender equality standards set by the Agency and additional ones identified within the organisations

(Submission, Dr Sara Charlesworth)

A small number of submissions were specific in identifying what the targets should be. These submissions focussed on women in leadership roles and suggested:

The Commission considers that the Australian Government has a leadership role to play, and should therefore immediately adopt a mandatory national benchmark of 40% gender diversity on all government boards within three years. For other boards, there should be a two stage reform process. Initially, it should be mandatory for all publicly listed companies to adopt three and five year disclosable targets for improving gender diversity on both their boards, and at senior executive level. The exact target set can be at the discretion of the employer during this first stage. These targets should be reported to the ASX through the annual reporting process. ASX companies should also be required to report on their compliance with employer reporting obligations under the EOWW Act, by way of exception reporting. After five years, if there is a lack of substantial progress, the Australian Government should consider introducing mandatory gender quotas for boards, at least on ASX publicly listed companies, with penalties for failing to meet quotas within a specified period of time.

(Submission, Australian Human Rights Commission)

Requiring organizations to set three to five year targets for the representation of women at all levels of the workforce and making these targets publicly known would improve the requirements.

(Submission, Katie Spearritt and Diane Ryall)

Other submissions supported the notion of voluntary targets, such as a submission from a government source which proposed that organisations have “standard outcome-based measures...workplaces could be encouraged to adopt voluntary targets in the common areas of women on boards and women in executive positions”.

Other suggested targets included:
A more coherent and productive methodology would be to use an industry's average pay-gap as a baseline starting point. Organisations could then be required to, a) meet this baseline figure, and/or, b) show sustained improvement over a period of time. A reasonable level of change in an organisation's average pay gap may be in the vicinity of 1% - 1.5% over a three year reporting period. Requiring organisations to show sustained improvement over a period of years will compel organisations to respond promptly to gender segregation that is driving a gendered pay gap.

(Submission, The University of Queensland)

Targets and eventually quotas should be set for women to attend training, to attend conferences and to be chosen as speakers at conferences.

(Submission, Women's Electoral Lobby VIC)

While the support for regulation in the form of targets was relatively broad and consistent across the submission categories, some employer representative groups expressed particular opposition to their introduction.

Similarly, the submission by ACCI suggests that regulation should be reduced:

*employers resist their workplaces being used to engineer social attitudes or to experiment with policy that is ahead of community attitudes*

(Submission, Australian Chamber of Commerce and Industry).

Such opposition was not expressed to the same extent by representatives of some employers. Instead submissions from companies appeared to be more concerned with reducing the reporting burden through only reporting on key indicators. Some submissions from industry even supported the introduction of targets as a means of focussing efforts.

*The absence of adequate and appropriate targets and benchmarks linked to an enforcement regime allows organisations to be seen to make progress, when the reality is otherwise...our preferred model would be the establishment of voluntary targets for organisations (e.g. specific year-on-year improvements in female representation at leadership and senior leadership levels)*

(Submission, Industry)

Participants at the Adelaide roundtable did not go so far as to recommend or set performance indicators or targets, but rather suggested that industry benchmarks be set which could be used by employers to guide their practice. The Melbourne roundtable supported a stronger emphasis on measurable outcomes and performance measures in reports, enabled through the completion by reporting organisations of a balanced scorecard in relation to particular indicators. It was further suggested that these indicators be linked to the measurement of leadership performance.
The Perth roundtable suggested that reporting could be improved by being more outcomes focused, and by reducing the “onerous task of analysis”. Suggested “real” outcomes included ‘how many women received a promotion after attending leading training’. In relation to the setting of strict targets, Perth roundtable participants felt that there were advantages and disadvantages in setting targets for organisations. No consensus view was reached.

A significant number of individuals interviewed advocated for simplification of reporting requirements, including by requiring reporting organisations to only report on a concise set of indicators. In addition, most interviewees were supportive of measurable targets being identified by organisations as part of the reporting process. Most also agreed that there should be some industry benchmarks set to guide the target setting.

...existing reporting obligations are too onerous for small and medium sized entities. Simplify the reporting to a concise set of key indicators

(Interview, Dr Alex Birrell)

**Quotas**

A number of contributors to the review advocated an approach that would involve setting mandatory quotas, for the representation of women at various levels in organisations within a fixed timeframe and backed by penalties and sanctions. Some stakeholders believed that quotas should be set and enforced immediately, while others argued for an approach that would involve a government commitment to put in place quotas if satisfactory progress is not achieved against voluntary targets within a three to five year timeframe.

The setting of quotas was recommended by nine percent of public submissions received. As a proportion of the category of submitter, academics were the strongest advocates of quotas. In its submission, the ACTU advocated for the introduction of quotas.
The ACTU supports the introduction of quotas for the number of women on boards. Quotas are required because we do not currently have an equitable, merit based process of appointments to boards, or senior management feeder roles.

(Submission, Australian Council of Trade Unions)

[It is recommended that] all reporting organisations be required to achieve a 40 percent representation of women directors within five years or face mandatory quotas backed by enforceable sanctions

(Submission, Anne Summers)

It won't change until the Government legislates minimum percentages of women in the board room.

(reporting organisation survey respondent)

It is important to note however, that the introduction of quotas is not universally supported. Opposition to the introduction of quotas was received from employer representative groups, including:

CCIQ is not supportive of introducing quotas as a means of enhancing female participation in the workforce or on Boards.

(Submission, Chamber of Commerce and Industry Queensland)

Other stakeholders, while supportive of targets, did not support an extension of those to quotas, which they perceived to be inconsistent with the principle of appointment or promotion on merit and therefore problematic.

Before quotas are imposed in the private sector, we would like to see other, less extreme, mechanisms adequately tested in terms of impact. For instance, it may be possible and beneficial to secure gender balance at the input stages of key people processes (e.g. ensure sufficient female representation in job candidate shortlists, talent pools, leadership development cadres etc) and the throughputs - i.e. the gender balance of decision-making groups in relation to these inputs (e.g. selection, development or talent review panels). In time, such interventions should result in more diverse (but still merit-based) outcomes.

(Submission, Industry)

The Sydney roundtable determined that a target of at least 40 percent female employees at all levels of an organisation be set and be required to be achieved within a three to five year period. Failing this, mandatory quotas backed by sanctions and penalties should be introduced. Linking progress towards targets with performance measures for senior executives was also suggested by a number of people at the Sydney roundtable.
In the employee survey, of the total number of proposals for change, only three percent of employee survey respondents indicated that quotas for female staff would have the greatest impact in achieving equal employment opportunity for women.

**Public reporting**

The recommendation that results of the reporting process should be made public came through relatively strongly in the public submissions received. A number of submissions proposed that organisations take it upon themselves to publicly report:

> Require organizations to publish agreed metrics annually on their website through their corporate governance and sustainability report.

*(Submission, Katie Spearritt and Diane Ryall)*

A small proportion suggested that reporting be linked to other publicly available reports. For publicly listed companies, it was recommended that public reporting should be included in the Corporate Governance Statement within the annual report lodged with ASX. Consistent with ASX Corporate Governance Council Guidelines, this reporting should be on an “if not, why not” basis. This was put forward as providing flexibility for companies in certain industries where the target may be ambitious.

A number of roundtables recommended linking the reporting process to existing mainstream reporting requirements, including ASX and Corporations Act reporting requirements. This was argued as a way of streamlining the overall reporting process for organisations and, in the case of ASX-listed companies, would make reporting outcomes public. Creating public accountability for progress towards workplace equality for women was considered an important component of future reporting requirements. Participants at the Melbourne roundtable also agreed that reports be made publicly available, primarily to facilitate research and a more accurate understanding of equal employment outcomes across organisations.

**Realign and extend reporting timeframes**

Strong support was received through the public submission process for the reporting process to be aligned with other business reporting requirements and to be extended beyond the one-year timeframe.

Two main suggestions were made with respect to more appropriate alignment of reporting processes. These were to align the reporting process with the financial or academic year or to align the reporting process with businesses’ strategic planning cycles, which were reported to take place every three to five years. With regard to the latter proposal, it was argued that businesses set three to five year goals in devising their strategic plan and that goals relating to equal employment opportunity for women should be incorporated within these broader business goals. As is the case with general business goals, organisations would track their progress towards the equal employment goals on a regular basis.
The Equal Employment Opportunity Network of Australasia (EEONA) recommends that the reporting requirement is linked to three to five year organisational strategic plans with interim annual progress reports provided to EOWA.

With regard to the timeframe for reporting, roughly the same proportion of submissions commented that the frequency of reporting was optimal as those that commented that the frequency was not optimal (14 percent and 15 percent respectively). Of those that stated that the frequency was not optimal, the majority indicated that it was too frequent and recommended that organisations be required to report every two or more years, instead of annually.

Thought could be given to reducing the reporting frequency to biennial. There are three reasons why this may be useful from an organisational perspective: It reduces the reporting burden on organisations It is a more realistic timeframe for organisations to develop and implement new EO initiatives, track their functioning and evaluate their impact. It falls into line with the biennial publication of the EOWA report and provides a clear link between the data and the information in the report. EOWA could give consideration to requiring annual submission of a workplace profile, but an evaluation of workplace programs only biennially.

(Submission, Industry)

Every two years would enable the results of initiatives to be assessed and adjusted before reporting.

(Submission, Industry)

A requirement to provide a detailed report every three years would allow organisations sufficient time to identify the barriers that women face in entering and / or advancing within the organisation, develop and implement policies and procedures to address these barriers, and to then meaningfully evaluate these initiatives. Data gathered over the longer time frame would reflect a substantial implementation phase and be of far greater value in effecting lasting organisational change.

(Submission, The University of Queensland.)

A further observation was that the reporting cycle does not coincide with any other reporting cycles, making automated data collection difficult and costly. The issue of the lag in being able to identify progress was also raised, including the sentiment that workplace programs that are implemented often take more than one year to see any results.

Participants at the Perth roundtable recommended that reporting be reduced from the annual timeframe to a five-year period.

When asked what aspects of developing a report they would change, a significant proportion of respondents to the reporting organisation survey commented that the reporting timeframe should be extended. This view was linked to the perceived significant
reporting burden faced by organisations in developing their report and the view that relatively little could be achieved within the one-year timeframe. A minority of reporting organisations recommended that reporting be linked to or incorporated with other reporting requirements and that targets become part of the reporting framework.

Bi-annual reporting for organisations smaller than say 300 or 500 as the cost and effort means we run out of time to implement the actions within a year and then suddenly the next report is due.

(reporting organisation survey respondent)

Either narrow the requirements per year or move to reporting every 2nd year.

(reporting organisation survey respondent)

However, extending the reporting timelines was not universally supported, with some stakeholders indicating that the current waiving requirements (that allow longer reporting timelines) should be removed or tightened. Fourteen percent of public submissions indicated that provisions for waiving reporting requirements are not effective. A number of recommendations for change were made. The most highly recommended change was to remove the ability to have reporting requirements waived, which was made by five percent of submissions. This sentiment was also expressed during individual interviews.

The current approach to granting waivers from reporting is not viable if we want real progress. Waivers do not establish an incentive for continually improving outcomes, or for changing attitudinal beliefs in an ongoing way.

(Interview, Susan Halliday)

Content of reports

While only a small proportion of public submissions discussed the clarity and usefulness of the content of reports, the majority that did indicated that the requirements regarding content were not clear or useful. The most frequently suggested improvement to the content of the report was to make the requirements more specific. Overall, 10 percent of submissions recommended that requirements regarding content be more specific. This is compared to four percent of submissions who recommended that requirements regarding content be made less specific. The recommendation to make content requirements more specific is aligned with the abovementioned proposal of a number of submissions to move towards outcome-based reporting that may include targets.
Simplification of the reporting requirements was also raised by a number of reporting organisation survey respondents through free text responses. Among the comments received were:

*It would be great if consideration could be given to simplifying the report so that it is much easier to follow as well as complete.*

(reporting organisation survey respondent)

7.1.7 Compliance mechanisms - Penalties and sanctions

The topic of compliance mechanisms, including penalties and sanctions, was addressed at length through the consultation activities. While there was no clear consensus on the proposed way forward, there was a general view that the existing compliance mechanisms of being named in Parliament and government procurement limitations are not strong enough. Among the more commonly proposed solutions to engender compliance were random compliance auditing and strengthened government procurement penalties.

Through the public submission process, there was a clear indication that existing penalties and sanctions are insufficient to ensure that the objectives of the legislation are met. Sixty-seven percent of submissions addressed this issue, with 58 percent of these stating that existing penalties and sanctions are not sufficient. Only 13 percent of submissions indicated that exiting penalties and sanctions are sufficient. The remainder made no direct comment. Of those 50 submissions that did not feel that existing penalties and sanctions were sufficient, 86 percent (43) indicated that naming in Parliament and the government procurement penalty are not strong enough.

Of those submissions that discussed alternative enforcement mechanisms, 84 percent posited that there are alternatives available. The most frequently suggested alternative was compliance auditing of reporting organisations. Twenty-eight submissions or 55 percent of submissions that felt there were alternatives available, recommended compliance auditing as the alternative. The next most favoured alternative (15 submissions and 29 percent of those who stated an alternative) was to prevent access to government grants by non-compliant organisations. Monetary sanctions were the third most favoured alternative (14 submissions).

Four of five roundtables were supportive of strengthened compliance mechanisms for the EOWW Act. The recommendations to change enforcement mechanisms largely reflected those proposed through the public submission process.

Of the interviewees who commented on compliance mechanisms, the majority felt that existing penalties are not strong enough. Among the suggestions to strengthen compliance with the EOWW Act were for EOWA to assume audit powers to check the accuracy of reporting organisation reports, for EOWA and the FWO to work in partnership to ensure compliance checks are performed, for a mechanism for certification of compliance to be developed, and for the extension of the naming in Parliament penalty to include naming of organisations that fail to report, those that provide poor quality reports as well as those that do not make sufficient progress towards meeting their targets / benchmarks.
addition, enhancement of the government procurement penalty to cover all government expenditure in the private and non-government sectors, including industry assistance and funding grants, was proposed. The proposal to introduce compliance audits was the most commonly suggested initiative of those interviewed.

The survey of employees also found that penalties for non-compliance was a relatively popular means of achieving more in relation to equal employment opportunity for women. When asked what more could be done, seven percent of survey respondents suggested clear and enforceable laws and reporting, including penalties for non-compliance. This was the fifth most popular solution in relation to this question. Penalties for non-compliance was a more popular solution amongst private sector respondents compared to public sector respondents.

However, there was opposition from employer representatives and some individual employers to increasing enforcement and sanctions.

**(Body) recommends that sanctions in the Act not be increased.**

**(Submission, Industry)**

*We are not supportive of enhancing enforcement powers and sanctions*

**(Submission Chamber of Commerce and Industry Queensland)**

*The current system appears to be working when you look at the ratio of organisations completing the report, compared to those not completing the report (2,500 to 12).*

**(Submission, Industry)**

**Compliance auditing**

In arguing for compliance auditing, submissions pointed to deficiencies in the current content and submission of reports as well as the ability of EOWA to follow-up in order to check the veracity of reports. As indicated in section 5, a number of submissions argued that some reporting organisations submit and re-submit a paper-based report that can largely be a copy of the previous year’s report and EOWA has no means to test whether this is the case.

The suggestion to conduct random audits of reporting organisations was recommended as a way of compelling organisations to report accurately under the legislation. Submissions recognised the resourcing requirements and additional functions for EOWA that would be associated with enhancing compliance auditing. The most common proposal with regard to efficiently undertaking this additional function was for it to be a role of the FWO, which already has compliance functions. A small number of submissions recommended that EOWA receive additional funding to enable it to undertake compliance auditing.
If the Agency were to be empowered and funded to undertake the compliance functions of any new regulation then I would support the ACTU recommendation that this role remain with the Agency.

(Submission, Dr Sara Charlesworth)

The Government, through the EOWA Agency, should have the option to conduct targeted auditing of organisations through detailed analysis of programs, focus groups and interviews with senior executives each year.

(Submission, Katie Spearritt and Diane Ryall)

In order for the Agency to be more effective it requires greater power to investigate and inspect workforce data with supporting legislative enforcement for compliance and for the taking of remedial actions where required...the OFWO could be empowered to action compliance for the Agency. Where continued refusal or failure to comply exists the Office of the Fair Work Ombudsman could inspect organisations and make orders seeking compliance

(Submission, Community and Public Sector Union - State Public Services Federation Group)

In relation to the recommendation for FWO to undertake compliance checks on behalf of EOWA, it was noted that this could be aligned to FWO’s existing organisational audits where it checks compliance with the FWA.

The attractions of having the EOWW Act administration and Agency operations under the umbrella of FWA, are: It would then become a more comprehensive one stop shop in regard to employment matters. The auditing of companies and enforceability of the Act seem to be a natural extension of the auditing work of the FWO. Their approach, which is incentive based, educative and conciliatory in the first instance, and then to apply penalties if the employer disregards their responsibilities under the Act, would be appropriate. Employers are likely to be more responsive as they are more familiar with the jurisdiction and because they respect the FWO as a strong regulator. It further deepens the employment contract relationship. It gives EEO practice stronger status and makes it more mainstream and not as easily dismissed as “just women’s stuff”. One area of doubt is the unknown expertise on discrimination matters in the FWO, and it would be our recommendation that the FWO work closely with the Federal Sex Discrimination Commissioner to ensure a full understanding of the issues. Fair Work Australia, so long as it sufficiently well resourced, seems to be well placed to extend its operations to incorporate the current roles of the EOWA, and to enhance them with the auditing and workplace visiting powers of the FWO.

(Submission, Union)
Functions of reporting, compliance and waiving all be strengthened and armed with the proper supporting legislation to make the Agency’s operation meaningful. This may require enforcement proceedings through the OFWO.

(Submission, Community and Public Sector Union - State Public Services Federation Group)

Routine compliance audits conducted by the OFWO involving organisations whose corporate structure employs 100 or more people should include verification that compliance records and reports have been made directly available to employees and accessible to workplace unions. Where this is found not to have been done, it should be the subject of the usual compliance processes employed by the OFWO...Affected organisations should be able to contact the Agency for any support and assistance they might require in complying with the EOWW Act.

(Submission, EOWA)

(Submitter) believes that there is a role for Fair Work Australia in auditing and enforcing employer reporting obligations and providing reports on outcome

(Submission, Union)

The enforcement of rights and obligations under the EOWW Act must be enforced efficiently by a body equipped with the capacity to investigate and enforce compliance. This role could be performed by a specialist section of the Fair Work Ombudsman...Alternatively, the Sex Discrimination Commissioner could perform this role, were the government to adopt the broader enforcement powers advocated for under the review of the Sex Discrimination Act.

(Submission, Australian Education Union)

In discussing compliance auditing, a number of submissions linked this recommendation to the proposal to set targets for women’s opportunity in the workplace. It was seen that random auditing would be a way of accurately determining how much progress organisations had made towards their targets.

Opposition to the introduction of compliance audits was evident to a small degree through the consultation process.

Audits by EOWA could prove invasive and result in high costs for the company.

(Submission, Industry)

Strengthen government procurement measures – restricting access to grants

A number of submissions saw scope to strengthen the existing government procurement compliance mechanism. Proposals focussed on government departments having direct access to compliance records, which they would need to check as part of the procurement
process, as well as broader use of government purchasing power, including extending this penalty to all government grants and industry assistance funds.

In the submissions, 12 percent suggested that the procurement provisions could be strengthened by expanding the eligibility for government grants to include EOWW Act compliance. Expert individuals identified this alternative in their submissions the most (33 percent), governments (30 percent), unions (22 percent), and peak bodies (21 percent). A smaller proportion of industry submissions made this suggestion (eight percent).

*The value of public sector contracts to private sector businesses is significant, and represents a powerful lever for gender diversity progress – it could be used far more extensively as a commercial inducement and stimulus for action-*

(Submission, Industry)

*...More stringent application of Government procurement processes, to ensure that all government contracts including government grants and assistance are denied for non-compliant organisations*

(Submission, Government of South Australia, Premier’s Council for Women)

*Extend the current sanction of non-compliant organisations ineligibility to tender for government contracts to all forms of government assistance, including grants and funding*

(Submission, Australian Council of Trade Unions)

*Certified compliance with the Women’s Equal Employment Act for a minimum of three years be a ‘condition of participation’ to be eligible to take part in Australian Government procurement programs, or to receive grants or other forms of government assistance.*

(Submission, Anne Summers)

Through their submission, EEONA proposed that government agencies should verify potential contractor’s compliance with the EOWW Act to address the issue that “effectiveness of the procurement ban is dependent upon the relevant Government agency which is procuring the services/goods being aware of the EOWA determination”.

An alternative suggestion was made by a number of submissions, including by the Community and Public Sector Union State Public Services Federation Group and EOWA, that the onus of proof should rest with reporting organisations looking to tender for government business. The Community and Public Sector Union recommended that a system of contract procurement certification be implemented where the onus of proof of compliance rests with the employer.

EOWA also proposed that governments of states not already supporting Commonwealth contract compliance for the EOWW Act should be encouraged to join those governments that have already joined themselves to the arrangements.
7.2 The role of EOWA

Comments on practical solutions to improve the role and functions of EOWA were captured through consultation activities. This included EOWA’s role in implementing reporting requirements, EOWA’s role in education and awareness raising, EOWA’s role in administering awards and EOWA’s data collection role.

Irrespective of the function under consideration, the resourcing of EOWA was raised through consultation activities, with the most frequent comment being the need for greater levels of resources, particularly where EOWA’s role and functions are to increase. Existing resourcing levels were consistently cited as being inadequate. In addition, EOWA’s relationship to government was often raised as a critical factor in relation to any function to be undertaken. The consistent message was that EOWA needs the backing of government regarding the issues that it addresses, yet also a degree of independence from government in undertaking its functions.

7.2.1 Implementing reporting requirements

Overall, consultation activities identified a preference for EOWA to have stronger enforcement and compliance powers to enable improved implementation of the reporting requirements. It was also suggested that EOWA’s implementation of reporting requirements could be improved through gathering and publicising performance information generated through the reporting process. A greater role for EOWA in advising reporting organisations on their development of workplace programs and annual reports was discussed to a lesser degree through the consultation activities.

**Strengthen enforcement and compliance powers**

Strengthening the enforcement and compliance powers that EOWA has available to it to implement reporting requirements was consistently recommended through all consultation activities. The most frequent proposal made regarding stronger compliance powers was for EOWA or another suitable body to undertake compliance auditing.

A significant proportion of public submissions provided recommendations in relation to EOWA undertaking compliance monitoring as a means of enhancing its ability to implement reporting requirements.

*EOWA should be empowered to conduct a verification process to establish compliance by an employer, group of employers, or industry’s compliance with its obligations under the EOWW Act, including with employer reporting obligations. EOWA should provide the SDC/Commission and the FWA/Ombudsman with the results of verification processes conducted under the EOWW Act, subject to any privacy considerations*

*(Submission, Australian Human Rights Commission)*

*The focus should be placed on "self regulation" of organisations but with strong enforceable powers the agency can also investigate and prosecute for non-*
compliance and push organisations who fail to take responsibility for particular problems

(Submission, Industry)

We suggest Canada as a comparable OECD benchmark...(which) gives the Canadian Human Rights Commission the power to audit the performance of public employers employing more than one hundred persons to ascertain whether they are complying with the legislation.

(Submission, Academic)

AFUW believes that consideration should be given to implementing Recommendation 12 of the Final Report of the Regulatory Review of the Affirmative Action (Equal Employment Opportunity for Women) Act 1986, which was that the Agency should have an audit power in the form of workplace visits ‘to confirm waived status or to operate as a further step between reporting and naming where reports appear to be unsatisfactory.’ Reports from employees, mentioned above, could be part of this audit process.

(Submission, Australian Federation of University Women)

EOWA could do more spot audits of employers. They could identify areas for improvement i.e. particular industries and study them in detail and develop a capacity to understand and drive change in that priority industry.

(Interview, Louise Tarrant, Katherine Whitty, and Elaine Hudson, Liquor, Hospitality and Miscellaneous Union)

The Sydney roundtable proposed that EOWA undertake more frequent assessments of companies’ workplans, and that consideration be given to this function being undertaken by an external audit firm. The Sydney roundtable was also supportive of random compliance audits, which it recommended be undertaken as part of the reporting process. Participants at the Adelaide workshop agreed that EOWA should tighten reporting requirements, particularly with regard to its assessment of reports. Heightening assessment criteria and providing more detailed guidelines were offered as mechanisms to tighten the reporting requirement. The Melbourne roundtable supported increased enforcement powers for EOWA, including more sophisticated methods for ensuring compliance. It was proposed that consideration be given to the FWO undertaking an audit function for EOWA.

Through the individual interview process, differences of opinion were identified in whether EOWA’s compliance powers should be strengthened as a way of improving its implementation of reporting requirements. While some saw a need for reporting requirements and their implementation to be strengthened, others saw this approach as an ineffective way to drive organisational change.

Random auditing of reporting organisations was suggested by some interviewees to check the accuracy of data presented in reports. A minority of interviewees went further to
suggest that reporting be linked to other audit requirements, including ASX reporting requirements and corporate legislation. Some interviewees also advocated for the FWO to partner with EOWA and undertake the role of compliance checks as part of its audit of organisations.

The proposal that EOWA’s role enforcing reporting requirements be strengthened was largely unsupported by employer representatives who were interviewed. While there was recognition that the reporting process may not be achieving significant change, improvements centred on reducing or removing reporting requirements and refocussing EOWA’s role to one of education and positive incentive arrangements.

Similarly, strengthening of the implementation of reporting requirements was not supported by a significant number of reporting organisation survey respondents through their free text survey responses. Instead, it was proposed that the focus of EOWA should be on education.

*Although their services are of a high standard, now that the majority of companies fully recognise the value of women in the workplace perhaps it is time for EOWA to assume an advisory role as opposed to a policemen's role.*

*(reporting organisation survey respondent)*

*EOWA currently acts as an audit function and reporting requirements are developed without reference to the needs of individual organisations. EOWA would be more effective if it provided advice, support and tools and acted as a forum to share information.*

*(reporting organisation survey respondent)*

*The nature of the Act will prohibit this to some extent but a more partnership approach as opposed to an inspection approach may facilitate greater change.*

*(reporting organisation survey respondent)*

*No amount of reporting can change the predominant attitude of men in our society; you only have to look at Government, political and bureaucratic, to see the magnitude of female under representation in any high profile position.*

*(reporting organisation survey respondent)*

The survey of reporting organisations identified a small number of organisations advocating for EOWA to undertake a compliance auditing role as part of its implementation of reporting requirements.

*An auditing function with genuine consequences for non-compliance would give the process more influence.*

*(reporting organisation survey respondent)*
I believe the EOWA is trying it's best however there does not appear to be any face-to-face follow-up or check made on what is written within the reports. Basically, a business/organisation could concoct a report, just to appease the EOWA.

(reporting organisation survey respondent)

**EOWA measuring and publicising progress against targets or performance indicators**

A number of public submissions advocated for instituting league tables based on the relative performance of organisations against targets or other performance criteria. It was suggested that a role for EOWA could be to consolidate this information and present a ‘top 200’ and ‘bottom 200’ in relation to organisations’ achievement of or progress towards the targets. League tables and other forms of public disclosure of achievement are argued to play directly into business competitiveness. As such, this idea was put forward during consultation activities as an effective and efficient means of encouraging change.

Among the entities that are supportive of public league tables is the ACTU. Through its submission, the ACTU urged an increased transparency of employers’ equal employment opportunity targets and progress, including published league tables.

_A government agency (not necessarily EOWA) should be appointed and funded to produce a national report card on gender diversity every year, showing the percentage penetration of women in senior leadership and board roles in the top 100 and 200 companies, as well as the top 10 professional service firms, major governmental organisations and major not-for-profits. It could also show pay differences between men and women in key leadership roles and "name and shame" the Chair of the top 100 companies with less than two women on the board, and CEO's of companies with less than two women in their top teams. Only when the public spotlight shines on gender diversity will a significant majority of leaders begin to take action._

*(Submission, Diane Grady)*

The Brisbane roundtable discussed the use of gender pay audits as part of the reporting requirement and suggested the introduction of a requirement for EOWA to collect data on the number of requests for flexible working arrangements as well as the number approved. The Sydney roundtable advocated for EOWA to establish and require reporting on good practice benchmarks. Participants at this roundtable were also supportive of EOWA making performance against the benchmarks, as identified through annual reports, public.

A small proportion of individuals interviewed suggested that greater transparency of the results of organisations’ reports should be enabled through the use of publicised league tables, which EOWA would produce as part of its implementation of reporting requirements.
Establish a small number of performance indicators for companies to report and establish and publish league tables of performance.

*(Interview, Ann Sherry AO)*

**Streamlining the reporting process**

Through consultation activities, it was recommended that EOWA streamline the reporting process as a way of realising efficiencies in its own operation and as a means of supporting reporting organisations to report. This was proposed to be through a more structured report form, changes to the reporting timeframe, as well as an electronic reporting facility.

*If we had a cycle of reporting like enterprise agreements expiring every 2-3 years, half the agency can review reports on a monthly basis for compliance and the other half of the agency can directly support companies with a consultation service.*

*(Submission, Industry)*

The public submission by EOWA recommended that simplifying reporting and evaluation of reports could be achieved by specifying areas (standards/measures) against which organisations need to report to EOWA. EOWA also recommended the provision of a more specific structure, including length of report for organisations to follow.

One roundtable – the Brisbane roundtable – made a recommendation relating to streamlining the reporting process by introducing an ‘e-reporting’ tool, which would allow reporting organisations to upload their annual reports to EOWA electronically.

A number of individuals who were interviewed recommended that the reporting form be more structured. In relation to the process of reporting, it was suggested that lodgement be streamlined through greater use of electronic and online facilities. One interviewee suggested that the facility developed should have a two-way function enabling reporting organisations to login, upload data and track their progress as and when they wished.

**Advice in development of reports and workplace programs**

Across the consultation activities, a small number of people commented on ways in which EOWA’s role in providing advice and guidance in the development of reports and workplace programs could be improved. One proposed solution was for EOWA to redirect more time and resources to advising poorly performing industries and, at the same time, reduce the resources it dedicates to better performing industries. This recommendation came out of the Brisbane roundtable and was expressed by a number of reporting organisation survey respondents as well as through the public submission process.
We could do without the reporting exercise. Surely they should be concentrating ALL their efforts on the worst 10-15% of organisations; and so exempting the majority of fair or good companies

(reporting organisation survey respondent)

More lobbying to Government on behalf of organisations rather than compliance focus on already compliant organisations is required.

(reporting organisation survey respondent)

EOWA suggested that it provide in depth feedback in a more targeted way - to all marginally compliant organisations and a random selection of remaining moderately and highly compliant organisations58.

7.2.2 Education and awareness raising

Consultation activities consistently highlighted education and awareness raising as a key continuing role for EOWA. In general, recommendations focussed on heightening EOWA’s capacity in this respect. Practical suggestions relating to this enhanced function centred on EOWA taking a lead in commissioning relevant research and analysis, EOWA creating stronger links with industry, EOWA developing more tools and resources for business and EOWA publishing league tables of reporting organisations’ performance in relation to achieving equal employment opportunity for women.

EOWA to undertake more education and awareness raising

The importance of EOWA’s education and awareness raising role was consistently cited in consultation activities. Within the public submission process, education and awareness raising was discussed as a valuable function of EOWA by the largest number of submissions. Thirty-nine percent of submissions stressed the importance of EOWA undertaking education and awareness. Across the categories of submitters, there appear to be different levels of value placed on this function with submissions from government, expert individuals, industry, peak bodies and union sources more frequently citing education and awareness raising as an important function compared to submissions from academics, community organisations and individuals.

Awareness is one of the greatest tools available to fight prejudices that clandestinely feed inequality in the workforce.

(Submission, Disability Services Australia)

Through its public submission, a peak body proposed that section 10 of the EOWW Act be amended to strengthen and widen the role of EOWA in connection with education. The peak body suggested the Quality Part-Time Work Guidelines that were introduced in

58 ‘Compliance status’ is an internal rating used by EOWA, which is not made public.
Victoria for the legal, hospitality, retail, nursing and Local Government sectors as an example of education and information programs that provide industry-specific advice.

The importance placed on education and awareness raising as a role for EOWA led many submissions to advocate for EOWA to undertake more awareness raising for the community. Seventeen percent of submissions made this recommendation with the provision of commensurate resourcing being a key enabling factor. The second most highly recommended solution was for EOWA to undertake more awareness raising for reporting organisations (13 percent of submissions).

That EOWA undertake more awareness raising was only a focus of discussion at the Melbourne roundtable. It was suggested that a campaign on the issue of equal employment opportunity be undertaken as a means of raising awareness.

The individual interview consultation activity identified strong support for a strengthened educative role for EOWA as did the survey of reporting organisations.

> Generally I think EOWA makes a significant difference and I would like to see their mandate expanded to more public promotion of the cause.

(reporting organisation survey respondent)

For some interviewees, and particularly those from employer groups, it was suggested that EOWA’s role should focus on education and awareness raising and not on regulation:

> The focus of the Act and EOWA moving forward should be on education and on regulation to a lesser degree. Once regulation has achieved a cultural or behavioural change, it should be withdrawn over time. In particular, EOWA should enable greater collaboration and knowledge sharing between reporting organisations, particularly increasing ideas such as equal opportunity programs.

(Interview, Daniel Mammone and David Gregory, Australian Chamber of Commerce and Industry)

**EOWA leading relevant research**

Through the public submission process, a number of different areas of targeted focus for EOWA’s education function were proposed. While some expressed satisfaction with the attention given to the proportion of women on boards and in senior positions, others felt this focus was too narrow. A notable number of contributors to the review saw a critical role for the articulation of a clear business case for achievement of equal employment opportunity for women. A small number of participants advocated for greater attention to be given to women in small-medium sized enterprises, arguing that this is where the bulk of the female workforce is employed. Enabling a greater research focus on females experiencing dual disadvantage, including those that have a disability, those from a CALD background or those who are Indigenous, was also recommended.

> While the Agency has had a valuable focus on the advancement of women in senior positions, it has not been adequately resourced nor had political support to address...
the various manifestations of organisational ‘blokey cultures’ that work to denigrate women and keep them ‘in their place’. There has also been very little focus in activity by the Agency on sex segregation within organisations or on the concentration of women within organisations in lower status and casual jobs.

(Submission, Dr Sara Charlesworth)

Through the individual interview process, proposals were made regarding effective ways of communicating the business case.

The business case arguments at an organisational level should not be the core of an argument for equality, because they are difficult to sustain. Instead, social justice and economy wide arguments of increased productivity and broader economic benefits are more convincing. Particularly in the broader context of an ageing population, declining birth rates, and declining male participation, the focus should be placed on assisting women to improve their position/s in the workplace. Also the benefits that are derived from measures that improve equality in the workplace can benefit men as well, and while women are at the spearhead of change, it can result in better outcomes for everyone.

(Interview, Professor Marian Baird and Alexandra Heron)

Through its submission, a community organisation suggested that EOWA should launch a major community and business campaign about the benefits in implementing more family-friendly work policies to attract and retain women. The submitter further suggested that EOWA focus on wrongful gender-based stereotyping and gender-based violence in its guidelines for employers and research and educational programs and that the Office for Women focus on public awareness about reasonable pay rates for work that is done by women, as well as conducting additional research.

The Brotherhood of St Laurence advocated for economic modelling work to be undertaken to cost the value of women's work in sectors where women predominate. The submission went further to suggest that an assessment of what can be done to support organisations to enable appropriate pay levels be performed.

Within its submission, EOWA recommended “A nation-wide community education program on pay inequity” and consideration for “Targeted education of young people in schools about the gender pay gap”.

Consideration could be given to EOWA undertaking analysis of the position and experiences of women in small and medium business to determine if additional initiatives are required.

(Submission, Government)
The (EOWW) Agency should develop, in partnership with Career Advice Australia, the Career Industry Council and unions, targeted career advice regarding the gendered nature of the Australian labour market and information on the persistent gender pay gap across industries and occupations.

(Submission, Australian Education Union)

EOWA could have organisations provide information on the cultural and linguistic diversity of a workforce, the number of women who indicate that they identify as Indigenous and/or Torres Strait Islander and potentially provide information on their accommodations for female staff members with a disability. Such expanded data would acknowledge the additional and specific disadvantage of women in these minority groups... such additional requirements could be phased in over time and with sufficient lead to enable the development of human resource systems to a level of sophistication where such data can be captured.

(Submission, The University of Queensland)

A notable number of submissions stressed the importance of education beginning at a young age, including being introduced through school curricula. A submission from a peak body source suggested that EOWA develop guidelines and learning material for schools, as “changes in attitudes that reflect the acceptance of the principles of Equal Employment Opportunity also require change at early stages of personal development”.

The Australian Education Union (AEU) recommended that male and female students need educating in the ways inequality manifests in employment, otherwise they will be oblivious to the gendered implications of their choices and that education needs to start at school.

The Brisbane roundtable made the specific request for EOWA to clarify its definition and measurement of the dimensions of inequality, including gender segregation and pay equity. The Brisbane roundtable also suggested that EOWA provide information on the lifetime earnings of women including superannuation, as well as the impact of working part time on life-time earning.

The Sydney roundtable recommended that EOWA work more closely with the Sex Discrimination Commissioner and Fair Work Australia to expand its educational ability, and that EOWA disseminate more robust information on the business case for equal employment opportunity. The Melbourne roundtable recommended that EOWA enable a greater level of education around gendered stereotypes within high school and primary school curricula.

The majority of the individuals interviewed saw a key role for EOWA in demonstrating a comprehensive business case for change and in disseminating this business case as widely as possible, particularly to industry. A number of interviewees expressed ideas relating to components of the business case that should be focussed on by EOWA. These included highlighting the specific economic benefits of having more women in senior positions, men taking up flexible working arrangements, paid maternity leave, part time work and returning to work after maternity leave.
In addition, a number of reporting organisation survey respondents advocated for targeted education on specific issues, including to attract women into traditionally male-dominated industries and to focus on school-age education.

The employee survey found a strong preference for cultural change and education for the community and employers as a mean to achieve equal employment opportunity for women. This solution was stated most frequently of all solutions proposed. Promoting and celebrating diversity was also seen as a way of achieving improvements in equal employment opportunity for women.

**EOWA creating stronger links with industry**

A number of submissions recommended a stronger relationship between EOWA and industry as a way of having a greater influence over the behaviour and compliance of reporting organisations, including by raising awareness and demonstrating the business case for equal opportunity. Proposals for building closer relations with industry centred on EOWA facilitating forums and business networks where best-practice initiatives can be shared. Additionally, proposals were made for EOWA’s leadership to include individuals with a high profile in the business sector.

_EOWA and the Office for Women should seek to create partnerships with business and employer organisations to campaign about equal opportunity for women. Information in newsletters, on websites and in industry magazines as well as in seminar presentations are effective ways of reaching much of the small business sector._

*(Submission, Peak body)*

_EOWA needs to change the way it interacts with business to be seen as a 'partner' and a body that focuses on practical solutions ie needs to move away from its focus on 'admin'.*

*(Submission, Industry)*

_Ideally, EOWA assessors would possess expertise in particular industries and be able to meet with senior leaders and key HR representatives to discuss the report, assessment and most importantly, next steps in more detail._

*(Submission, Qantas Group)*

_CEo of EOWA should have significant business experience and be able to command the attention of CEO’s and challenge traditional Australian workplace culture._

*(Submission, Katie Spearritt and Diane Ryall)*

The Perth roundtable proposed the establishment of employee blogs by EOWA to facilitate sharing of ‘success stories’ between reporting organisations. To ensure that relevant information is disseminated in support of women in the workplace, the Brisbane
roundtable advocated for the use of social marketing campaigns and the provision of networking opportunities to be coordinated by EOWA. Support was also provided at the Sydney roundtable for EOWA to hold regular gatherings of business leaders for the purpose of discussion of equal employment issues, including strategies that work. There was a suggestion at the Melbourne roundtable for EOWA to play a greater role in brokering partnerships within industry to enable the sharing of best practice initiatives.

Better education about the issues and improved communication of the business case were seen as benefits arising from greater links with industry that could be established by EOWA conducting regular and high profile business forums and networking opportunities, and also by EOWA being led by an individual recognised by the business community. One interviewee stated that a leader who has come straight out of industry or who has significant and recognised industry experience will be able to “open doors” (Interview, Juliet Bourke, Chair Equal Employment Opportunity Network of Australasia). A further means of strengthening EOWA’s relationship with industry was proposed to be through the secondment of EOWA staff into businesses.

**EOWA developing more tools and resources**

In discussing EOWA’s functions, submissions indicated that the development of tools and resources was a critical role for EOWA. In fact, this role was the second most frequently discussed role for EOWA in terms of its importance moving forward. Twenty-three percent of submissions saw this role as one of EOWA’s most valuable and one that should be strengthened.

*Develop "national gender equality indicators, tools and support for employers and information informing employees about their rights in the workplace".*

*(Submission, Government)*

A submission from a community organisation recommended that EOWA be resourced to develop a gender equity balanced scorecard with Key Performance Indicators for managers as a tool to enhance managerial accountability. In addition, Professor Ed Byrne of Monash University proposed that EOWA should provide more self-auditing tools for employers.

To support broader analysis of progress towards equal employment opportunity, it was suggested that a publicly available tool be developed as follows:
A publicly available dataset for each reporting organisation in a format similar to AWIRS (Australian Workplace Industrial Relations Survey) would prove more useful for measuring change. Such a dataset would have individuating information removed and crucial information coded in a way that would enable quantitative statistical analysis to be conducted. Publicly available information in such a format would allow for a more detailed scrutiny of the employment patterns of women in all reporting organisations and would provide valuable information about the work-life balance provisions currently available in Australian organisations.

(Submission, The University of Queensland)

In order to address the barrier that many employers, particularly line managers and HR staff, are not sufficiently trained in how to design and implement flexible work arrangements, it was suggested that EOWA focus on training to specifically develop skills in this area. This was a focus of discussion at the Perth roundtable.

Support for additional tools and resources to create and track change was recommended as a means of building the capacity of reporting organisations. Capacity building proposals included provision of assistance with record keeping, particularly advice on the most appropriate IT system to support this. It was also suggested that tools and resources be targeted, including for first-time reporting organisations, and for particular industries. One interviewee also recommended that specific tools to effect change in selection procedures, return to work provisions, promotion and pay equity be developed.

Through the reporting organisation survey, proposals were made for enhancements to the tools and resources developed by EOWA.

I believe a good website and advisory service is essential for woman and employers who need support and advice.

(reporting organisation survey respondent)

A frequently made comment regarding the workshops undertaken by EOWA was that they are prohibitively expensive, particularly for smaller organisations and those from the not-for-profit sector.

The cost of access to workshops is a major inhibitor for our organisations participation in events as we are a "not-for-profit".

(reporting organisation survey respondent)

The Adelaide roundtable saw scope for free access to training by small businesses, however, recognised that this would require additional funding for EOWA. A number of other recommendations were made to reduce or remove the cost of these workshops for organisations to enable greater levels of participation.
Workshops should be free or cost minimal as the EOWA reporting is mandated by Government. At present it is a little like the Tax Office charging you to lodge your tax return, even though you are required to lodge one.

(reporting organisation survey respondent)

Would like to see public training courses for all employees about how to treat people in the workplace (inclusive behaviours) and cover off items around harassment in the workplace.

(reporting organisation survey respondent)

### 7.2.3 Citations and awards

Proposals for change relating to EOWA’s administration of citations and awards focussed on greater levels of transparency in the award process, including publicised disaggregated organisational scores against award criteria, as well as raising the profile of the awards, tiering the awards and tightening the award criteria.

**Greater levels of transparency in the award process**

Across the public submissions received, a frequently cited proposal for improvement to the citations and awards related to greater transparency in the award criteria.

In her submission, Anne Summers recommended that it is important to “end the charade of government giving awards to companies that are barely compliant (and sometimes in breach) of even the watered-down legislation that currently exists” and that “Awards should be conferred by an independent authority that has no jurisdiction over the legislation” (Submission, Anne Summers).

In their submission, a community organisation stated that criteria for determining who receives a citation needs to be more transparent. The submission recommended a public ranking of reporting organisations against set criteria showing where organisations are strong and where they are weak.

To enable greater levels of transparency in the awarding of the Employer of Choice citation, it was suggested by a small number of individuals interviewed that organisations’ performance in relation to the award criteria be made publicly available. In this way, the strengths of organisations would still be visible.

**Raising the profile of awards**

To address the concern that existing awards do not carry enough significance, it was suggested that their profile be raised. This recommendation was made by a small proportion of individuals through consultation activities and related to the Employer of Choice citation for women and the Business Achievement awards.
Tightening of award criteria

Across the public submissions received, a frequently cited proposal for improvement to the awards related to tightening of the award criteria.

A submission from a peak body noted serious concerns with the Employer of Choice for Women award, which related to the lack of detail as to the statistics that are required for the award. Another significant concern raised was the non-disclosure of details of the extent to which citation winners meet or exceed the pre-requisite benchmarks to enable comparison by potential employees.

We would also like to see the abandonment of the entry gate criteria for EOC applications, which we believe is counter-productive. Specifically, this prevents organisations who may be exemplary performers in some aspects of gender diversity from demonstrating and sharing this.

(Submission, Industry)

In their submission, Emberin stated that the requirements for EOWA awards should be tightened, and the awards turned into a prestigious event, similar to the Catalyst Awards in the US.

The Brisbane roundtable suggested a greater emphasis through the awards of recognition for organisations which employ significant numbers of women. The Sydney roundtable suggested that the awards be made more difficult to obtain to ensure that only meritorious organisations are receiving the award, and in particular that the Employer of Choice branding be more strictly controlled.

Some interviewees saw scope for a greater level of intellectual rigour to go into determination of the award criteria as a means of raising the credibility of awards.

Awards to be tiered

Through consultation activities, it was suggested that awards be tiered as a way of recognising different levels of performance in relation to achieving equal employment opportunity for women.

We consider that the EOWWA Employer of Choice award should continue and should be bolstered. It might be appropriate for employers to be invited to obtain a certificate of accreditation at say platinum, gold or silver levels, which could then be displayed on their business promotional material.

(Submission, Union)
That the EOWWA Employer of Choice award be bolstered. For example, employers could be awarded a certificate of accreditation at platinum, gold or silver levels, similar to that which is provided to superannuation funds. This could be displayed on their business promotional material.

(Submission, Government of South Australia, Premier’s Council for Women)

In their submission, the Australian Centre for Leadership for Women suggested that awards should be tiered with outstanding organisations distinguished from those that are just good.

The Sydney roundtable also recommended that consideration be given to taking a tiered approach to awards. The Melbourne roundtable recommended that awards be restructured to recognise progression and achievement, instead of just the achievement of a benchmarked level of compliance.

7.2.4 Data collection

To address the general perception of inadequacies in the data collection currently undertaken by EOWA, a range of recommendations for improvement were made through consultation activities. These included the ability to obtain performance-related information from reporting organisations’ annual reports and the ability to access other information sources. Specific recommendations were also made in relation to relevant data to be collected by EOWA.

Data collection from reporting organisations

Consultation activities saw an important source of data as being that held by reporting organisations themselves. It was recommended across the consultation activities that EOWA require performance data through the reporting process. It was also recommended that EOWA be able to request other pieces of information from reporting organisations, within reason, where required.

In its submission, EOWA proposed a new reporting framework with reporting organisations indicating progress against equal employment opportunity standards, which “would also provide a much more data rich profile of gender equality policies and practices in reporting organisations”.

The EOWW Agency or relevant body should be empowered to require additional information from employers in order to routinely undertake further detailed research into a particular industry, sector or occupation.

(Submission, Australian Council of Trade Unions)

In her submission, Mimi Zou stated that objective and comparable information on workplace programs within and across organisations needs to be produced, compiled, and disseminated publicly by EOWA. Other submissions echoed this sentiment.
Improved data collection and analysis of information received in reports is required to get a detailed accurate picture of efforts to improve women’s workplace equality. This information should be public.

(Submission, Liquor, Hospitality and Miscellaneous Union)

The Melbourne roundtable supported an enhanced data collection role for EOWA, including collecting data from organisations that is disaggregated to a much greater level of detail than is currently the case. This would allow EOWA to undertake improved data analysis and gain a better, more accurate understanding of workplace equal employment opportunity outcomes.

A small number of individuals interviewed commented on how EOWA’s data collection role could be improved. The most frequent proposal in relation to data collection is that mentioned under EOWA’s implementation of reporting requirements – that EOWA collect data through the reporting process on organisational performance against key metrics or performance indicators and use this to track improvement.

Links to other data sources

Through consultation activities, particularly submissions and individual interviews, it was proposed that EOWA’s data collection function be enhanced and streamlined through access to other data sources. These include sources of information currently collected by government departments and agencies.

The agency charged with monitoring EEO must be able to access relevant data which may be provided by employers to other government regulatory bodies such as the Australian Taxation Office, ASIC, APRA, SafeWork Australia, WorkCover, Fair Work Australia, State Government departments and training/higher education authorities.

(Submission, Australian Education Union)

The establishment of a clearing house, or common government portal, for research and monitoring of issues related to pay equity and women's workforce participation could include findings from federal and state based inquiries and improve synergies between the efforts of EOWA, FWO and AHRC.

(Submission, Government)

The contact the FWO establishes with new and existing employers could greatly improve the available data on employers who should be reporting to EOWA and who currently are not aware of their obligations.

(Submission, Government of South Australia, Premier’s Council for Women)

Recommendations made through individual interviews also included that more disaggregated data be collected by EOWA from various sources to enable it to differentiate outcomes across different industries or sectors.
Data to be collected

Some submissions identified the specific data to be collected by EOWA. A submission from a government source recommended that regular monitoring should occur in key areas of systemic discrimination, in particular: flexible work practices; pay inequity over the life course, including women’s reduced superannuation; women in leadership; occupational segregation; intersectional (dual) discrimination; impact of taxation and welfare systems on women's net incomes, workforce participation decisions and long-term financial security.

In their submission, Katie Spearritt and Diane Ryall recommend that “key metrics should include: Percentage of women at each level of the organisation; Percentage of women in key functional areas; Percentage of women on recruitment and promotion shortlists; Comparative remuneration by level (base and bonus payments); Percentage of women in line management positions; Metrics showing how long women stay at levels in comparison to men; Turnover/retrenchment data by gender; Return from parental leave (after a minimum of 12 months); Participation rate (men and women) of flexible work hours; Confidential staff questionnaire results (as part of broader company audit)” (Submission, Katie Spearritt and Diane Ryall).

EOWA could have organisations provide information on the cultural and linguistic diversity of a workforce, the number of women who indicate that they identify as Indigenous and/or Torres Strait Islander and potentially provide information on their accommodations for female staff members with a disability. Such expanded data would acknowledge the additional and specific disadvantage of women in these minority groups... such additional requirements could be phased in over time and with sufficient lead to enable the development of human resource systems to a level of sophistication where such data can be captured.

(Submission, The University of Queensland)

The Sydney roundtable stressed the need for better quality data on the current position of women in the workplace and the business case for equal employment opportunity to be better communicated to industry

Through its submission, EOWA suggests that data be made available more broadly than is currently the case: the “data set associated with the proposed new reporting arrangements should be made available to the Minister for the Status of Women, the Office for Women (OfW), the Sex Discrimination Commissioner (SDC), and Fair Work Australia for presentations and publications on a broadened range of gender equality matters. It should also be a resource for the academic community”.

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7.3 Incentives

7.3.1 Financial incentives

Some contributors to the review advocated the provision of financial incentives through the taxation system as a means to both support greater compliance with EOWA requirements and to provide a reward for progress. Others advocated that specific funding assistance programs should be offered to organisations to assist them to implement measures that improve the position of women in the organisation.

Through the public submission process, a number of submitters proposed the use of financial rewards through taxation incentives as a means of compelling organisations to make meaningful change. These recommendations for taxation incentives were often linked to the achievement of progress towards industry or organisational targets.

Incentives ... by way of tax relief should be investigated to encourage small employers in particular to comply with any obligations imposed on them.

(Submission, Peak body)

Some argued that this approach was a more positive system, e.g. rewarding compliance by providing taxation offsets for corporations that demonstrate genuine progress, rather than punishing non-compliance.

CCIQ is supportive of further exploring the idea of tax incentives for employers who positively contribute towards the objectives of the Act

(Submission, Chamber of Commerce and Industry Queensland)

Government subsidies and tax concessions should only be available to organisations which have EEO plans which have been successfully implemented

(Submission, Women’s Electoral Lobby VIC)

At the Sydney roundtable, participants broadly agreed that there should be stronger incentives for organisations to be exemplary leaders in the field of equal employment opportunity, rather than merely complying with the EOWW Act, which could include tax incentives. The Melbourne roundtable also discussed the effectiveness of financial incentives, particularly to assist small business to implement equal employment opportunity practices. The Perth roundtable noted the view that incentives and positive reinforcement need to be in place as some organisations do not have anything to lose through the current compliance structures. The Perth roundtable also considered a proposal for tax breaks for ‘good organisations’.

Some interviewees also argued for taxation incentives as a lever for change, which are linked to either the investment they make in equal employment opportunity, or the outcomes that they achieve.
A program to encourage EOWW would be for companies to provide key metrics (number of women employed, pay, women in senior positions) through their tax return and demonstrate improvements in those metrics and/or meet targets (equal pay, equal numbers of women in lead roles) then they are eligible for a tax rebate. Entities that meet the benchmark indicator and are profitable could, for example, receive 1-2% tax benefit while those businesses (start up/growth) who have a negative cash flow, could receive cash back (% of their expenses). Companies who do not apply are not disadvantaged or penalised. And the program is accessible to small and medium sized enterprises as well as large corporates.

(Interview, Dr Alex Birrell)

In order for business to adapt and redesign jobs (to increase the availability of quality part time roles), and to avoid a backlash against the employment of young women, it is necessary to consider the incentives that are made available for business to re-structure their organisations. This needs to support the stability of companies, for example by providing tax or other financial benefits.

(Interview, Chris Ronalds SC)

Financial incentives, particularly for smaller organisations, could be given further thought, particularly along the lines of the DEEWR Small Business Fresh Ideas program. These need to be designed so that they encourage long term change, and perhaps could focus on organisations that have achieved cultural change and also recognise executives who are leading that change.

(Interview, Samantha Edwards and Tanya Zuccarino, Australian Industry Group)

7.3.2 Other government programs and assistance for women

Many stakeholders also raised issues with the broader policy and program framework which have an impact on women’s capacity to participate and achieve equal outcomes in the workplace. Often stakeholders recognised that the EOWW Act is one part of the broader policy and program framework, and some argued that other levers should be used to improve outcomes for women in addition to, or instead of, imposing requirements on industry to effect change.

For example, ACCI argued that government must also recognise its role in making improvements for working women through its taxation arrangements, welfare support, and funding of childcare services.

Regulation is but one of a number of policy levers that Government has at its disposal. Other important levers include funding measures that address female participation in the workforce (ie. child care, maternity services, tax and benefits system etc).

(Submission, Australian Chamber of Commerce and Industry)
In reference to the issue of a lack of suitable childcare, a number of proposals for change were made. At the Perth roundtable, on-site, employer-funded childcare was identified as an effective lever to attract and retain women employees.

In the employee survey, when asked what more needed to be done to improve equal employment opportunity for women, four percent of respondents identified greater access to affordable and appropriate childcare. All of these respondents were women, and most were in full time employment and had dependants. Also in response to this question, five percent of respondents identified that access to paid maternity or parental leave should be provided.

### 7.4 Institutional arrangements

The stakeholder consultations considered the role of various Commonwealth Government agencies that have functions related to achieving equal employment opportunity for women. As detailed in section 5 above, most stakeholders believed that the effectiveness of EOWA is limited by its available powers and resources. Most stakeholders however, supported the retention of EOWA as a separate stand-alone agency. Some proposals were also made to change the administrative responsibility or portfolio location of EOWA, to clarify the respective roles of different agencies and to increase the degree of coordination between them.

There were three proposed options that recurred through the consultations with respect to the institutional arrangements and the structural location of EOWA that has responsibility for administering the (amended) EOWW Act, namely that EOWA:

- be merged, or located in a portfolio, with other agencies that deal with anti-discrimination matters, such as the Australian Human Rights Commission;

- be merged, or located in a portfolio, with other agencies that deal with employment matters, such as the Department of Education, Employment and Workplace Relations, the Fair Work Ombudsman and Fair Work Australia; or

- continue to exist as a stand alone agency, however, that its independence be increased and its portfolio location moved to central government or the employment portfolio.

On balance, the weight of opinion among stakeholders who were consulted tended towards the third option. In the submission process, 35 submissions advocated that EOWA be retained as a separate agency, whereas 15 submissions advocated that it be merged with another agency.
A dedicated and independent authority such as EOWA is clearly still required to promote gender equity in the workplace and to ensure that companies take action to remove systemic discrimination. As an independent agency, EOWA should continue reporting to the Minister for Women’s Affairs given that its focus is on promoting equal employment opportunities and outcomes for women in workplaces and given that its work will inform future government policy on women’s employment.

(Victorian Government Submission)

EOWA should remain a statutory authority, with a focus on promoting equality for all women at work. (Submitter) is concerned that if it does not continue as a separate agency focused exclusively on women, an opportunity will be lost to create a high-profile advocate for women at work.

(Submission, Community organisation)

The Sydney and Brisbane roundtables supported the retention of EOWA as a separate agency. The Sydney roundtable supported its retention as a separate agency, however, agreed that it should be more independent, as a statutory authority that can report directly to Parliament. The proposal for EOWA to be re-positioned within the Department of Prime Minister and Cabinet or the Department of Education, Employment and Workplace Relations, or the Treasury, were also generally accepted. A suggestion was also made at the Melbourne roundtable to shift EOWA into the Department of Prime Minister and Cabinet.

In the individual interviews, most people also believed that EOWA should be retained as a separate, independent agency.

EOWA should be retained as an independent and strengthened authority, and it should not be located within FaHCSIA, nor should its functions be incorporated into another agency. Ensuring gender equality needs to remain its focus. The ‘mainstreaming’ of the agency would be to take another step backwards.

(Interview, Susan Halliday)

EOWA...should remain independent and not be merged with the Human Rights Commission, which has a different focus (on individual complaints and not structural barriers).

(Interview, Chris Ronalds SC)

EOWA should remain a separate entity focused on employment as a key issue for women. It should not be subsumed into other agencies of the Office for Women or Fair Work Australia. It would not be appropriate for EOWA and the Sex Discrimination Commissioner to merge, for example. One reason is that the latter focuses on individual complaints, while EOWA focuses on organisational change and is not driven by the prospect of an individual compliant. While both have an
educative role and there are some overlaps, they are operating in two different disciplines.

(Interview, Juliet Bourke, Chair Equal Employment Opportunity Network of Australasia)

Some individuals interviewed (such as Professor Mark Wooden, Dr Alex Birrell and Ann Sherry AO) did not have strong views on institutional arrangements and either saw it as a matter for consideration by government or believed it should be a secondary consideration to getting the approach and/or strategy right. Similarly, employer and industry representatives who were interviewed did not express a view on the institutional arrangements.

I do not have a view on whether to retain the Act or agency as separate entities, or incorporate them into other legislation / agencies. The focus should be on the outcome rather than process - once you have set the desired outcomes the structure and process should follow that. In relation to EOWA, it should be resourced and/or aligned to an organisation that sees it as a priority and gives it sufficient funding to do its task properly.

(Interview, Ann Sherry AO)

Of the 15 submissions that proposed that EOWA should be merged with another agency, 10 proposed that it be merged with the Sex Discrimination Commissioner and two with the Fair Work Ombudsman. Generally, all proposals were made with a similar goal to strengthen the existing institutional arrangements for discrimination and equal employment opportunity.

AHRC should lead enforcement at a federal level, particularly at a systemic level, to ensure compliance with gender equity workplace obligations...Further the AHRC should provide independent monitoring and reporting to the Australian Parliament and the Australian public on Australia's progress in achieving substantive gender equity, including in Australian workplaces

(Submission, Victorian Equal Opportunity and Human Rights Commission)

I do not have a strong view on particular changes that are required to the EOWW Act or the role of EOWA. I think however it is necessary to consider the ongoing role and scope of the EOWW Act and EOWA in the context of the recent changes to the employment framework which have been made. It will be important that each of the agencies in the arena have a clear focus and mandate to address the issues around employment equality for women. It would be useful to have an overarching white paper developed on how all elements of the framework fit together, including discrimination, pay equity, minimum standards, employer reporting and compliance, which is considered at the Cabinet table as a government priority going forward.

(Interview, Nicholas Wilson, Fair Work Ombudsman)
Some industry submissions and employer representative organisations also proposed mergers to reduce perceived duplication and create synergies, such as the Australian Industry Group.

From an operational stand point, merging the functions of EOWA with another body, such as the Australian Human Rights Commission, could well result in synergies.

(Submission, Australian Industry Group)

Yes there are some overlaps and it is confusing for managers and employees to understand the ‘whole system’. We would like to see some consolidation of the roles and responsibilities of the various agencies and simplification of the various obligations. We believe this would lead to better outcomes because some employers just don’t understand how the system all fits together ...We believe there is a case for consolidating its functions with the Human Rights Commission. The main reason for that is that both organisations have responsibility for promoting change and are quite small agencies. It would seem to be more efficient to combine their functions.

(Submission, Industry)

We suggest there may be opportunity for rationalisation and consolidation of EEO legislation (which could be integrated with a centralisation of lead responsibility for all equality / diversity / human rights activity in Australia within the HREOC... [however] any rationalisation must strengthen the body which becomes the custodian of gender equality in Australia. Monitoring, driving and auditing of gender diversity across should be the main focus of this body.

(Submission, Industry)

Finally, a submission from a union source proposed the merger of EOWA with the Office of the Fair Work Ombudsman in order to strengthen its resources and compliance functions and capacity. Another union, the ACTU, recommended a closer working relationship between EOWA and the FWO, including the FWO taking on compliance activities under the EOWW Act and reporting back to EOWA.

The EOWW Act should confer power on the Office of the Fair Work Ombudsman to enforce compliance with the EOWW Act, including issuing financial penalties for:

breach of the EOWW Act’s requirement to lodge an EEO Report; breach of the EOWW Act’s requirement of an EEO Report to address any of the EEO reporting criteria outlined in the Act; and breach of the EOWW Act’s requirement for an employer to follow any of the stages of the EEO reporting process outlined in the Act.

(Submission, Australian Council of Trade Unions)
8 Conclusion

The consultation process has provided an opportunity for the perspectives of a wide range of individuals and organisations to be considered in framing future arrangements for equal employment opportunity for women: 136 submissions were received from individuals, organisations and government agencies; 744 reporting organisations and 859 employees were surveyed; five Roundtables involving 98 individuals were held around Australia; and 21 expert individuals and stakeholder representatives were interviewed.

This section provides a summary of key themes and observations from the consultation process. It begins with a summary of key findings relating to what arrangements are considered by contributors to the review, to be successful within organisations in achieving equal employment opportunity for women, and the external drivers that can influence organisations to make changes that improve the status of women in the workplace. It then outlines some of the key directions for change that were presented to the review during the consultations in relation to the EOWW Act and the EOWA. These include ideas submitted with respect to how the arrangements could be further strengthened, as well alternative views and ideas that were put forward with respect to how current arrangements could be made less stringent and less costly for business.

Improving employment outcomes for women

Contributors to the review consider a range of measures and initiatives, at both the policy and operational level, to be effective in responding to barriers to women’s employment. A significant factor, identified by both employers and employees, was the existence of a policy with respect to equal employment opportunity. Strong leadership and commitment to equal employment opportunity by Boards, Chief Executive Officers, and senior management within organisations was also widely recognised as a major enabler of change. Flexible work arrangements (so long as they do not result in position down-grading or loss of employment opportunity), providing training and development opportunities and equality and transparency around pay rates, were all seen as effective solutions to overcoming barriers.

Many of the levers for change that were identified are aimed at tackling the attitudinal and cultural barriers to equality for women in workplaces and creating incentives for organisations to implement change. Linking equal employment opportunity to overall business strategy, fostering a strong commitment at Board level, identifying the dimensions of inequality in an organisation, developing robust accountability mechanisms, demonstrating the business case for change and developing employee consultative processes, were all strategies in this category.

‘The need to prove the business case’ was seen by larger organisations as an essential step in demonstrating the benefits of employing women, implementing family friendly policies and providing parental leave, however, few organisations undertake robust cost benefit analysis as part of their business strategy development process. Many, however, believe that benefits of providing equal employment opportunity initiatives outweigh the costs. This view was not always shared by employer and industry representatives, particularly in relation to small to medium size organisations.
A range of effective external drivers of change were identified by the review. Goals and targets were seen by many as an effective strategy to drive change, as were random compliance audits. These approaches were not supported by all employer and employee organisations that frequently supported the development of employee engagement strategies as a way of achieving change. The economic drivers of change, such as the need to address skill shortages, were identified as effective drivers, as was generating opportunities for organisations to compete for public recognition as an equal opportunity employer. The need to improve compliance and develop more effective accountability mechanisms was raised, and developing financial incentives in the form of subsidies, direct assistance or taxation rebates, was also suggested as a means of achieving changed practices. The role of government, and the public sector more broadly, in providing leadership to the private and non-government sectors was identified by many as a key driver of change. Similarly, the capacity of a regulatory framework to enforce change was widely recognised, however, its role in achieving equality in employment outcomes for women is not universally supported by reporting organisations or employer and industry representatives.

Key findings on the EOWW Act

Some stakeholders, as a strong starting position, sought the re-focusing and strengthening of the EOWW Act so that it is better positioned to achieve equality for women in the workplace, rather than retaining its focus on creating equal employment opportunities. Some contributors see this distinction as fundamental to the future direction of reform, and put the view that it should be reflected in the name, objects, and possibly some new principles, of the legislation.

Several key observations related to coverage of the EOWW Act. While the EOWW Act applies to all organisations where the total number of employees in the corporate structure exceeds 100, there is a high level of non-compliance. The EOWA estimates that 4,500 or 34.6 percent of covered organisations fail to report to EOWA. Further, a large proportion of submissions to the review (37 percent) considered the current coverage of the EOWW Act to be inappropriate, with roundtable participants in particular questioning the exemption of the Commonwealth public sector and the exclusion of smaller businesses.

There were mixed views expressed about the requirement for employers to develop workplace programs to promote equal employment opportunity. While the requirement to develop such programs is generally supported, views on the effectiveness of the programs developed are divergent. An observation can be made however, that generally, reporting organisations support the arrangements for workplace programs more than reporting to EOWA, and those organisations with the highest level of compliance with the EOWW Act are more likely to agree that workplace programs have a positive equal opportunity impact. A further finding on this issue is that a large proportion of employees are not involved in the development of these programs, or are not aware of employee involvement in program development, and that this lack of involvement and awareness is particularly the case for women. Many stakeholders proposed changes to the workplace programs so

59 ‘Compliance status’ is an internal rating used by EOWA, which is not made public.
that they are simpler, set measurable targets and actions, and provide a stronger driver for change in organisations.

The requirement to report to the EOWA is generally regarded as having a positive influence for the development of equal opportunity initiatives in the workplace. However, this was balanced by the view of some that changes are required if the reporting process is to be more effective. A recurring theme from the review is that current reporting requirements focus on process rather than outcomes and are, as a result, largely ineffective in improving employment outcomes for women. The consultation activities also found that the process is widely considered to be time consuming and costly for organisations, and there are low levels of employee consultation and involvement in the development of reports to EOWA. There were suggestions from a range of stakeholders for the reports to be simplified, many considering that the frequency of reporting could be lengthened or better matched to other business reporting timelines, and there is some suggestion that the process of lodging reports could be streamlined by moving from manual to on-line reporting.

Most stakeholders were generally dissatisfied with the adequacy and use of the available penalties and sanctions, and the enforcement powers available under the EOWW Act. The lack of enforcement activity was highlighted as an issue in many submissions. Industry and employer representatives acknowledged the lack of penalties and enforcement activity under the EOWW Act, however they did not support any strengthening of these arrangements. The ‘naming in Parliament’ sanction was seen by many to be lacking as a deterrent mechanism for many organisations. Some stakeholders recommended that it be used more extensively to name organisations who fail to make progress against key performance indicators, as well as those who refuse to report to EOWA. A frequent view expressed by a range of stakeholders was that the procurement provisions were an effective mechanism, but could be implemented more consistently and expanded to apply to the provision of other government grants, industry assistance and service funding.

In contrast, there were mixed views about the existing awards schemes, with many stakeholders questioning their effectiveness, rigour and credibility. However, others see awards and citations as potentially being a powerful incentive, but recommend that the assessment process be strengthened, and consideration be given to replacing the current citation with ‘league tables’ of the best and poorest performers in delivering equality in employment outcomes for women.

**Key findings on EOWA**

EOWA is generally regarded by contributors to the review as fulfilling its role in challenging circumstances, with its perceived constraints being the legislative framework within which EOWA operates, and the resourcing level of EOWA. EOWA’s role in supporting and advising reporting organisations is valued by the majority of organisations, with feedback and advice being seen as effective. While there is concern about the capacity of the data set maintained by EOWA to measure changes in equal employment opportunity, a high value is placed on the education and awareness raising function performed by EOWA.
There was no consistent view about the most effective institutional arrangements for EOWA, or with regard to whether there is duplication between EOWA and other agencies. Many stakeholders, including expert individuals, women’s organisations, trade unions and employees, believe that it is important to retain EOWA as a separate and independent statutory authority. A further view was expressed that EOWA would be more appropriately located within an alternative portfolio of government, for example within the Department of the Prime Minister and Cabinet or the Department of Education, Employment and Workplace Relations.

Of the stakeholders who addressed the issue of whether EOWA should remain as it is or merge with another agency, most stakeholders supported retaining EOWA as a standalone agency. Some stakeholders suggested that the profile, resources and powers of EOWA could be enhanced through a merger with another entity, such as the Australian Human Rights Commission or the Fair Work Ombudsman. Such a merger was also suggested as a means of realising administrative efficiencies and simplifying institutional arrangements.
A Project methodology

A.1 Project approach

The six stages of KPMG’s approach in assisting the Office for Women with the review of the EOWW Act and their associated timeframes are presented in Figure 1. Each stage of the project is described below.

Figure 1 - Project Approach

The project has been overseen by a Project Reference Group (PRG) comprising key expert individuals, as set out in the following table.

Figure 2 - Project Reference Group members

<table>
<thead>
<tr>
<th>Name</th>
<th>Title/ organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Susan Halliday</td>
<td>Chairperson, Victorian Institute of Teaching</td>
</tr>
<tr>
<td>Catherine Harris AO</td>
<td>Chairperson, Harris Farm Markets</td>
</tr>
<tr>
<td>Prof Marian Baird</td>
<td>Researcher, University of Sydney</td>
</tr>
<tr>
<td>Prof Mark Wooden</td>
<td>Deputy Director, Melbourne Institute; Director HILDA Survey</td>
</tr>
<tr>
<td>Dr Alex Birrell</td>
<td>Director, Commercialisation, ATP Innovations</td>
</tr>
<tr>
<td>Sue Lines, proxy for Louise Tarrant</td>
<td>National Assistant Secretary, LHMU</td>
</tr>
<tr>
<td>Belinda Tkalcevic, proxy for Sharan Burrow</td>
<td>Convenor, ACTU Women’s Committee</td>
</tr>
<tr>
<td>Katie Lahey</td>
<td>Chief Executive, Business Council of Australia</td>
</tr>
<tr>
<td>Ann Sherry AO</td>
<td>Chief Executive Officer, Carnival Australia</td>
</tr>
<tr>
<td>Heather Ridout</td>
<td>Chief Executive, Australian Industry Group</td>
</tr>
</tbody>
</table>
A.2 Public submissions

Consultation questions were posed within each section of an Issues Paper as a means of facilitating responses through a public submission process.

In addition to input received through OFW from other government agencies and key stakeholders, KPMG gained input to the draft Issues Paper from the PRG during a meeting held on 24 August 2009. In addition, expert legal advice was sought from Gilbert + Tobin lawyers in relation to the legal operation of the EOWW Act and the comparative analysis of alternative regulatory approaches. The advice is incorporated within the Issues Paper.

<table>
<thead>
<tr>
<th>Submission Source</th>
<th>Name of Submitter/Organisation</th>
<th>Organisation Branch (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual</td>
<td>Rodney Stephens</td>
<td>NA</td>
</tr>
<tr>
<td>Academic</td>
<td>Andrea McCall, Monash University, Berwick and Peninsula Campuses</td>
<td>Department of Management</td>
</tr>
<tr>
<td>Academic</td>
<td>Charlotte Jordan, Monash University, Peninsula Campus</td>
<td>Department of Management</td>
</tr>
<tr>
<td>Academic</td>
<td>Mimi Zou, University of Sydney</td>
<td>Faculty of Economics and Business; Discipline of Work and Organisational Studies</td>
</tr>
<tr>
<td>Academic</td>
<td>Anna Yeatman, University of Western Sydney</td>
<td>Centre for Citizenship and Public Policy</td>
</tr>
<tr>
<td>CSO</td>
<td>Women on Boards Pty Ltd and National Foundation for Australian Women Ltd</td>
<td>NA</td>
</tr>
<tr>
<td>Individual</td>
<td>Carol O'Donnell</td>
<td>NA</td>
</tr>
<tr>
<td>Individual</td>
<td>Maree McLaren</td>
<td>NA</td>
</tr>
<tr>
<td>CSO</td>
<td>Human Rights Law Resource Centre Ltd</td>
<td>NA</td>
</tr>
<tr>
<td>Academic</td>
<td>Professor Michael Keniger, The University of Queensland</td>
<td>Office of the Vice Chancellor</td>
</tr>
<tr>
<td>Union</td>
<td>National Tertiary Education Union (NTEU)</td>
<td>NA</td>
</tr>
<tr>
<td>Academic</td>
<td>Heather Cameron, Griffith University</td>
<td>Equity, Diversity and Policy Implementation</td>
</tr>
<tr>
<td>CSO</td>
<td>2020women</td>
<td>NA</td>
</tr>
<tr>
<td>CSO</td>
<td>Public Interest Law Clearing House (Vic) Inc</td>
<td>NA</td>
</tr>
<tr>
<td>CSO</td>
<td>Women's Health Victoria</td>
<td>NA</td>
</tr>
<tr>
<td>Peak body</td>
<td>Community Employers WA</td>
<td>NA</td>
</tr>
<tr>
<td>Academic</td>
<td>Professor Jane den Hollander, Curtin University of Technology</td>
<td>NA</td>
</tr>
<tr>
<td>CSO</td>
<td>Disability Services Australia</td>
<td>NA</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Academic</td>
<td>Ruth Blenkiron, University of South Australia</td>
<td>Human Resources Unit</td>
</tr>
<tr>
<td>Individual</td>
<td>Associate Professor Beth Gaze</td>
<td>NA</td>
</tr>
<tr>
<td>Academic</td>
<td>Dr Sev Ozdowski, University of Western Sydney</td>
<td>Equity and Diversity</td>
</tr>
<tr>
<td>Peak body</td>
<td>South Australian Wine Industry Association</td>
<td>NA</td>
</tr>
<tr>
<td>Peak body</td>
<td>Australian Industry Group</td>
<td>National Workplace Relations</td>
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<tr>
<td>CSO</td>
<td>Australian Centre for Leadership for Women</td>
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<tr>
<td>Industry</td>
<td>Emberin Pty Ltd</td>
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<tr>
<td>Peak body</td>
<td>Australian Federation of Employers and Industries</td>
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<tr>
<td>CSO</td>
<td>Women's Forum Australia</td>
<td>NA</td>
</tr>
<tr>
<td>Individual</td>
<td>Victoria Weekes</td>
<td>NA</td>
</tr>
<tr>
<td>Peak body</td>
<td>Equal Employment Opportunity Network of Australasia (EEOA)</td>
<td>NA</td>
</tr>
<tr>
<td>Industry</td>
<td>Sydney Airport Corporation Limited</td>
<td>NA</td>
</tr>
<tr>
<td>Government</td>
<td>Department of Education, Employment and Workplace Relations</td>
<td>Workplace Relations Policy Group</td>
</tr>
<tr>
<td>Industry</td>
<td>Woolworths Limited</td>
<td>Government Relations</td>
</tr>
<tr>
<td>CSO</td>
<td>Women's Legal Service Victoria</td>
<td>NA</td>
</tr>
<tr>
<td>Union</td>
<td>Community and Public Sector Union</td>
<td>State Public Services Federation Group</td>
</tr>
<tr>
<td>CSO</td>
<td>Baptistcare (WA Baptist Hospitals and Homes Trust Inc)</td>
<td>NA</td>
</tr>
<tr>
<td>CSO</td>
<td>International Women's Federation of Commerce and Industry</td>
<td>NA</td>
</tr>
<tr>
<td>Peak body</td>
<td>Security4Women (S4W)</td>
<td>NA</td>
</tr>
<tr>
<td>Individual</td>
<td>Margaret Thornton</td>
<td>NA</td>
</tr>
<tr>
<td>CSO</td>
<td>Victorian Women Lawyers</td>
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<tr>
<td>Peak body</td>
<td>Australian Council of Trade Unions (ACTU)</td>
<td>NA</td>
</tr>
<tr>
<td>CSO</td>
<td>Victorian Women's Trust</td>
<td>NA</td>
</tr>
<tr>
<td>Individual</td>
<td>Susan McGrath-Champ</td>
<td>NA</td>
</tr>
<tr>
<td>Government</td>
<td>Equal Opportunity for Women in the Workplace Agency (EOWA)</td>
<td>NA</td>
</tr>
<tr>
<td>Peak body</td>
<td>Law Council of Australia</td>
<td>Equalising Opportunities in the Law Committee</td>
</tr>
<tr>
<td>Academic</td>
<td>Prof. Michael Keniger, The University of Queensland</td>
<td>NA</td>
</tr>
<tr>
<td>Individual</td>
<td>Diane Grady</td>
<td>NA</td>
</tr>
<tr>
<td>Industry</td>
<td>Boardroom Partners</td>
<td>NA</td>
</tr>
<tr>
<td>Academic</td>
<td>Professor Ed Byrne, Monash University</td>
<td>NA</td>
</tr>
</tbody>
</table>
### Review of the Equal Opportunity for Women in the Workplace Act 1999

**Consultation Report**

January 2010

| Individual | Wendy McCarthy AO | NA |
| CSO | Mercy Health | NA |
| Industry | Qantas Group | NA |
| Peak body | Australian Federation of University Women | NA |
| CSO | Diversity Council of Australia | NA |
| Individual | David Peetz | NA |
| Peak body | Women's Electoral Lobby (WEL) | Victorian |
| Peak body | Chamber of Commerce & Industry Queensland (CCIQ) | NA |
| Union | Liquor Hospitality Miscellaneous Union (LMHU) | NA |
| Expert | Katie Spearritt and Diane Ryall | NA |
| Expert | Anne Summers | NA |
| CSO | Vicki Long, Royal District Nursing Service | NA |
| Government | Government of South Australia, Office for Women | Premier's Council for Women |
| Academic | Dr Lesley Clark, James Cook University | Equity and Diversity |
| Union | Australian Education Union | NA |
| Government | City of Sydney | NA |
| Peak body | Equal Opportunity Practitioners in Higher Education Australasia (EOPHEA) | NA |
| Peak body | Financial Services Institute of Australasia (Finsia) | NA |
| Government | Australian Human Rights Commission | NA |
| Peak body | National Pay Equity Coalition and Women's Electoral Lobby Australia Inc | NA |
| Government | Victorian Equal Opportunity and Human Rights Commission | NA |
| Government | Queensland Government | Office for Women |
| Academic | Dr Sara Charlesworth, RMIT | NA |
| Academic | Sally Walker, Deakin University | NA |
| Government | Victorian Government | Office of Women’s Policy |
| Industry | Origin Energy | NA |
Figure 3 - Public Submissions by source category

Processing the public submissions involved the collection, registration and analysis of all submissions. Public submissions were collected through an online mailbox as well as in hard copy. The registration process involved a formal acknowledgement of each submission received as well as unique identifying details being allocated to each submission to enable the coding and analysis processes. A coding tool was developed specifically for the public submissions. The coding tool utilised a two-way survey mechanism, which captured quantitative and qualitative information from each submission. Submissions were coded according to the consultation questions posed under six themes within the Issues Paper. The coding process was tightly controlled to ensure consistency and accuracy of coding.

A.3 Survey of reporting organisations

The survey of reporting organisations was developed by KPMG in consultation with EOWA and OfW. The survey was designed with a mixture of free-text and interval response scale questions to enable qualitative and quantitative analysis of results. The survey was designed to take approximately 10 minutes to complete. A pilot test of the survey was undertaken with five reporting organisations to refine the tool. Prior to being analysed, survey results were subject to a range of integrity checks. Univariate and multivariate analyses were performed on survey data, which aimed at identifying and quantifying relationships among respondents’ characteristics and variables of interest to the review.
Further detail on the breakdown of respondents by industry sector, organisation size and compliance status\(^{60}\) is provided in the following figures.

**Figure 4 - reporting organisation survey respondents by industry**

![Pie chart showing distribution by industry sector](image)

Source: EOWA List of reporting organisations

**Figure 5 - reporting organisation survey respondent by organisation size**

![Bar chart showing distribution by organisation size](image)

---

\(^{60}\) ‘Compliance status’ is an internal rating used by EOWA, which is not made public.
Source: EOWA List of reporting organisations

61 ‘Compliance status’ is an internal rating used by EOWA, which is not made public.
A.4 Survey of employees

The survey of employees was developed by KPMG in consultation with OfW and members of the PRG. The survey was designed to take approximately five minutes. Prior to being analysed, survey results were subject to a range of integrity checks. Univariate and multivariate analyses were performed on survey data, which aimed at identifying and quantifying relationships among respondents’ characteristics and variables of interest to the review.

A breakdown of survey respondents by gender, industry, organisation size and existence of dependents are provided in the following figures. A total of 859 responses to the employee survey were submitted.

Figure 7 - Employee survey respondents by gender

Source: KPMG employee survey results register
Figure 8 - Employee survey respondents by industry

Source: KPMG employee survey results register
Figure 9 - Employee survey respondents by organisation size

Source: KPMG employee survey results register

Figure 10 - Employee survey respondents by existence of dependents

Source: KPMG employee survey results register
A.5 Interviews

The project involved conducting 21 interviews with stakeholders from a range of backgrounds. The interviewees who have provided consent to be quoted in the report are listed below:

<table>
<thead>
<tr>
<th>Name</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elizabeth Broderick and Dr Cassandra Goldie</td>
<td>Sex Discrimination Commissioner and Director, Sex and Age Discrimination Unit, Human Rights Commission respectively</td>
</tr>
<tr>
<td>Samiro Douglas</td>
<td>CEO, Women’s Information and Referral Exchange (WIRE)</td>
</tr>
<tr>
<td>Daniel Mammone and David Gregory</td>
<td>Australian Chamber of Commerce and Industry</td>
</tr>
<tr>
<td>Catherine Harris</td>
<td>Chairperson, Harris Farm Markets</td>
</tr>
<tr>
<td>Dr Alex Birrell</td>
<td>Director, Commercialisation ATP Innovations</td>
</tr>
<tr>
<td>Judith van Unen</td>
<td>Council of Small Business Organisations of Australia</td>
</tr>
<tr>
<td>Juliet Bourke</td>
<td>Chair, Equal Employment Opportunity Network of Australasia and Partner, Aequus Partners</td>
</tr>
</tbody>
</table>
| Prof Mark Wooden                  | Professorial Research Fellow and Acting Director                          Melbourne Institute of Applied Economic and Social Research  
|                                   | University of Melbourne                                                   |
| Philippa Hall                     | Director, Pay and Employment Equity Unit, Department of Labour, New Zealand |
| Ann Sherry AO                     | CEO, Carnival Australia                                                    |
| Chris Ronalds SC                  | Barrister, Frederick Jordan Chambers                                       |
| Nicholas Wilson                   | Fair Work Ombudsman                                                        |
| Samantha Edwards and Tanya Zuccarino | Australian Industry Group                                                |
| Prof Marian Baird and Alex Heron  | University of Sydney                                                      |
| Susan Halliday,                   | Chairperson, Victorian Institute of Teaching                               |
| Louise Tarrant, Katherine Whitty and Elaine Hudson | Liquor, Hospitality and Miscellaneous Union                           |
| Amanda Mostyn                     | ASX                                                                         |
| Catherine Bowtell and Belinda Tkalcevic | ACTU Women’s Committee                                           |
A.6 Data analysis process

The project involved the analysis of all consultation activities, including the findings from the facilitated roundtables, individual interviews, survey of reporting organisations, survey of employees, public submissions and the literature review. Prior to the substantive analysis being undertaken, the received data was subject to a range of integrity checks.

To enable analysis and consolidation of results across multiple project activities, distinct analytical tools were developed for the different consultation activities. The analytical tools developed for the surveys and public submissions have the capability to capture both qualitative and quantitative information. This enabled the identification of trends by areas of interest and a degree of comparability, particularly between the responses of reporting organisations and the responses of employees. In relation to the facilitated roundtables, individual interviews and literature review, feedback from each was categorised and considered against the terms of reference for the review.