29 January 2013

Department of Families, Housing,

Community Services and Indigenous Affairs

PO Box 7576  
Canberra Business Centre ACT 2610

Sent via email to: [women@fahcsia.gov.au](mailto:women@fahcsia.gov.au)

Dear Sir/Madam,

Master Electricians Australia Ltd (MEA) is grateful for the opportunity to comment on the Australian Government’s *Draft Framework for Reporting Measures under the Gender Equality Indicators*.

**Master Electricians Australia** Ltd (MEA) provides a national accreditation program to electrical contractors seeking to differentiate themselves from other contractors. MEA is part of the ECA Group of Companies and operates nationally. The organisation’s website is: [http://www.masterelectricians.com.au](http://www.masterelectricians.com.au/page/ECA/).

The **Electrical Contractors Association** (ECA) is the leading voice of the electrical industry and is committed to improving and advancing this sector. ECA is registered as an industrial organisation under Queensland legislation with its operation in Queensland. The association’s website is: <http://www.masterelectricians.com.au/page/ECA/>

As a long standing employer group, MEA appreciates the value of gender equality in the workforce and supports the overall objectives of the *Workplace Gender Equality Act 2012*. We continue to endorse gender equitable work practices both in our member’s businesses as well as internally at MEA. We recognise that this is particularly important as a body representing the electrotechnology industry, a sector which has traditionally been male dominated in nature. Measures that will make a genuine contribution to gender equality in Australian workplaces are always welcomed by MEA.

While the Australian Government is to be commended for their stance on gender equality, we would urge a degree of caution before relying on measurable outcomes data as a way to judge the level of gender equality in different workplaces. While such data may allow comparisons to be more readily made between industries and employers, the results themselves may be misleading. For example, data indicating a significant proportion of employees accessing parental leave does not necessarily imply a gender inequality issue within a particular organisation or industry. For example, a certain industry may have an older age demographic whose employees would not commonly need to utilise parental leave. It is also the case that certain social norms cause some industries to struggle to attract a certain gender based on the nature of the work, this is particularly evident in the nursing and construction industries.

It is also relevant to consider that an employee’s right to request flexible working arrangements is engrained in the National Employment Standards (NES). All employers in the national workplace relations system are subject to these rules and face substantial fines for any contraventions. These standards were developed to ensure fairness and equality for both men and women in Australian workplaces. It would be unreasonable for a workplace that adheres to these rules to then be subject to comparative data that in effect would hold them to a different standard based on what other workplaces are able to offer to employees.

There are two issues relating to the in the *Fair Work Act 2009* that that may have a major impact on the data compiled via the gender equality reporting measures, namely Flexible Working Arrangements and Individual Flexibility Agreements. It is our experience from the thousands of phone calls we take each year that there is confusion from employers, both large and small, with the similarity in these terms. Flexible Working Arrangements relate to parental leave and Individual Flexibility Agreements relate to, and are available to, a much broader cross section of the workforce via the modern awards. If access to flexibility is to be an indicator of gender equality through the reporting measures, these issues need to be clearly explained to employers throughout the process to avoid inaccurate comparative data.

There are also specific factors that have an impact on an employee’s access to Individual Flexibility Agreements that are not necessarily indicative of a poor level of gender equality. These include:

* Collective Agreements which limit access to flexible working arrangements as a trade-off for better terms and conditions;
* An employee’s personal choice not to alter their working arrangements; and
* The operational reality of a business, such as one which relies on face-to-face customer service.

We would also urge government to be cautious about including Gender Equality Key Performance Indicators (KPIs) as a sign of a workplace practising gender equality. We are concerned that if and when KPI’s are set, industry, societal and free market economy forces may not be taken into account and that the resulting data would be misleading in relation to the level of gender equality. The reporting process also assumes that an organisation with 100 employees would have the same capacity to provide Flexible Working Arrangements as a company in a different industry with a workforce of several thousand. Having these KPI’s in place for many businesses could become a process of merely ticking a box and may not in fact give reliable evidence of gender equality practices. We would also strongly recommend that gender equality is best measured within each industry rather than a comparison across industries due to the societal and free market economy norms that affect each industry.

The value of the reporting measures may also be limited given that the resulting data will only be sourced from businesses with 100 or more employees. Statistics from the Department of Innovation, Industry, Science and Research (DIISR) indicate that approximately 90% of businesses operating in Australia who employ staff have fewer than 20 employees. This means that the data supplied by the reporting measures will only be a reflection of 10% of businesses operating in Australia. Whilst we are certainly not suggesting that the minimum number of employee should be reduced, we do question if the data to be released will be statistically valid.

Overall, we urge government to consider that while data may have its place, the significance placed on such data needs to be put in context of the nature of each specific industry and particular business. Without such context the value of the data as a comparative tool is minimal.

Yours sincerely,

Jason O’Dwyer

General Manager Workplace Policy