



**WORKPLACE GENDER EQUALITY ACT 2012:
CONSULTATION ON REPORTING MATTERS**

JANUARY 2013

Contact:

The Australasian Institute of Mining and Metallurgy

W: www.ausimm.com | T: +61 3 9658 6100 | F: +61 3 9662 3662

Michael Catchpole | Chief Executive Officer | E: mcatchpole@ausimm.com.au

Wayne Robins | Senior Manager, Policy & Research | E: wrobins@ausimm.com.au

About the Women in Mining Network

The Women in Mining Network (WIMnet) aims to promote attraction and retention of women in the mining industry and to encourage membership and active participation of women in the AusIMM and WIMnet activities.

Membership of WIMnet is open to all participants in the mining industry who value equity and diversity. With more than 2000 members, WIMnet has a strong network of minerals sector professionals who are interested in improving participation in the minerals sector by women.

About The AusIMM

The Australasian Institute of Mining and Metallurgy (The AusIMM) was formed in 1893, representing professionals engaged in all facets of the global minerals sector. With a focus on enhancing professional excellence, The AusIMM delivers an ongoing program of professional development services to ensure our members are supported throughout their careers to provide high quality professional input to industry and the community.

The AusIMM is the leading organisation representing minerals sector professionals in the Australasian region, primarily in the disciplines of mining engineering, metallurgy and geoscience. Our purpose is to provide leadership and opportunities for minerals industry professionals.

We have more than 12 500 members spread across industry, government and academia, of which over 1600 are student members currently enrolled in undergraduate studies.

As a professional organisation whose members have an ethical duty to put the community first, The AusIMM constitutes a forum through which technical experts in the minerals sector can comment on policy for a sustainable industry, free of private and sectional interests.

This submission

This submission has been developed with a range of input from WIMnet members, and in the context of The AusIMM's support for measures to promote gender equity within the minerals professions.

The minerals industry is a sector of the economy that has enjoyed strong growth and experienced significant skills shortages in recent years. In this context, there has been much debate and some significant advances in gender equity. There is clearly still a long way to go to achieve gender equity within the minerals sector – and that challenge includes a number of factors outside the control of individual employers such as the need to attract more women to enrol in particular types of qualifications.

In WIMnet's experience, key actions that can be taken to assist businesses improve their employment practices to help achieve gender equity include:

- Clarify how businesses can identify and measure systemic discrimination.
- Provide options to assist businesses to understand and address the barriers to gender equity.

The focus of this submission is on the first of these issues, given that is the core of the consultation process. A simple framework for measuring gender equality that can be applied at a business, sector and economy-wide level and that can be easily explained has the potential to be a powerful contributor towards gender equity.

WIMnet encourages the Workplace Gender Equality Agency to also focus on the second issue. The Agency has the potential to support the business community to make positive changes through tools and practical examples that businesses can adopt and adapt to their own circumstances.

Core metrics – mandatory business reporting

WIMnet and The AusIMM are very conscious of the fact that any reporting mandated under the *Workplace Gender Equality Act 2012* needs to be pragmatic, cost effective and administratively simple for businesses to produce. This is essential to assist companies to provide the required data in an accurate and timely manner. Equally important is that the Workplace Gender Equality Agency establishes administrative processes for the submission of reports that are simple and low-cost for businesses. Developing a facility for on-line data submission that enable the required data to be submitted in a cost-effective and secure manner is strongly encouraged.

The following comments are offered on mandatory reporting obligations under each of the five Gender Equality Indicators (GEIs) specified in the *Workplace Gender Equality Act 2012*:

GEI 1 – The gender composition of the workforce

The Agency's discussion paper includes example measurable outcomes for this GEI of: 'profile of women and men in the workplace', and 'data on recruitment, exits and retention of employees by gender'. The sentiment of these proposed metrics is supported, but they should be more clearly defined.

Suggested reporting requirements are:

- The number of male and female employees at the end of the reporting year.
- The number of full time equivalent male and female employees at the end of the reporting year.

Potentially desirable additional reporting (subject to careful examination of the costs and benefits of requiring such reporting) include:

- The number of male and female new recruits for the reporting year.
- The number of male and female departures (resignations, redundancies, other) for the reporting year.
- The 'average tenure' (ie. length of employment) for male and female departures during the reporting year.
- Reporting of numbers of male and female employees at clearly defined levels of responsibility (that can be consistently applied across diverse business and industry types) at the end of the reporting year¹.

GEI 2 – Gender composition of governing bodies

The Agency's discussion paper includes example measurable outcomes for this GEI of: 'job classifications by gender', 'gender data for key management', 'gender data – distance from CEO', 'gender composition of governing bodies'. All but the last of these example 'measurable outcomes' seem to be outside the scope of the *Workplace Gender Equality Act's* definition of a 'governing body'.

Suggested reporting requirements are:

- The number of male and female members of the governing body(ies) of each company at the end of the reporting year.
- The gender of the leader and deputy leader of the governing body(ies) of each company at the end of the reporting year.

GEI 3 – Equal remuneration between women and men

The Agency's discussion paper includes example measurable outcomes for this GEI of: 'base pay by gender', 'performance pay by gender', and 'occupations by gender'. Given our note above

¹ Note that WIMnet and The AusIMM use a five-tier classification system in our work to understand gender equity issues within the minerals professions. We are happy to share this system and our experience in its use as a contribution to devising a classification system that would be applicable across the whole Australian economy.

about the scope of GEI 2, most of the example measurable outcomes for that GEI probably fit better under this item as well.

It is acknowledged that this Gender Equity Indicator incorporates high levels of complexity. For this GEI in particular, we suggest that the mandatory annual reporting should be simple. Businesses should be encouraged and supported to explore these issues further as appropriate to their business.

The suggested minimum reporting requirement is average annual wage per male and female full time equivalent staff member².

It would also be highly desirable for companies to report average annual wage per male and female full time equivalent staff member at clearly defined levels of responsibility (that can be consistently applied across diverse business and industry types). For this to be achievable, the Agency will need to actively engage stakeholders in agreeing a method of defining levels of responsibility that is transparent and simple to apply, and to then test the cost-effectiveness of such reporting across the Australian economy's diverse business mix.

GEI 4 – Availability and utility of flexible working arrangements and of working arrangements supporting employees with family or caring responsibilities

The Agency's discussion paper includes example measurable outcomes for this GEI of: 'part-time and casual work by gender', 'promotion of part-time workers by gender', 'employees taking parental leave', 'return to work from parental leave', 'rates/quantum of parental leave available'. It is noted that this GEI is very challenging to measure in a quantitative manner.

It is important to note in designing measures for this GEI that there may not be a clear correlation between these measures and workplace culture and attitudes towards gender equity. For example, a company that has a higher than average rate of female part-time workers might be either a company that is proactively making flexible working arrangements available to female employees who seek such flexibility, or it might be a company that is discriminating (consciously or unconsciously) against women and disproportionately offering women jobs with lower security and working hours while disproportionately offering full time roles to men.

This is a complex issue and we do not feel that we have enough information or understanding of the pros and cons of various measurement options in order to be able to recommend measures that can be applied in a consistent and meaningful way across the whole of the Australian business community.

It may be appropriate for the Agency to commission some research on this issue. It may be appropriate that any proposed company reporting against this GEI initially be developed as a voluntary pilot process in order to assess the costs and benefits of some of the possible measurement approaches that appear to be of value.

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

The Agency's discussion paper does not include any example measurable outcomes for this GEI. This implies that any simple quantitative measure of whether businesses are effectively consulting employees on gender equality issues would be very challenging.

It may be most appropriate to explore ways in which the Agency can conduct surveys of the types and quality of consultation with employees that is occurring. This approach may produce much more valuable information than an annual reporting requirement for all businesses against this GEI.

² A clearly described method for calculating this figure will be required. It should include all casual, part time and full time employees and include overtime paid. Ideally a company would report by gender its number of employees (persons), number of full time equivalent staff members (FTEs) and its average annual wage per FTE. The method should clarify whether any bonuses are to be included or excluded from reporting.

It may be appropriate for the Agency to commission some research on this issue. It may be appropriate that any proposed company reporting against this GEI initially be developed as a voluntary pilot process in order to assess the costs and benefits of some of the possible measurement approaches that appear to be of value.

Promoting and encouraging businesses to further explore gender equity issues

As noted above, it is important that mandatory annual reporting be pragmatic, cost effective and administratively simple for businesses to produce. Such reporting is necessarily 'generic'. It needs to use easily measurable facts, avoid any subjective judgements, and must be equally valid across the diverse Australian economy. These metrics therefore cannot deliver a comprehensive understanding of the gender equality status of a business. Such standardised reporting can certainly not deliver an understanding of the reasons (cultural, procedural, economic, etc) that underpin the gender equality status of a business.

For this reason, WIMnet and The AusIMM encourage the Workplace Gender Equality Agency to play a proactive role in promoting and encouraging businesses to further explore gender equity issues. In our experience, many businesses wish to better understand their gender equity status and the drivers behind the gender equity outcomes they observe within their business. Supporting these businesses by providing a range of guidance material, advice and assistance will enable them to understand their status, challenges and opportunities more quickly and cost-effectively. In this way, the Agency will be able to assist businesses to improve gender equality outcomes (and almost certainly deliver significant business benefits at the same time).

Metrics for further understanding business gender equity outcomes

It would be useful for the Workplace Gender Equality Agency to develop a 'toolkit' or suite of guidance for companies wishing to further measure their gender equality performance. The design of a range of voluntary metrics should be done in parallel with the implementation of the mandatory metrics to be established under the *Workplace Gender Equality Act 2012*. The Agency could encourage studies that explore the cultural and behavioural aspects of gender inequality, the use of longitudinal studies to explore the drivers of changes observed over a period of time, or to test metrics that might be usefully developed for broader reporting in the future.

Due to the short consultation period on the Agency's discussion paper, WIMnet has not been able to develop a comprehensive set of possible metrics that the Agency could or should develop for voluntary use by companies. We offer this preliminary list of ideas, and would be willing to assist in their further development if the Agency were interested in pursuing the 'toolkit' approach we are suggesting.

Table 1 – possible metrics that businesses could be encouraged to apply on a voluntary basis to further understand their business gender equity outcomes

Recruitment practices – examine recruitment processes by gender at the applications, interview and successful candidate stages	Entry level and graduate recruitment gender mix versus total workforce and/or total new employees
Departmental/regional variances – examine whether there are different gender equity outcomes in company departments or locations	Rates of access to professional development support – funded internal or external training courses, access to study leave, etc
Rates of promotion of part-time employees (in comparison to company-wide averages)	Performance assessments and bonuses – examine average results/ranking by gender
Equity in Employee Share Schemes, Bonuses, Allowances, Partnerships, etc	Gender bias in employment permanency/status (contractor, temp, permanent)
Access to and use of unpaid leave based on carer's duties (eg. school holidays)	Gender bias in hours of work and access to overtime

Table 1 – possible metrics that businesses could be encouraged to apply on a voluntary basis to further understand their business gender equity outcomes

Flexible Work arrangements – number of requests made, percentage granted, clarity of policies for flexible work arrangements access	Return to Work: rate of return to work within 24 months of taking parental leave; understanding and addressing barriers to return to work
Existence and quality of succession planning and programs to identify and nurture talent within the company	Provision of diversity-specific facilities (eg breastfeeding/expressing rooms), and their rates of access
Areas of traditional gender bias – define a list of non-traditional roles for females and males that are relevant to the business, assess gender equity within those roles, and support action to address areas of concern	Rates of voluntary superannuation contributions by gender and employment status – may reveal a need to improve understanding of superannuation contribution benefits or indicate some form of gender imbalance
Programs to identify and support ‘isolated women’ – eg sole females in a male dominated crew/department (This could equally apply to sole men in female dominated occupations)	Child care support availability and access rates – including provision of on-site or supported access to external child care facilities

The importance of positive role models and case studies

WIMnet and The AusIMM also encourage the Workplace Gender Equality Agency to play a key role in highlighting and promoting success stories in gender equity.

The Agency can assist businesses both through providing tools and support so that they can:

- Assess and understand their gender equity status.
- Understand how they perform against averages for their sector and the Australian economy.
- Understand how they perform against leaders in their sector and the Australian economy.
- Understanding the barriers to gender equity in their business, including how to identify and address systemic unconscious discrimination, inflexible work practices and cultural and economic barriers to gender equity.

We believe that promoting positive role models and providing case studies that illustrate how companies have been able to make improvements in their performance are essential to accelerated improvement in gender equity in the workplace.

WIMnet and The AusIMM are willing to encourage firms in the minerals sector to develop case studies on their experiences. We also encourage individual professionals in the minerals sector to discuss their experiences – positive and negative – in the pursuit of improved gender equity. We would welcome the opportunity to work collaboratively with the Workplace Gender Equality Agency on these issues.

Use of the Workplace Gender Equality Agency’s developing database of corporate reporting

WIMnet and The AusIMM would appreciate information on how the Workplace Gender Equality Agency intends to use and publish the information it receives from the required reporting by companies of over 100 employees.

We would encourage that de-identified datasets are made broadly available to allow companies and organisations such as ourselves to make use of this potentially valuable dataset. We would welcome the opportunity to discuss how the value of such data could be maximised (for example by publishing it alongside information about the industry sectors, and where possible by location and by the levels of responsibility or qualifications of the employees being reported by companies).