



EOWW Act Review,
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Submission to Office for Women - EOWW Act Review

This submission comprises perspectives from WOB Pty Ltd (Women on Boards) and the National Foundation for Australian Women Ltd.

A. Executive Summary

The issues paper provided by the Office for Women identifies that:

- a) the gender pay gap has not improved in 25 years;
- b) participation rates in senior roles (board positions and senior executives) have shown some advancement (universities, public sector) but not in corporations (where the representation of women in senior roles in the ASX200 fell from 12% to 10.7% between 2006 and 2008); and
- c) Australia is well behind its OECD peers when it comes to women's participation in executive management.

The key premise of this submission is that the functions of the EOWA are still relevant, but a new strategy is required. EOWA needs the resources and legislative powers to tackle systemic (often subliminal) discrimination across workplaces to achieve real change. Its current role of encouraging compliance through fairly modest "reporting and information sharing" activities, are not delivering any measurable outcomes for women.

The establishment of the Fair Work Ombudsman (the "FWO") adds a further dimension to the discrimination landscape. We do not purport to understand fully how the EOWA, FWO and the Australian Human Rights Commission ("AHRC") will work together to tackle and eliminate gender based discrimination. However, we applaud the FWO's activism to date in relation to pregnancy related discrimination and note with interest the Ombudsman's powers to issue substantial penalties for unlawful discrimination by employers.

Based on what we've seen so far, it seems to us quite possible that the FWO will pursue specific instances of discrimination and focus on the most vulnerable employees. This would be a positive and helpful approach. Overall, we accept that there is merit in offering women more than one avenue of redress when it comes to issues of this nature. Having said that, we are also strongly of the view that the respective roles of each of the bodies mentioned above must be clarified so that issues do not slip through the cracks when one body does nothing because it assumes that it is another body's responsibility. If this were to happen, Australian women will be the losers.

Finally, whilst great care must be taken not to dilute the critical role of the EOWA as the body tasked with achieving better outcomes for working women, steps must also be taken to enable EOWA and AHRC in particular, and the FWO (where relevant), to work more closely to realise the synergies that exist between their respective functions for the benefit of all Australian women. It seems that one area in particular that could benefit greatly from collaboration and resource sharing between bodies would be education to effect cultural change within organisations to create work places that are free from discrimination.

EOWA is characterized as information sharing, gentle persuasion and handing out awards. Something else needs to be done if Australia wants to harness the intellectual capital and energies of 50% of the population. No less than a rethink of the approach by organisations themselves, the legislative requirements, the style and operation of the EOWA and the process of reporting outcomes is required

Helen Lynch, at the Mentoring Dinner held as part of the 2nd Diversity on Boards Conference on 3 September 2009, said of corporate Australia:

"The fundamental issue in holding back the numbers of women directors is the failure to identify high potential, then to train, develop, mentor and encourage women early in their careers."

"In the past five years or so there has been a disproportionate amount of time spent at board level on remuneration issues at the expense of discussions on succession. By this I mean identification of talent, high potential people, diversity, equity in access to training and development, mentoring and retention strategies, and taking a risk on young women to give them equal access to promotion.

There is also in my experience, very little discussion on flexibility and workforce reform which would greatly assist women. And yet, we know that we are facing a skills shortage that will be as damaging to business as sustainability and global warming. We are facing a massive waste of talent."

We have seen some commitment to organisational change in the past 10 years; mostly in the form of development programs, mentoring programs, talent mapping, access to flexible work practices (though mostly at entry or lower to middle management levels) and other initiatives targeted specifically at women. Implementation of these changes has been largely in the context of enabling organisations to comply with their reporting obligations under the Act, but increasingly with a subsidiary goal of receiving external recognition in terms of awards, citations and positive publicity.

While this sort of investment is helpful and to be encouraged, it has not delivered any substantial parity of representation at the pointy end of the organisational hierarchy. Women have been waiting for almost two decades now for the pipeline argument to be realised. That is, for the women who've completed higher education and entered the workforce to move through the ranks and occupy their rightful place proportionately in the most senior levels of their organisations alongside the men. Most are still waiting.

A decade of encouragement under the EOWW Act suggests that unless organisations are required to effect real changes in participation rates at, or near, the top, they will simply not occur. Moreover, given the very small number of non-compliant corporations, it seems reasonable to assume that most organisations are “good corporate citizens” and will inevitably comply with their legislative obligations (including any upgraded obligations which result from this review). With that in mind, and given the clear desirability to organisations of public affirmation and recognition when it comes to matters of this nature, the time has come to up the ante in relation to what it takes to be compliant with the EOWW Act and to raise the bar in terms of what it takes to receive awards and accolades for organisational efforts around EEO for women.

While most organisations have sufficient and impressive sounding women’s initiatives to comply with the current requirements of the Act, that can no longer be enough to characterise them as best practice in terms of EEO. Rather, best practice needs to include delivery on substantive, quantifiable and reportable outcomes.

Cultural stereotypes are so strong in Australia that without strong leadership from the top of organisations, change in EEO behaviour cannot be expected. This submission focuses on how the EOWA regime can influence the behaviour of CEOs, board members and senior executives because they will be most effective at influencing the kind of sustainable cultural change required to celebrate the values, beliefs, attitudes and behaviours that achieve gender diversity.

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B. Consultation Questions and Key Themes

Theme 1: The value and impact of equal employment opportunity for women

1.1 What factors and measures have contributed to improving employment opportunities and outcomes for women?

1.2 What are the obstacles that may impede further progress towards equal employment opportunity within organisations and in Australia generally?

There are a large number of structural impediments to women's progress in the workplace. The National Foundation for Australian Women has undertaken a number of relevant research projects and prepared submissions on the topics of:

- The Impact on Women of the Global Financial Crisis Stimulus
- Paid Parental Leave (PPL) Systems
- Gender Pay Equity
- WorkChoices and Welfare to Work
- Out of School Hours Child Care
- Henry Review of Australia's Future Tax System - Taxation Targeting & Tax Burden on Women

This work can be found at www.nfaw.org, but the point to make is that women are structurally disadvantaged from participating in the workplace in addition to the intra organisational barriers and systematic and hidden discrimination that holds women back. The statistics for women's participation in corporate leadership roles in Australia shows a decline, with possibly worse to come. Why is this so? The seminal article entitled "Women and the Labyrinth of Leadership" (Harvard Business Review, September 2007) details the lifetime discrimination against women. To quote:

"When you put all the pieces together, a new picture emerges for why women don't make it into the C-suite. It's not the glass ceiling, but the sum of the many obstacles along the way"

And a recent article by Alison Maitland in the Financial Times ("Why it's easier for men to get to the top)

- Male managers receive more specialist training for promotion than female managers from the start of their careers and benefit from more support in new roles
- Women, who also receive less support in career transitions such as promotions, may not be aware of discrimination, as selection processes and mentor schemes are "shrouded in secrecy"

What is happening in Australia?

- Numbers of women in ASX200 board roles and women in ASX200 senior executive roles are going backwards.
- Board sizes of ASX200 have increased in the period 2006 to 2008; while women's participation has decreased
- More disturbingly there is an overall decline in percentage of women in senior management roles:

- Participation in line roles which do lead to the C suite has declined. This means that women are not part of the key management team at ASX200 companies; the places of acknowledged power.

A number of barriers exist within organisations, some of which are so much a part of the culture of modern work and career progression that they have been normalised and accepted as immovable, to impede equal employment opportunity for women. These obstacles have been identified, examined and even responded to from time and time (though typically in a piecemeal fashion), but have not been systematically dismantled in an enduring way at an organisational level.

Consequently, they continue to thwart the progression of many women who aspire to realise their potential as organisational leaders. Inflexible work practices (particularly at the more senior levels where there is seldom an appetite for anything less than a very full time approach), unclear or rigid (often linear) career paths, prevailing attitudes and organisational culture (particularly towards non-traditional approaches to work and progression), lack of role models and even work distribution all contribute to the “off ramping” or side lining of women in organisations. The upshot of all this is that the lion’s share of women’s raw ability and potential is never realised.

For women who take time out of the workforce to have children, or who have ongoing family or other caring responsibilities, inflexible work practices contribute to them exiting the workforce completely, being under-employed based on their education, intellectual capability, skills and experience or being forced into roles where they are on a slow boat to nowhere. While unclear or rigid (often linear) career paths may also be unappealing to men, they are particularly problematic for those women who are factoring motherhood into their future. 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.

To the extent that career paths in organisations remain linear and penalise women who take time out, this will continue as a real obstacle to the many women who aspire to have a family and a senior position in the workforce. The prevailing attitudes and culture within organisations often compound these obstacles further. For example, it is often the case that a fixed period out of the workforce results in a woman having to work for a longer period on her return simply to get back to where she started. In addition, the organisation will rarely have any kind of serious development plan in place for her which takes into account her absence or critically examines the best way to ensure she remains engaged and on track for a meaningful career on her return to work¹. As a result, it is a case of one step forward and two steps backwards for many women.

The statistics bear out the reality of a profound lack of female role models in organisations. This obstacle is real and it affects women whether or not they want to combine a career with a family and whether or not they have caring or any other responsibilities outside of work. It therefore has major implications for EEO. First, to quote an often stated phrase “you can’t be what you can’t see”. Second, a lack of role models creates a vicious circle which affects women’s professional development, and therefore their prospects, in the short and long run. That is, because like tends to feel more comfortable with, promote and offer opportunities to like, (senior) men are more

¹ We note with interest steps taken by the Walter and Eliza Hall Institute of Medical Research to support women post doctoral fellows with family responsibilities to make the transition to take their careers to the next level.

likely to give opportunities (whether that's to learn, develop skills, to be exposed to clients or customers, or to work on interesting or stretch assignments) to (more junior) men.

Given that there are so many more men than women, particularly at the most senior levels of organisations, men are much more likely to benefit professionally from this imbalance and women are the losers. The effect over time is that the men are better positioned for promotion and perceived (rightly or wrongly) as higher performers than women (to the extent that there are any women left in the first place). In this way, there is a strong argument that the lack of role models impacts a woman's career from the minute she walks in the door of her new organisation.

1.3 Should there be a greater focus on enabling men and women to share paid work and caring responsibilities more equally? How can men be provided with better opportunities to participate in the care of their children and other dependents?

Yes there should. The stereotypes of female as carer and male as breadwinner are very strong in the Australian psyche despite the fact that more and more women are taking on the role of primary breadwinner (often still carrying a disproportionate share of domestic responsibilities, particularly when there are children but also when there are none). Men are almost certainly as interested in being a part of their children's lives as women, but arguably face barriers to exercising those choices because our culture still makes it a difficult and not as readily acceptable a choice for a man to make. Making part of the PPL scheme available to men is a good first step but ideas such as take it or lose it for males and increasing the number of weeks available to men should be a good first step. The model for this is the Norwegian experience with a mandate 2+ weeks compulsory PPL for men.

1.4 What regulatory role should government play to achieve equal employment opportunity for women?

Government has a strong role in ensuring EEO principles are outlined in, and protected by, law. It needs to set a clear framework and provide strong leadership on EEO practices at all levels in the workforce. This includes at senior management, executive and board level, not just middle management and below where it has been most evident. Government also needs to test its regulation by setting benchmarks – or KPI's – to determine its effectiveness. Again, this needs to be implemented at all workforce levels. If the legislation is not achieving better and more equitable employment for women, then regulation may need to be increased. Our proposed legislative framework is outlined below.

Theme 2: Objects and Coverage of the EOWW Act

2.1 Are the objects of the EOWW Act appropriate and relevant to today's workplaces?

Our suggestion is that the Act be changed to include.

1. Management Reporting Cycle

Reporting entities be required to align their workplace EEO programs and initiatives with their management reporting cycle. Business typically works on a cycle that aims to deliver on a strategic agenda over an agreed period, involving:

- a) developing goals and objectives,

- b) developing a plan to achieve those goals and objectives executives committing to and then communicating those goals and objectives to employees,
- c) execution of an annual plan and regular reporting against agreed Key Performance Indicators (KPIs), and
- d) external auditing.

EEO is a business issue which should sensibly be put on a similar footing and form part of the organisations over arching management cycle.

And finally, there should be encouragement and reward for the achievement of improvement. For example, the framework governing the determination of which organisations are recognised and celebrated as Employers of Choice for Women should be upgraded to create tiered categories of citation, the most sought after of which should set aspirational criteria that would stretch even the best of those organisations considered as leading the way today. A more aspirational approach would leverage the natural competition that exists between organisations and result in better outcomes for working women. The appropriate level of deliverable for each level of citation would require careful consideration; however the revised citations (particularly at the most aspirational level) might incorporate some or all of the following elements:

- a) data which evidences and informs the take up rates by women of policies that support them and demonstrates that the policies are available and “real”
- b) KPIs for senior executives which evidence that an inclusive organisational culture and improved outcomes for women are critical to the organisation and are an essential element of individual performance and objective success
- c) more substantial examples of actions taken personally by the CEO and his or her direct reports which demonstrate that EEO is a standing agenda item that has delivered results
- d) evidence that the organisation requires a particular level of EEO compliance from its suppliers as a pre-requisite to the existence of a commercial relationship
- e) levels of paid parental leave (in terms of weeks) over and above what the government will introduce going forward as part of its PPL Scheme
- f) even better outcomes in terms of the pay equity gap than is currently the case
- g) even better outcomes in terms of the percentage of women managers than is currently the case
- h) evidence of improvement (preferably referable to targets) year on year in terms of women’s participation in management and executive level positions
- i) opting in for an independent, externally conducted, audit

The EOWA Employer of Choice Citation (and awards) could be better leveraged as powerful incentives to organisations to push the envelope with their EEO program and be rewarded with even greater public recognition. A tiered system also has the advantage of allowing organisations to stand out significantly from the crowd in a competition where every working woman is a potential winner.

2. The Carrot and Stick – Government Policy

There are precedents for restricting access to government procurements to those

who meet particular requirements eg an EEO culture. This appears to be the case in current EOWA legislation and should be retained.

But compliance rests with individual Commonwealth departments and there is no government wide enforcement and reporting on the level of compliance.

Accordingly we suggest that an agency be tasked to monitor enforcement. This could be Department of Finance, the Fair Work Ombudsman or EOWA. In all case resourcing is required.

3. Pulling the Levers by Persuasion

Data collection is vital to achieving better senior management participation. The Census of Women in Leadership Series and the follow up EOWA Pay, Power and Position Series are invaluable. Prior to the EOWA doing this work, information was not available. As to the future, there could be opportunities to extend the data collection but the more important issue is better dissemination of it.

The EOWA Census and other data sets are an opportunity to influence a change of behaviour. For example, it should be possible to make more of 'good' performers in ASX200 and track this over time. There should be some champion CEOs and Boards out there.

The main method of dissemination of information is via the EOWA website which could usefully be upgraded. There are issues around the ease of access to information and the functionality of the current website. This will take funding. Alternatively there are other organisations eg WOB, Human Rights Commission who currently participate in this area and could take some of the load.

4. KPIs Work

KPIs need to be thought about because they work. Organisations know this, which is why they are an integral and important part of every executive performance and remuneration review. It's not a natural activity for regulators to develop and mandate them. Our suggestion is that some form of external assistance be sought, perhaps an advisory group from the private sector to assist in setting guidelines.

5. External Audit

Audits work because they are independently done. They also act as a check on management. We would strongly recommend a program of independent audits and case studies of a small number of the reporting bodies. Reporting entities could be invited to opt in for an audit. This process might also become a pre-requisite for the most prestigious of the EOWA's awards and/or citations discussed above.

6. External Reporting

To date, EOWA has reported to Parliament in its own right. In the new regime, we would suggest that organisations be required to report in their natural environment wherever possible. For example, ASX companies should report in their annual

report in a prescribed form. Some suggested reporting is:

- a) Existence of targets and if not why not;
- b) Progress against targets; and
- c) Gender pay gap for reporting levels, what's being done to close the gap and progress against closing the gap.

2.2 Has the EOWW Act been effective in meeting its objects?

Yes, but objectives need to be notched up from promote to 'achieve'.

There is a huge body of research that demonstrates female disadvantage in the workplace and society. For example, pay levels, status, retirement incomes. The existence of EOWA is therefore vital as it is the only body specifically tasked with systematically collecting and cataloguing information about women in the workplace in larger organisations.

Equally, it is clear that women's lot in Australia is not improving. The statistics collected by EOWA (and others) show that progress is minimal. So, on one view, EOWA can be viewed as having had minimal impact to date, making it essential to revamp the EOWW Act and Agency. The revamp has incredible potential; it may go above and beyond its current form to provide a system with additional capacity to influence change.

2.3 Has the EOWW Act contributed to improving women's employment opportunities? If not, why not? If so, how?

The EOWW Act has contributed to some improvements in women's experience at work, but has fallen well short of delivering the kind of participation rates we would expect to see at senior levels if we were truly to realise the intellectual capability and raw potential of women. This improvement has largely been through focused initiatives implemented by organisations and designed to support women, but typically without any quantitative targets to achieve better outcomes in terms of participation or career progression.

2.4 Should the role of men as fathers and carers be acknowledged in the EOWW Act?

We are in favour of the role of men as fathers and carers being acknowledged in the EOWW Act. First, because we are conscious that the extent to which men play hands-on roles of this nature has a significant impact on women and their capacity to participate in the paid workforce in a meaningful way and at the most senior levels. Secondly, because we believe that the only way to normalise a non-traditional approach to careers and work for women is to do the same for men. We also hope that one of the outcomes of such legislative recognition would be to de-stigmatise and make it easier for men who make atypical or alternative choices in respect of work. This would be a good outcome for both men and women.

2.5 Is the current coverage of the Act appropriate? Should the current coverage of organisations or employees be expanded or decreased? Why?

The current coverage should not alter. The current reporting group has had 10 years to 'learn about EEO' and to systematise it into their workplaces. Given the small improvements then focus is needed not dispersion of effort. If the legislation is changed to go to the next step of outcomes then it is better to be working with an 'educated' group.

2.6 Is the self identification and disclosure of organisations appropriate? Is there another way that organisations should or could be identified?

Theme 3: Workplace Programs, Reporting and Compliance

3.1 How are organisations responding to the barriers to women's employment? What programs and policies are the most effective levers for change in organisations (e.g. work processes, organisational culture, and/or workplace relations and human resources practice)? What about KPIs with management accountable, voluntary targets, audits/case studies etc?

Organisations have responded to the barriers to EEO for women (in varying degrees) with the introduction of development programs, mentoring initiatives, talent mapping, enhanced access to flexible work practices (in some cases) and other initiatives which vary from organisation to organisation. The EOWA and its reporting framework has arguably been a significant factor (at least prior to the GFC) in the increased organisational acceptance of flexible work practices in entry level and low to middle management positions in the recent past (though changes to how we work, the influence of technology and expectations of a 24/7 business model have almost certainly also played a part). However, this has tended not to filter through (in most cases) to the more senior, complex or P&L facing roles within organisations. The increases in mentoring programs for women, typically with committed internal mentors (but sometimes with high calibre external mentors), have also been driven by organisations' desire to be compliant and (more particularly) to obtain citations and positive publicity. Similarly, the introduction of women's networks, greater support for (and investment in) women's attendance at career development programs and conferences, in-house leadership programs and the like have all enhanced how women feel about themselves and their work.

These developments are positive and helpful, but they are not the most effective levers to deliver the kind of change required for meaningful participation rates at the top. This requires a top down organisational culture where systemic discrimination does not exist. The approach by most organisations thus far also implies that women are the problem and need to be fixed, when the problem is actually organic and needs to be deconstructed in organisations with leadership and courage from the very top.

KPIs with management accountability, voluntary targets and external audits would significantly enhance the current suite of organisational offerings to women as a result of their obligations to comply with the EOWW Act. However, relatively few organisations are likely to go down this path unless they are required to do so. This point is evidenced anecdotally by the fact that the introduction in 2007 of eligibility pre-requisites for receipt of the EOWA citation has lead some organisations to reconsider what they were doing because they could not meet the pre-requisites (and the lure of the citation was sufficiently strong to make them at least think twice about why that was the case). Even more importantly, it is only by creating a system that requires behavioural change from those in leadership and executive management positions to achieve compliance that we can hope to unpack the embedded institutionalised discrimination that exists against women in so many workplaces. Such an approach would also act as a much needed (and currently absent) counterpoint to the various workplace programs that seem to be underpinned by the perception that it is the women who are somehow lacking (and therefore the problem). It is our strong submission that the current review must result in a significant upping of the ante in terms of organisational compliance, recognition and reward under the EOWW Act.

3.2 Are the EOWW Act's requirements regarding the content of workplace programs, including the specified 'employment matters', useful and appropriate? If not, how could they be improved?

3.3 Is the process for developing workplace programs useful and appropriate? If not, why not?

The development of workplace programs has been useful to a number of women, and has arguably resulted in an upgrade (sometimes substantial) by organisations of the suite of developmental offerings available to working women. These offerings have been discussed already. The process hasn't, however, resulted in an open and meaningful discussion about the failures. That discussion has been confined to behind closed doors when the women concerned download privately (often blaming themselves with questions like "What did I do wrong?") as they opt out or stand still professionally. Alternatively, the failures are explained away by the organisation as unique to a particular woman, or the result of a particular flaw or some other reason that means they were outside its control. This is a problem because organisations can learn much more from what they do poorly than what they do well (that is, once they accept they have done it badly in the first place).

This is also an area when anecdotal evidence, stories and case studies are much more powerful and meaningful than statistics in explaining what's happening. The statistics might tell you that a number of women left an organisation because they wanted to pursue other options but the reality is they were just so demoralised by years of limited opportunities or waiting to be promoted that they opted out but explained it differently because there was zero benefit to be gained from telling the truth (and they were too exhausted to do it anyway). Recent anecdotal evidence along these lines has come to our attention in the context of the GFC.

That is, a sense that the GFC has contributed to decisions by some women, particularly those in the embattled financial services sector, to opt out of the paid work force (one of the most under-represented areas for women and also where the gender pay gap is at its highest). For some women, the GFC has been the life changing event that gave them the shove they needed to make the decision to "off ramp" or opt out. It was the thing that crystallized the decision for them (enhanced by an attractive voluntary redundancy in some cases) and tipped them over the edge. In reality, however, they left because they felt they'd been fighting an uphill battle for too long and the GFC served to remind them how tenuous it all was anyway. We are conscious that anecdotes and stories are easily dismissed as "one offs" and unrepresentative. In our experience, however, they are ignored at one's peril for they have a profound ability to explain what's really going on. It seems that few organisations have the courage to look behind the data, especially if the data paints the picture as they would prefer to see it anyway.

Another problem with workplace programs (particularly those that have resulted in awards and public accolades) is that the organisations become a victim of their own (apparent) success. That is, they start to believe their own publicity and kid themselves that they have got the issue sorted. This is despite the fact that women's participation rates at management level in even the "best" organisations are still way behind what we should reasonably expect to see.

The "workplace programs" approach (as it currently stands) has been an acceptable first phase response by organisations to their EEO responsibilities. However, with the benefit of 10 years of compliance, and the education and sophistication that come with experience, organisations must enter a new phase of compliance which requires more from them in terms of achieving quantifiable outcomes for women.

Organisations are already well accustomed to setting goals and targets for sales, revenue, costs, FTEs and the like, and managers (especially at the executive level) are typically encouraged (even required) to develop talented people in anticipation of meeting the succession needs of the organisation going forward. They must be compelled to

approach EEO with the same discipline and commitment, and to set targets which result in more women being positioned to take their rightful place in the organisation's succession plans.

3.4 Has the development of workplace programs contributed to improved employment opportunities for women within reporting organisations? If so, can you provide examples from your experience?

The development of workplace programs has contributed to improved employment opportunities for a number of women within reporting organisations. The real question, however, is just how much improved are those outcomes? For most women, they are modest, and fall well short of the stories we hear about from organisations trumpeting the success of their EEO initiatives. Every organisation will make sure that we hear when they appoint a woman to a very senior position or support a woman through a career break and then promote her into a senior position down the track. This is so because the media will eat it up and may even make it appear as though the organisation in question is fundamentally different to, and better than, its peers.

The problem with many of these success stories however is that the women concerned are often particularly high achieving in terms of their level of capability and accomplishment (or at least more so than the average man in a similar position). While their success is cause for celebration, it can also further demoralise other women who feel inadequate when they compare themselves to the likes of the "super women" who play the lead roles in these stories. So, the more typical (but still smart, capable and accomplished) women may look up and see the odd extraordinary woman who has made it and who they admire but who doesn't look that much like them or who has made choices that they cannot or are not prepared to make. Men, on the other hand, look up and see so many other men that there will almost certainly be one who looks a bit like them. They don't have to worry too much about the exceptional men because the sheer number of other male role models means they blend in much more. Women do not have this luxury despite the fact that there has been more noise about the progression of women and initiatives to support them in the past 5 years than even before.

Workplace programs haven't really changed what women see when they look up so we can't get too excited about the extent to which they have improved employment opportunities for women.

The statistics tell us that progress towards parity of participation is at a snail's pace. In practice, that must mean that for every woman with an improved employment outcome there is another woman who has opted out, gone backwards or stood still, giving us a net effect of pretty close to zero (or worse). So, while it is important to celebrate individual successes, we can't forget that it is only when we have a critical mass of women in positions of authority and power within organisations that we can relax and take our foot off the accelerator when it comes to EEO.

3.5 Are the EOWW Act's requirements regarding the content of reports clear and useful? If not, how could they be improved?

3.6 Is the frequency of reporting optimal? Are the provisions for waiving reporting requirements effective? If not, what changes do you think are necessary?

We have suggested above that reporting would be best undertaken as part of the usual business cycle of organisations. We wish to reiterate that point, and also to articulate our views in relation to waiver.

The current ability of organisations to apply to the EOWA for a waiver in relation to their reporting obligations under the Act is inconsistent with EEO being a standing item on the agenda of relevant organisations. The only legitimate reason for an organisation to seek a waiver of its reporting obligations should be to enable it to focus more strategically on EEO and invest the resources that would otherwise be used for compliance in reflecting on, and implementing, a higher level agenda designed to deliver even better outcomes for women. We suspect that very few organisations have this in mind when they apply for a waiver. Instead, they are likely most interested in escaping the burden of the reporting process and continuing with business as usual.

Given the number of organisations which have successfully applied for a waiver and the relatively few organisations that can boast parity of outcomes for women, it seems unlikely that many organisations could honestly contend that they have taken all reasonably practical measures to address equal opportunity for women in their workplace. With that in mind, it is suggested that public reporting on EEO (in some form or another and preferably as part of a regular business cycle) is important to ensure that EEO remains top of mind for organisations. The availability of a waiver is inconsistent with this proposition.

3.7 How resource intensive is the reporting requirements for organisations? Can you provide examples of the costs of reporting from your experience?

3.8 How useful are the reporting requirements to organisations? That is, what benefits can be attributed to the reporting process for the organisation and for women workers?

The reporting requirements of the EOWW Act set in motion a chain of events that has delivered some benefits to working women as indicated above. Ten years on, however, and there is a problem. Namely that many organisations, particularly larger corporations, have now established capable bureaucracies tasked with ensuring the organisation complies with its obligations under the Act (at least in form if not in substance). So, because most organisations have some good stories around women and their progression or success, have capable communications people who can prepare excellent reports and are adept at making sure any negative stories do not see the light of day, it is possible to comply without any real commitment to the aims of the legislation or any fundamental changes year on year. In addition, you have to ask yourself “How many more women focused initiatives and programs are left to be introduced?”

It is likely that without substantial change to what’s required of organisations in terms of compliance going forward, we will go backwards as organisations rest on their laurels and argue, with some degree of belief in what they’re saying, that “we have taken all reasonably practical measures to address equal opportunity for women in our workplace”. Worse still, we will have wasted the opportunity to begin the difficult task of tackling the systemic (often subliminal) discrimination against women that exists in organisations.

Background

Review of the Equal Opportunity for Women in the Workplace Act Terms of Reference

The review of the *Equal Opportunity for Women in Workplace Act 1999* will:

- Examine the role that the EOWW Act and Agency have in gathering and reporting on workplace data.
- Examine the contribution that the EOWW Act has made to increasing women's employment opportunities and advancing women's equality in the workplace.
- Consider the effectiveness of the EOWW 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 Agency within the framework of existing and proposed workplace-related and human rights legislation and policy.
- Have regard to the effects of the Act, or any proposed recommendations resulting from this review on the economy, the labour market, business competitiveness, social inclusion and the general wellbeing of the Australian community.

Women on Boards www.womenonboards.org.au is a focused organisation that:

- Raises awareness and support for women on boards
- Lobbies for skills-based selection to boards
- Holds high level networking and mentoring events
- Gives WOB members unique opportunities to access company boardrooms
- Provides access to a board resume builder and vacant board positions
- Actively promotes women onto boards in a variety of ways

National Foundation for Australian Women www.nfaw.org is a national body dedicated to promoting and protecting the interests of Australian women. The organisation achieves its goals in a number of ways, including:

- promoting and encouraging discussion and debate on all issues pertinent to the advancement of women;
- supporting research and the collection, evaluation, dissemination and interchange of information and other material relevant to issues of pertinence to women;
- fostering improved communication between women's organisations including immigrant and Aboriginal women's organisations;
- monitoring and from time to time reporting on, the situation of women;
- providing financial and other assistance and encouragement to specific studies, research, conferences, seminars or other means of studying issues and sharing knowledge to advance the interests of women;
- co-operating with and promoting co-operation among persons, trusts, corporations, institutions, governments and other bodies in Australia or elsewhere to advance the interests of women; and
- generally taking any other action as is or may be appropriate for advancing the interests of Australian women