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16 October 2009

EOWW Act review  
C-/ Health and Human Services Practice  
KPMG  
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Dear Review Team

**Submissions in response to Review of the *Equal Opportunity for Women in the Workplace Act 1999 – Issues Paper***

Australian Industry Group welcomes the opportunity to be involved in the consultation process regarding the review of the *Equal Opportunity for Women in the Workplace Act 1999* (“EOWW Act”).

Ai Group shares the interest of the Australian Government in exploring ways to increase women’s equal employment opportunities and advance women’s equality in the workplace.

As relevant policies and laws change over time, it is important to reassess the role of regulation such as the reporting requirements in the EOWW Act. Ai Group encourages the Review to consider whether there are ways in which the regulation could be improved, as well as exploring new and innovative approaches to achieving the EOWW Act’s important objectives.

## Reporting obligations

Ai Group regularly assists members to understand and comply with the EOWW Act reporting obligations. Members' experiences are mixed (based on industry, company size and other factors) but some common themes raised in our interaction with members on this issue are:

- The process is very time consuming;
- 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 EOWW Act reporting year does not coincide with either a calendar year or financial year, which makes generating relevant data more difficult and time consuming;
- The reporting structure required by EOWW Act is too rigid and leads to a lot of repetition of information throughout a report;
- There is insufficient incentive, and indeed a disincentive, for non-reporting organisations to commence reporting. (The system relies on self identification, but once an organisation reports, it places itself on EOWA's “radar” and is exposed to follow up action being taken for non-reporting in subsequent years. Failing to report carries the possibility of being named in a report to Parliament and not being eligible for Government Procurement and some grants.)

Based on our members' experiences, and if the reporting obligations are retained, Ai Group would encourage consideration to be given, as part of the Review, to:

- Ways in which the reporting framework could be simplified and made more flexible, so that it could be integrated more closely within the existing activities of organisations, with minimal “additional” paper work to be done. One simple change in this area would be to align the reporting year with the calendar year or financial year (ensuring sufficient time after the conclusion of such period to compile the report);

- Ways in which the reporting framework could be integrated with or aligned more closely to other similar obligations and regulation, such as the obligations under anti-discrimination legislation and employee entitlements (From 1 January 2010, as part of the National Employment Standards). 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.

There is no question that complying with the reporting requirements of the EOWW Act consumes time and other resources of reporting organisations. Of course, any burden imposed on business may be outweighed by the positive effects of such regulation.

From our interactions with members, there appears to be mixed opinions on the extent to which EOWW Act reporting contributes to achieving the objectives of the EOWW Act within an organisation. Most commonly, members would appear to consider that their involvement in reporting makes some contribution to women's employment opportunities and advancing women's equality within their organisation, but that it is not a significant driver of change.

A common perception is that organisations which are "already doing the right thing" derive limited benefit from reporting, whereas those that are more likely to experience the greatest challenges in the area may not be reporting at all. In some ways, this perception (whether accurate or not) undermines the integrity of the reporting framework. Consideration could be given to the accuracy of this perception, and ways in which it could be addressed, as part of the Report.

Overall, it may be worthwhile, in Ai Group's view, to introduce a form of positive recognition for organisations which submit regular reports, to provide an incentive to do so. This may be more appropriate and effective than the alternative, which is to penalise those which do not report. While EOWA recognises outstanding organisations through its "employer of choice awards", there are of course numerous organisations which regularly report but for a variety of reasons do not apply for or receive such awards. Recognising organisations which regularly submit compliant report, such as a certification process, could be considered.

Ai Group understands that a survey of reporting organisations will be undertaken as part of the Review. While the views of those organisations which do report is clearly an important part of the picture, it would also be beneficial to assess the actual extent of current reporting activity across organisations which fall within the ambit of the EOWW Act, the reasons why

some such organisations do not presently report and what would motivate them to report, or more importantly, how they could be encouraged to prioritise the issue of increasing women's employment opportunities if they do not do so already.

Should you have any queries about Ai Group's position, please contact me on 02 9466 5521.

We look forward to the release of the Final Report and the Review's recommendations in due course.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Smith'.

**Stephen Smith**  
Director – National Workplace Relations  
Australian Industry Group