



SUBMISSION TO

Senate Education, Employment and Workplace Relations Legislation Committee
on

The Equal Opportunity for Women in the Workplace Amendment Bill 2012

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| Submitted by: | Victorian Women Lawyers Association |
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About us

Victorian Women Lawyers (**VWL**) is a voluntary association that promotes and protects the interests of women in the legal profession. VWL was formed in 1996 and currently has over 700 members. VWL endeavours to provide a network for information exchange, social interaction and continuing education and reform within the legal profession and the broader community. VWL has been active in providing detailed research into work practices affecting women and the industry as well as producing protocols and providing training to effect change and diversity in the industry and the broader community.

Details of our publications and submissions are available at www.vwl.asn.au

Amendments to the Act

Overview

VWL welcomes this reform aimed at the genuine and sustained removal of barriers to women's full and equal participation in the workforce.

We acknowledge the importance of these reforms in pursuing human rights outcomes as well as the tangible financial benefits to women, society and the economy.

Amending the name and objects of the Act

VWL supports the amended name and objects of the Act. We see the broadening of focus of workplace reform to include men, particularly in relation to caring responsibilities, as positive.

VWL's research, workshops, training and feedback from our members over an extended period; suggest to us that, flexible work practices within private legal

practice in Victoria are enhanced by ongoing and inclusive discussions between partners, individuals and teams. Therefore ensuring that these issues are not seen as relating only to women is significant and to be encouraged.

Work places that are more flexible in relation to men and women's needs and particularly their family caring responsibilities will result in benefits that flow to men, women and the organisation as a whole.

Supporting the Agency's role in providing advice and assistance to all employers

The extension of advice and assistance beyond those relevant for reporting purposes is important. Again from VWL's experience we see that targeted training and assistance in the form of practical tools and guidance can greatly improve the experience of men and women at work. We are pleased to note that this advice and assistance will be available to those that over time do not meet the minimum standards.

Gender Equality Indicators

VWL applauds the shift in focus from the description of policy and programs, to a focus on outcomes and improvement in outcomes overtime.

We think that **clearly defined, transparent metrics** in relation to the gender make-up of organisations, will increase pressure on organisations to improve and will drive positive behavioural change within organisations.

There has been a notable improvement in the number of women on ASX 200 boards since the introduction of reporting requirements by the ASX; now at 13% up from 8.7% in 2010.

We believe that care should be taken in developing metrics that truly reflect the experiences of women particularly in legal private practice, where leadership

structures can be opaque.

For example, if law firms were required to report on percentage of female partners, overall the figures would be vastly higher than if law firms were required to report in terms of equity and salary partners. It is difficult to get information on this, but anecdotally we know that there are very few female equity partners in Victoria. Therefore definitions of different levels will be important and the emphasis on being as transparent as possible in reporting different levels should be encouraged.

Current EOWA workforce profiles can suffer from differing definitions of levels making comparison difficult and consolidating levels and leadership teams in order to inflate the figures.

We believe the key metrics should include:

- percentage of women at each level of the organization (noting special care with definition of level especially at the most senior levels)
- percentage of women in key functional areas
- percentage of women on recruitment and promotion shortlists
- percentage of women undertaking leadership or other career enhancement training
- 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 data
- participation rate (men and women) in flexible working arrangements
- confidential staff questionnaire results (as part of broader company metrics) in order to measure cultural concerns and employee consultation on equality and flexibility.

Request to be involved in the consultation process to develop the Gender Equality Indicators and / or set minimum standards in relation to specified gender equality indicators

VWL requests that it be involved in the consultation process to develop the Gender Equality Indicators and / or set minimum standards in relation to specified gender equality indicators.

VWL's research, workshops, training and feedback from our members over an extended period gives us some insight into the experience of women within private legal practice in Victoria. Therefore we would like to ensure that the above metrics are developed in a way that promotes transparency and improves the experience of men and women in private legal practice.

We agree with the phased in approach of the new reporting requirements.

Efforts to improve the accessibility and provide comments on the public reports by employees, employee organisations and shareholders are welcomed as a positive step to promote transparency.

Strengthening the Act's compliance framework

The requirement for the CEO or equivalent to sign the public report and the removal of the capacity to waive reporting requirements for a relevant employer are positive steps in ensuring that the reliable information is reported.

Request that non-compliance consequences are bolstered

We suggest consideration be given to bolstering the consequences of non-compliance with the Act. Naming and potentially withholding government financial assistance or contract work seems to undermine the significance of the objects of the Act.

Consideration is given to cultural obstacles that may impede further progress towards equal employment opportunity within organisations and in Australia.

Significant research and our experience at VWL suggest to us that most significant barriers for women and some men in many organisations and particularly in private practice law firms is an exclusive corporate culture that promotes working long hours, extensive travel demands, a 24 hours/7 days a week mentality, leadership 'sameness' and 'clubby' social networking.

These generate expectations and behaviours that tend to privilege men and employees without family responsibilities and have a negative impact on community and family life. This has worsened over the past decade as hours of work have continued to rise to record levels in Australia.

These cultural norms work to the advantage of men and the detriment of women seeking leadership opportunities.

We suggest that the assistance and advice offered by the Agency include strategies and training designed to increase awareness of cultural barriers, implicit norms and bias around how work is done and the perception of those working flexibly. Cultural awareness and inclusive leadership is essential to the progress of the objectives in the Act, reporting metrics alone will not change cultures and behaviours in a timely manner.

Conclusion

VWL are in support of the Act and its objectives. We believe that the change in emphasize from description of policy to reporting of outcomes will drive positive behavioural change.

We look forward to working with the new Agency in any way possible to ensure that the Act results in genuine and sustained removal of barriers to women's full and equal participation in the workforce.