

Overview of the function of the Affirmative Action Agency

The Affirmative Action Agency administers the Affirmative Action (Equal Employment Opportunity for Women) Act 1986, which covers all private sector organisations, higher education institutions, group training schemes, unions, community organisations and non-government schools, with more than 100 employees.

The Agency seeks to achieve equality of opportunity in employment for women through administration of the Act and provision of advice, education, information and communication.

Organisations covered by the Act are required to report to the Agency on their affirmative action programs for women in the workplace. An employer's affirmative action program should address any discriminatory employment barriers and take action to promote equal opportunity for women in the workplace.

To help organisations meet their legislative requirements, the Agency provides the following assistance:

- education and training programs that emphasise best practice and the integration of affirmative action programs into effective business-linked human resource management strategies
- advisory and information services and consultation with industry, the media and the community

- publications, including *Action News*, *Good Ideas* and *Facts & Figures*
- strategic data analysis to measure changes in workplace practices to assist employers with industry and benchmarking information

The Agency is based in Sydney and services clients throughout Australia. It is a statutory authority located within the federal Employment, Workplace Relations and Small Business portfolio.

The Director is a statutory appointment and reports directly to the Minister for Employment, Workplace Relations and Small Business.

Appointment of a new Director

Catherine Harris completed her five-year term as Director of the Affirmative Action Agency in February 1999. In May Fiona Krautil replaced Ms Harris as the new Director. Ms Krautil has had over 10 years of experience in both the public and private sector in implementing equal employment opportunity/affirmative action/diversity programs.

Impact of the review of the Act

In 1997-98, the Act was subject to a regulatory review conducted by an independent committee consistent with the *1995 Competition Principles Agreement*. During the review period, Agency resources were used to support the review process and particularly to make a detailed submission to the review. The final report of the regulatory review, entitled *Unfinished Business: Equity for Women in Australian Workplaces* was released in June 1998. The Government has supported a number of the independent committee's recommendations, in particular:

- changing the name of the Act, the Agency and the Director
- including an objects clause which emphasises merit, and a facilitative approach to compliance, and has a general statement of support for consultation
- continuing the Act's focus on women, as opposed to other disadvantaged groups, and

continuing to cover organisations with at least 100 employees

- establishing an Advisory Board to provide advice on matters relevant to the operation of the Act
- developing educational materials, including wholly voluntary guidelines
- replacing the eight-step process and rating system with a biennial, outcomes-focused reporting arrangement
- developing an expanded system for waiving reporting requirements
- using the sanctions of naming and contract compliance only as a last resort

Some of these changes do not require legislation and will be implemented in 1999-2000. Improvement of the administration of the Act will contribute to more flexible and fair workplace relations by fostering cooperation between employers and employees and effective use of human resources, and demonstrating the link between these and equal employment opportunity.



Agency staff meet with staff from Ericsson Australia.

Revised reporting requirements

Reporting requirements for organisations will change. The current reporting format, in which organisations must demonstrate that they have completed the eight steps specified in the legislation, is to be replaced by a more outcomes-focused, organisation-specific format. The Committee considered that simplifying reporting requirements would make reporting more relevant to organisations' needs.

Organisations will be asked to provide information about their efforts to eliminate discrimination and promote equity. The emphasis will be on identifying the equity issues and priorities and demonstrating the achievements of individual workplaces. A simple pro forma document will be produced to cater for organisations not wishing to develop their own reporting format.

Under the new reporting requirements, organisations will be asked to:

- analyse their EEO issues
- prioritise areas for achieving EEO
- develop an action plan
- establish measures used and outcomes achieved

To reduce the administrative burden, reporting will be biennial rather than annual. Assessment will be according to whether organisations do or do not comply with the legislation. Leading edge organisations will still be identified.

The Director will retain the ability to waive reporting requirements for organisations that have taken all reasonably practicable steps to eliminate discrimination and promote equity in relation to employment matters. An expanded system of waiving reporting requirements will be introduced.

The sanctions of naming non-compliant organisations and excluding non-compliant organisations from government contracts

(contract compliance) will be retained. The power to impose sanctions will remain with the Director, and sanctions will be used as a last resort against non-complying organisations.

The Equal Employment Opportunity Advisory Board

A nine member Equal Employment Opportunity Advisory Board is to provide advice to the Minister on matters relevant to the operation of the Act. The Advisory Board consists of people with knowledge and experience in industry and equity issues.

The initial priorities for the Advisory Board will be to give advice on:

- designing an improved reporting system
- developing new waiving criteria
- preparing guidelines on practical ways to provide equal employment opportunities

Employer guidelines

Educational material, including voluntary guidelines, will be developed to assist employers to comply with the legislation. The Agency looks forward to consulting with employers about the new guidelines and report form.

The way ahead

The proposed changes are designed to make the legislation more business-friendly and capable of achieving genuine improvements for Australia's working women. The review process has strengthened the role of stakeholders in the operation and outcomes of the legislation. A key role of the Advisory Board will be to enhance communication between organisations covered by the Act and the Agency.

The Agency looks forward to developing closer links with business and promoting a workplace culture which encourages full participation from women. As the review stated, workplace equity for women is now a strategic human resource management issue for Australian organisations.