

# Overview of the Equal Opportunity for Women in the Workplace Agency

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The Equal Opportunity for Women in the Workplace Agency (EOWA) administers the *Equal Opportunity for Women in the Workplace Act 1999* (the Act), which covers all private sector organisations, group training schemes, unions, community organisations and non-government schools with 100 or more employees. Higher education institutions, as defined by the Act are also covered.

EOWA seeks to promote equal opportunity in employment for women through developing strong partnerships with business, industry and other organisations. EOWA provides advice, education and information services.

Organisations covered by the Act are required to report to EOWA on their equal opportunity for women in the workplace programs. The purpose of a workplace program is to ensure that actions are taken to eliminate discrimination against women, and to contribute to the achievement of equal opportunity for women in the workplace.

EOWA is based in Sydney and services clients throughout Australia. It is a statutory authority located within the Commonwealth Employment, Workplace Relations and Small Business Portfolio.

The Director is a statutory appointment.

## EOWA role and functions

### Vision

To inspire Australian employers to bring about a real and fundamental shift in the way they value, utilise, reward and promote women, creating a sustainable social and economic future for all Australians.

### Mission

To inspire Australian employers to take action to improve equal opportunity outcomes for women in the workplace by:

- developing a pragmatic and solution orientated approach; and
- developing strong business/organisational relationships so that they fully capitalise on their female talent and improve their business competitiveness.

## Relationship between the old program structure and the new outcome structure

Under the former portfolio program structure, EOWA operations fell within Program No.1: Workplace Relations Framework, and was designated Sub-program 1.3.

**Table 1. Program structure – outcome structure comparative**

| <b>Program Management and Budgeting</b>  | <b>Accrual Budgeting</b>  |
|--|---|
| <p><b>Program 1</b><br/>To help the Commonwealth Government deliver its broad economic and social objectives through a policy, legislative and institutional framework that contributes to productive, fair and safe workplaces.</p> | <p><b>Outcome</b><br/><i>Equality of opportunity in employment for women.</i></p>   |
| <p><b>Sub-Program</b><br/><b>Sub-Program 1.3:</b> Affirmative Action Agency</p>  | <p><b>Output Groups</b><br/><b>Output 1:</b> Administration of Government regulation<br/><b>Output 2:</b> Advice, education, information and communication.</p>   |
| <p><b>Appropriations for Sub-Program 1.3</b><br/><i>Appropriation Bill 1</i></p> <ul style="list-style-type: none"> <li>• Running costs, including Section 31 receipts</li> </ul>  | <p><b>Appropriation for the Outcome</b><br/><b>Output 1:</b> <i>Appropriation Bill 1</i><br/><b>Output 2:</b> <i>Appropriation Bill 1</i><br/><b>Output 3:</b> <i>Appropriation Bill 1</i><br/>Departmental outputs</p> |

## **EOWA services**

The Equal Opportunity for Women in the Workplace Agency provides a range of services to help employers meet their legislative requirements, including:

- advisory and information services;
- publications, including a quarterly newsletter
- the EOWA website;
- education and training programs, with an

emphasis on leading practice and integration of workplace programs into the organisation's business strategy; and

- information seminars, consultations, client reference groups and roundtables with businesses and organisations.

In addition to services specifically targeted at organisations covered by the legislation, EOWA:

- works in partnership with key stakeholders to develop innovative programs to encourage the improvement of equal opportunity for women in the workplace;
- participates at conferences and seminars;
- liaises with government, women's and international groups; and
- collects and analyses information relating to equal opportunity for women more generally.

## Impact of the Act

The *Equal Opportunity for Women in the Workplace Act 1999*, received Royal assent on 22 December 1999. The new Act continues to cover employers with 100 or more employees. It encourages more flexible and fair workplace relations by fostering cooperation between employers and employees and the effective use of human resources ensuring that equal opportunity initiatives are integrated with business or organisational strategic goals.

## Summary of changes to the legislation

The Act:

- Was amended to become the *Equal Opportunity for Women in the Workplace Act 1999* to accurately reflect the intention of the Act and to reflect the emphasis placed on merit.
- Introduced an 'objects clause' to clarify the objectives of the legislation for covered organisations, that is, to:
  - promote the principle that employment for women should be dealt with on the basis of merit;
  - promote amongst employers, the elimination of discrimination against, and the provision of equal opportunity for, women in relation to employment matters; and
  - foster workplace consultation between employers and employees on issues concerning equal opportunity for women in relation to employment.
- Replaced the previously prescriptive 'eight step' affirmative action program with a new emphasis on workplace priorities and achievements, allowing organisations a greater degree of flexibility and innovation in the way they achieve equal employment opportunity for women.
- Streamlined and simplified the reporting process, by amending the reporting framework to accurately reflect the

revised focus on actions rather than process.

- Enabled organisations to be waived from reporting for a specified period when they can demonstrate that they have taken all reasonably practicable measures to eliminate discrimination and promote equal opportunity for women, and where they have complied with the Act for a period of three or more reporting years.

Before developing a workplace program organisations must confer responsibility for the program to a person who has sufficient authority and status to properly develop and implement the program. Organisations must also consult with employees (or their nominated representatives), particularly employees who are women.

Under the new requirements organisations have to develop a workplace program by:

- preparing a workplace profile;
- analysing the issues for women in the workplace, considering each of the employment matters, to identify their priority issues;
- taking action to address the priority issues; and
- evaluating the effectiveness of the actions.

The seven employment matters employers are required to address within their analysis, as detailed in the Act, are:

- the recruitment procedure, and selection criteria, for appointment or engagement of persons as employees;
- the promotion, transfer and termination of employment of employees;
- training and development for employees;
- work organisation;
- conditions of service of employees;
- arrangements for dealing with sex-based harassment of women in the workplace;
- arrangements for dealing with pregnant, potentially pregnant employees and employees who are breastfeeding their children.

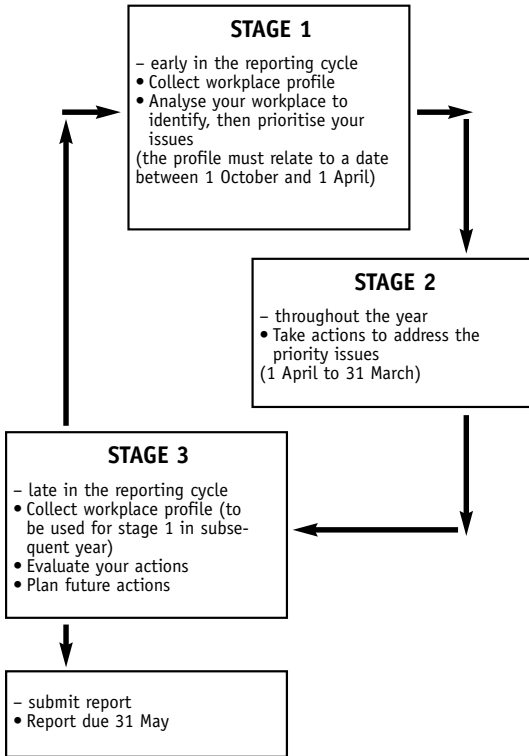
Businesses and organisations are required to report annually. EOWA is in the process of integrating its education and reporting functions to reflect the changes and focus on education under the revised Act.

## **Revised reporting requirements**

As part of the implementation of the Act, organisations covered by the Act were not required to submit a report in 2000. However businesses and organisations are required to develop a workplace program, for the period 1 April 2000 to 31 March 2001. Reports are due to be submitted to EOWA by 31 May 2001.

The Act promotes a staged development of a workplace program, the intentionality of which encourages employers to adapt

**Figure 1. Implementing a Workplace Program**



a cyclical implementation of equal opportunity.

As part of the implementation of the new arrangements, extensive consultations were held with employers to discuss and receive feedback on the educational materials developed by EOWA. Based on this consultation, EOWA developed a *Voluntary Report Form*, and other voluntary educational materials including *Compliance Guidelines*, *Workplace Analysis Toolkit*, *Employment Matter Guidelines* and *Waiving Guidelines* to assist organisations to develop their work-

place program and meet the requirements of the Act when they report in 2001.

## Equal Employment Opportunity Advisory Board

The Equal Employment Opportunity (EEO) Advisory Board was launched on 19 August 1999. EOWA provides a secretariat function to the EEO Advisory Board. The EEO Advisory Board met four times during 1999-2000. Each of the meetings were held in a different state to introduce the EEO Advisory Board and Director to businesses, organisations and stakeholders in that state. The EEO Advisory Board provided valuable assistance to EOWA during the year providing feedback on key draft documents and advice on effective ways to consult and work with the business community. Their advice was particularly valuable in developing the *Voluntary Report Form* and other relevant guidelines designed to assist organisations to meet the requirements of the Act.