

## **Submission of Dr John Byrne AM, Commissioner, Equal Opportunity Commission**

### **Statutory Review of the Building and Construction Industry Training Fund and Levy Collection Act 1990**

It was a pleasure to meet with the Review to discuss diversity in the context of the terms of reference for the statutory review of the *Building and Construction Industry Training Fund and Levy Act 1990*.

I offer the following comments which may be treated as a submission and quoted and published with the review.

In my opinion the key to improving diversity is to identify barriers and remove them wherever practical.

Any element of workplace culture which does not welcome diversity can be a barrier.

I am not familiar with the construction industry, but if toilet and changeroom facilities are a barrier to employment of women on some sites, this should be addressed.

Flexible working arrangements, to the extent that the work allows flexibility, are an advantage in attracting and retaining a diverse workforce.

The *Equal Opportunity Act 1984* and equivalent federal legislation contain special measures that can be used to increase diversity in employment.

Targets for gender diversity are useful at executive level but it may not be relevant to aim for equal numbers of male and female employees at lower levels. There is often a focus on addressing the gender balance of industries with a high proportion of male employees, while industries with a high proportion of female employees rarely attract comment regarding gender balance. An example is the public sector, which collectively is the largest employer in the State, and has 75% female employees. Other industries with a high proportion of female employees are aged care and childcare.

The focus should not be on the proportion of male or female employees, but could be on ensuring that barriers are removed for people who want to work in the industry and addressing issues that may arise when the proportion of one gender is significantly higher.

All employees need to feel safe and respected, and male dominated workplaces often have a culture that female workers find unsuitable, in part because sexual harassment is more common in such workplaces, and in part because less consideration may have been given to flexible work arrangements.

Although equal pay for equal work has largely been achieved, equal pay for equal work value has not. Illustrative of this is the small gender pay gap within the mining industry, which has high average pay and a high proportion of male employees, compared to the large gender pay gap in Western Australia overall, due in part to the low average pay in sectors such as childcare and aged care which have a high proportion of female employees.

Equal pay for equal work value is a public policy issue and therefore most likely one that the construction industry is unable to address on its own. Nonetheless the industry should measure its gender pay gap, as well as other diversity pay gaps, and adopt measures to reduce any significant pay gaps.

It appears that the greatest success in improving diversity is achieved by organisations where experienced human resource practitioners are employed and supported by executive management in endeavouring to improve workplace culture and provide avenues to address sexual and other forms of harassment.

Please let me know if I can provide further assistance with the Review.

Kind regards

**Dr John Byrne AM**  
**Commissioner**  
**Equal Opportunity Commission**