



The Goodwork

Playbook:

7 POLICIES FOR THE
BEST DIVERSE TALENT

This guide was written by Women's Agenda, thanks to the support of Genea



AT A GLANCE ...

- ▶ Only 22% of CEOs are women (WGEA 2021-22 Employer Census)
- ▶ More women in key decision-making positions contributes to improved company performance, but more than 1 in 5 boards have no women at all
- ▶ New national data shows the pay gap between men and women remains stagnant at 22.8% with men earning an average of \$26,000 more



We acknowledge and pay respect to the past, present and future Traditional Custodians and Elders of this nation and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

About Women's Agenda

Women's Agenda is an independent daily news publication 100 per cent owned and run by women. Our team of journalists and researchers provide a vital perspective across daily news events and current affairs, including across politics, media, business, tech, climate, health and leadership. Published by Agenda Media Pty Ltd, founded by Angela Priestley and Tarla Lambert, this team also publishes Women's Health News and runs a growing podcast network, events, roundtables and regular research reports.

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Over the past decade, we've seen significant changes occur within Australian workplaces.

We've seen organisations, large and small, rapidly recognising the correlation between open, diverse and inclusive environments and overall business productivity.

Now, with a global talent shortage impacting nearly all industries in the wake of the pandemic, there is an even greater impetus for employers to get things right and ensure they're doing everything possible to attract and retain the best people.

This will require leaders with vision, open-mindedness and the willingness to reflect on, and then implement, policies that will best serve their teams and enable workers to flourish at home and in their careers.

Policies like equal and generous paid parental leave, flexible work opportunities and ongoing, accessible

training are key in supporting teams and making workers feel valued.

But there are other measures like greater health and wellbeing offerings, fertility support and paid domestic and family violence leave that would also make a considerable difference to the lives of many women in particular, and lay the foundation for a fairer playing field.

Speaking with a range of experts and thanks to the support of Genea, we've been able to provide a snapshot of some of the practical ways employers can stay ahead of the curve.

We hope it helps.

Tarla, Angela and the team at Women's Agenda



*** Women's earnings drop by an average of 55% in the first five years of having a baby and this gap in income - coined 'the motherhood penalty' - can last a decade**

Paid
parental
leave

Paid parental leave (PPL) is one of the most critical policies for workforce participation. Georgie Dent, executive director of non-profit advocacy group The Parenthood, says PPL and other supports enable working parents to equitably share career and caring responsibilities which is also beneficial to employers.

"People having babies isn't going to change," she says. Employers can see this as a problem too difficult to solve or embrace the opportunity with an approach that sees working parents thrive. Dent says it's unfortunate that some fail to see the latter.

"In Australia, the gap between men and women's workforce participation is very pronounced after families have a baby," she says. "The research is very clear that after having a baby, men start

working and earning more money than they ever have, and women stop working and stop earning money. They say it actually takes at least a decade to catch up to their pre-baby earnings."

"If men and women are more equitably sharing caring responsibilities, that levels the playing field"

**THE PARENTHOOD EXECUTIVE DIRECTOR
GEORGIE DENT**

Working dad Rob Sturrock says parenting is an evolving journey and fathers need to be able to bond with their kids from birth. Employers who understand this encourage all parents on their teams to take PPL and offer working arrangements that are flexible and customised so staff can be productive

while also having autonomy to meet other demands.

"These policies are best when they're gender neutral,"

he says. "It's important that the time offered is flexible and can be taken in a way that satisfies different family dynamics. It shouldn't just be a lump sum. I think you should be able to take maybe one day a week, or a few weeks upfront then a couple of months later...half a day. I think PPL should be available really for the first three years of a kid's life because there's so much that happens."

As an employer, you can change the game for working families. Offer equal pay, build a culture where it's not just birthing parents who use PPL, and normalise flexible working including job-share of leadership roles.

"The evidence globally is very clear, dads take paid parental leave when it's offered on a take it or lose it basis," Dent says. "The other big factor is the rate at which it's paid and when it is at minimum wage, it's less likely that men will take it."

Dent says public policy also needs to change so more workplaces get better at supporting working parents. However, you can stand out now as an employer by offering 12 months of PPL at a replacement wage for all parents. You may also want to build a relationship with an advocacy group like The Parenthood to stay educated on making your workplace more attractive to talent with growing families. **A**

KEY POINTS

- ▶ Offer 12 months of PPL at replace wage rate
- ▶ Actively encourage and support men or non-birthing parents to use PPL
- ▶ Offer flexibility with PPL use and understand each family has different needs
- ▶ Keep parents on long PPL connected to the workplace with casual drop-ins and sharing work-related news
- ▶ Connection to work and training opportunities help ensure good talent don't miss out on progressing careers once they become parents

"In a world where 7 in 10 primary carers are women and only 42% return to work within 2 years of having a baby, working from home removes the barriers that are blocking many women's workforce participation."

RENOWNED EMPLOYMENT LAWYER FAY CALDERONE



Make flexible working

work for you

COVID-lockdowns have shown that a lot of work can be done away from the office. There can be a number of benefits to this including reduced overhead costs such as office rent and utilities. Research also shows that working from home (WFH) and other flexible options can boost productivity and wellbeing for employees with caring responsibilities or disabilities.

While new insights in occupational behaviour emerge from the pandemic, the working landscape has already shifted. Nine in 10 Australians want workplace flexibility and new federal laws require employers to accommodate this. Nearly two in five employers say they've implemented an "all-roles flex" approach where focus is on work output not hours spent in the office. Trends like the Great Resignation and quiet quitting also can't be ignored.

"If you're giving your employees the opportunity to balance their work in a way that works for them, they're going to be more productive and your bottom line will reflect that," Dent says. "Having flexibility around where and how work is done creates a win-win."

CASE STUDY

For parents like Sturrock, a supportive employer with good PPL and flexible working policies has meant he can balance work and caring duties at home in a more equitable way with wife Julia Davis, who works as a lawyer. He says it can take a bit of trial and error but when an employer provides room to find an arrangement that works, it can be exceptionally rewarding.

Sturrock's preferred work days and times allow for school drop-offs and through WFH, he's able to skip a lengthy commute and start his job as a senior advisor in community services much earlier. Every six or so months, this arrangement is reviewed and adjustments are made to meet the changing needs of his children.

"Dads in Australia take less than 20% of the paternity leave days that dads take globally. The pattern of care that is set up in the first year of a baby's life persists over that child's life."

THE PARENTHOOD EXECUTIVE DIRECTOR GEORGIE DENT

WHAT THE LAW SAYS

"The recent amendments to the Fair Work Act (Commonwealth) expand the scope of flexible working. Any employee can request to work flexibly but only certain employees have a legal entitlement to request these arrangements under the Act.

"Employees with this legal right must have completed at least 12 months continuous service (or must be a long-term casual employee, who would have a reasonable expectation of continuing employment) and meet one of the following:

- A parent of a child who is school age or younger
- Caring for a child who is school age or younger
- Have carer responsibilities
- Have a disability
- 55 years or older
- Experiencing family or domestic violence
- Supporting an immediate family or household member because of family or domestic violence

"The new amendments have also strengthened employer obligations when considering an employee's request. The process employers must follow has become more prescriptive, since within 21 days of receiving a request for flexible working, the employer must:

- Approve the request;
- Discuss and agree on changes to the employee's requested work agreement; or
- Discuss and set out reasonable business grounds on which they refuse to grant the request.

"Employees can seek pecuniary penalties for a refusal of a flexible working arrangement where reasonable business grounds are not found. 'Reasonable business grounds' include:


- The working arrangement will be too costly for the employer;
- There is no capacity or it would be impractical to change the working arrangements of other employees to accommodate the request;
- The changes will likely result in significant loss of efficiency or productivity; or
- The changes will likely have a significant negative impact on customer service.

"In light of these changes, it is prudent and necessary for employers to put in place effective WFH policies."



Employment lawyer Fay Calderone

Renowned employment lawyer Fay Calderone says policies around flexible working and WFH should be clear about what's expected from staff to maintain productivity. This includes guidelines around communication like when employees should be online and available, expectations around responsiveness and how meeting schedules are handled.

"It helps ensure that everything gets accomplished that needs to," she says. "It helps hold team members accountable [and] helps clarify expectations." These policies should also be accessible to all staff through the organisation's intranet page or similar for smaller businesses. 

KEY POINTS

- ▶ Find out what works for your talent to do their jobs well
- ▶ Provide guidelines around what teams must accomplish and communication expectations
- ▶ While factoring in business demands, offer flexibility around work days and times
- ▶ Think creatively about roles and create job-share opportunities in senior positions so a wider range of talent can step into them
- ▶ Flexible working helps staff feel empowered and respected, boosting productivity and wellbeing
- ▶ Understand these arrangements will evolve as your workers' lives change at home

The realities of reproductive health

As an employer, you want your best talent (and those with potential) to stay. Policies around reproductive health show staff you see them as full human beings. A majority of women on your team will experience one or more of the following: childbirth, miscarriage, egg freezing, abortion, painful menstruation and menopause; all of which can have a severe impact on mental health.

Offering staff additional leave and other entitlements to help navigate these experiences sets the tone for a compassionate workplace. "All of these things are biological realities that have a human and emotional cost," says Dent. "We don't need to constantly be talking about them but as an employer you need to recognise these are things that will impact your staff."

Painful periods

With painful periods affecting so many women around the country, Australia's biggest unions have been working to enact specific leave entitlements in federal law. Transport Workers Union's Lana Goodman-Tomsett says many women suffer in silence and even take hard pain killers to keep working. "[They] are afraid to share a diagnosis, or discuss symptoms, including ongoing pain for fear of bosses thinking they will be sick every month," she says.

As an employer you can stand out from the crowd with reproductive health policies that include leave entitlements for painful menstruation. Developing a culture that is respectful and understanding of this will also ensure staff who take such leave don't feel stigmatised.

The journey to pregnancy


An increasing number of women are starting their childbirth journey later in life with egg freezing and IVF becoming more common. A Women's Agenda poll of more than 400 Australian women found nearly 30% would be drawn to "fertility perks" at some point in their careers.

A survey by Monash University found almost half of the women who responded felt it would be appropriate for employers to offer egg freezing benefits. Geneva specialist Dr Mark Livingstone says while it's better to have this done by your mid 30s, women even up to 41 have done it.

"Every case is different," he says. "Embarking on IVF improves chances of pregnancy success, but it's not a guarantee...if it hasn't worked after five attempts, we may discuss other family building options like egg donation. We also offer counselling to help work through this."

Leave entitlements

Creating a workplace that offers flexibility, compassion and support around reproductive health will help normalise it and ensure women or people with uteruses can access critical care without detriment to their professions. It will also lead to better health outcomes, job satisfaction and productivity.

Women's Health Matters recommends workplaces adopt a reproductive health policy that complements other entitlements related to PPL. It suggests a maximum of 24 days of paid leave per calendar year, of which two consecutive days can be taken without a medical certificate. 

"Painful menstruation not attributable to a well-defined pathology occurs in 45 - 93 % of women"

KEY TIPS

- ▶ Offer up to 24 days a year for reproductive health issues such as menstruation, menopause, miscarriage, abortion, fertility and other prenatal needs
- ▶ Provision of a medical certificate is optional for such leave requests and a conversation with a manager may suffice
- ▶ Create a culture of respect, safety and community where staff are not stigmatised for taking such leave
- ▶ Offer staff a chance to provide feedback on the policy six and 12 months after it has been implemented
- ▶ Women's Health Matters recommends the policy not be changed without fair and reasonable consultation with staff
- ▶ Consider other supports your staff may need such as access to mental health services and counselling

Paid domestic and family violence leave

It's a grim reality that someone on your team may be a victim or perpetrator of relationship violence. As an employer, you can make a difference with a paid domestic and family violence leave policy that offers holistic support. Making this accessible and visible to all staff sends a clear message about where you and your organisation are on the issue.

Domestic Violence Crisis Service CEO Sue Webeck says it can also signal to victims, it is safe to speak up. "You want to create an environment where people feel comfortable bringing their whole self to work," she says. In a workplace where people feel valued, respected and trusting of their team, it's more likely they will reach out to disclose something as sensitive as domestic violence.

WHAT THE LAW SAYS

"The Fair Work Amendment (Paid Family and Domestic Violence Leave) Act 2022 recently introduced ten days of paid family and domestic leave in a 12-month period for full-time, part-time and casual employees. Although, the commencement of this entitlement has been deferred to August 2023 for small businesses employing less than 15 employees.

"This has replaced the previous five days unpaid leave entitlement. It is common for domestic and family violence leave to fall under a general leave policy and it is therefore likely that some employers have yet to update the policy. This is why reviewing existing policies is crucial.

"The policy should clearly define the scope of domestic and family violence leave, importantly setting out: who is entitled to the paid leave, how it is accessed (i.e.

employees can access the paid leave at their full rate of pay for the hours they would have worked), and the duration of the leave.

"The policy should be communicated effectively to all employees, including through employee handbooks, training and induction. It should be continuously reviewed to ensure that it remains effective and responsive to the changing needs of employees and the organisation.

"It is a breach of the National Employment Standard (NES) to refuse to provide leave to an employee who has experienced family violence and who needs to undertake related activities.

"If the employer is a company, it will be held responsible for breaching the NES, but so too will individual employees who are 'involved in' the breach, including managers, human resource staff, and accountants. In serious cases, the penalty can be ten times the amount of the maximum penalty that otherwise applies to a contravention of the Fair Work Act.

"Caution should also be exercised when considering the termination of an employee who has experienced family and domestic violence, which can easily impact on employee performance. Dismissal may be viewed as harsh, unjust, or unreasonable if an employee's performance issues relate to violence they are experiencing at home or at the hands of a close relative.


"Employees who experience adverse action by employers, including for example, demotion, transfer or termination of the employment are also entitled to bring a general protections claim under the Fair Work Act against their employer and individuals involved."

Employment lawyer Fay Calderone

While the Fair Work Act outlines 10 days of paid leave, Webeck says it's important to approach each case individually. "People need flexibility. The journey is not linear so for some people they're going to need more and for others it will be significantly less."

In addition to leave, employers may partner with a trusted non-profit or service that can provide extra support to staff like counselling or housing. "Having a really human response that's governed by some principles of a policy ensures your employee can work safely," says Webeck.


To make the policy accessible, have someone recognisable to staff who is trained and able to enforce it when a request is made. Webeck says this can be especially helpful in bigger organisations where victims may feel safer telling a known manager instead of a stranger in human resources. Staff nominated to respond to such requests should have adequate training. "This is important so you don't harm them or the people who are disclosing," she says.


Webeck says employers should also write the policy in a way that when it is implemented it offers some parameters for support but also has open questions so the affected employee can express what would be most helpful for their situation. 

CASE STUDY

A small consulting firm in the ACT sets aside a budget for the safety and wellbeing of its staff. As part of this, they allow for leave entitlements, flexible work arrangements and other safety responses for anyone who may be in a violent relationship.

These measures could be a night's accommodation or a new mobile phone. This holistic approach provides staff with an added layer of comfort in ongoing income and a supportive employer.



 Access to paid domestic and family violence leave is expected to benefit over 11 million workers across Australia, when new federal laws extend the policy to ten days

KEY TIPS

- ▶ Take a personalised and humane approach when implementing your domestic and family violence leave policy
- ▶ For safety reasons, this type of leave should not be specified in pay slips and leave balances
- ▶ Staff must let employers know as soon as possible when they take this leave and it will override other paid leave such as annual
- ▶ Clearly express who can access this type of leave and reference the Fair Work Act
- ▶ Have nominated staff who can authorise the policy, are known to teams and trained in responding safely
- ▶ Connect with a trusted domestic violence service for further support
- ▶ Understand this is a complex issue and an employee may choose to stay in the violent relationship; working with a trusted advocacy group can help navigate these situations

Are first nations at your table?

A supportive workplace that genuinely provides everyone with long-term job pathways takes honest reflection, effort and collaboration as an employer. According to the National Indigenous Australians Agency, an additional 73,250 Indigenous Australians of prime working age will operate in the economy by 2026. This presents a big opportunity for employers.

In a report by the Indigenous Affairs Committee, some of the barriers to Indigenous participation in employment include lack of culturally safe workplaces, relevant training and long-term opportunities. These can all be addressed by any employer. A starting point could be connecting with Indigenous-focused advocacy groups and recruitment programs.

Organisations like Cultural IQ train businesses and employers in improving cultural safety and competence in workplaces. Co-founder Cara Peek, a Yawuru/Bunuba woman and lawyer, says this can help remove undue pressure that falls on Indigenous employees to take the lead.

"The burden of the cultural load is partly because non-Indigenous people want to be better," Peek says. "They often want to learn [and] be inclusive of Indigenous people in the workplace. But they don't always know how to educate themselves – so they ask the one Indigenous person in the room.

"Just because I'm the only Aboriginal board member doesn't mean I am the only one who can give an Acknowledgement of Country...I'm not saying I don't want to be in the room, but it needs to be more than that."

Resources such as Generation One's Handbook for Indigenous Employment or the federal government's recruitment guide can help employers start seeing their blind spots and recruit better. You may also consider partnering with the Indigenous Skills and Employment program or setting up a Reconciliation Action Plan which can help drive meaningful change around relationships, respect and opportunities.

As Generation One says, "successful companies do not do it alone."

KEY TIPS

- ▶ Develop cultural competence in your teams especially among HR practitioners and managers
- ▶ Groups like the Cultural Intelligence Project can help improve cultural competence in your workplace
- ▶ Watch what you ask and assume about people of minority groups
- ▶ Consult Aboriginal and Torres Strait Islander Liaison Officers and Aboriginal and Torres Strait Islander Employment Advisors
- ▶ Partner with relevant community groups and job services like the Indigenous Employment Program to get your roles in front of more diverse talent
- ▶ Connect with TAFE or other training providers so staff have development opportunities
- ▶ Be explicit in standards around behaviour expected of all staff and set a strong line against discrimination or racism

Empowering LGBTQIA+ talent



KEY POINTS

- ▶ Be visible in your support for people of all identities and backgrounds
- ▶ Train in conscious and unconscious bias to identify where inclusion is lagging in the workplace and your policies
- ▶ Partner with a trusted advocacy group that can provide insights on language and supporting LGBTQIA+ staff
- ▶ Set standards against bullying, harassment and discrimination of LGBTQIA+ workers and other minority groups
- ▶ Ensure staff have space to identify authentically and use their pronouns in written and verbal communications
- ▶ Offer mixed gendered spaces like washrooms to ensure all staff have dignity at work

With the right policies and culture, workplaces can be powerful and safe spaces for anyone to thrive. A La Trobe University survey of over 6000 LGBTQIA+ adults, found that 60% of respondents felt accepted in their workplace. As an employer, it's important to have explicit values around inclusion and respect so all staff feel they matter.

LGBTQIA+ advocate Webeck says it's shifting from a stance of "tolerating" to genuinely accepting people for who they are. "As human beings no one should be tolerated, we should be respected," she says.

Consider all the ways your staff experience the workplace from filling in forms through to conversations in the kitchen or using the restroom. Webeck says a workplace can be visibly supportive of the community and host Pride events but if a transgender worker on the team is the topic of office gossip, something's amiss. "Be really

clear about what behavioural standards are expected from all staff," she says.

By connecting with a trusted advocacy group, staff and leaders can be made aware about the unique experiences of LGBTQIA+ people. "Do the learning," she says. You may have a worker who's shown up as a man for years but now presents as a woman. "That experience can be fluid," she says.

Instead of being pressured to out themselves, Webeck says the workplace should be accepting without judgement and unwanted comments. "Just because people don't mean to cause offence doesn't mean they don't," she says. **A**

Advancing people of all abilities

There are over 500,000 working-age people with disability which presents a largely untapped opportunity for employers in Australia. To break down barriers and attract more talent with disabilities, organisations like The Field are a good place to start.

The jobs marketplace, built and led by people with disabilities, actively works to connect employers to this talent pool. Candidates can find jobs according to needs such as accessible bathrooms or service animal facilities.


Employers meanwhile can advertise roles with inclusive benefits such as accessible spaces, WFH flexibility or ongoing training opportunities. An exciting job mix including senior management roles are advertised on The Field.

Founder Dylan Alcott AO hopes to see even more. "It may include senior lecturers, postdoctoral scientists, engineers...all jobs should be inclusive and welcoming of people with disabilities," he says.

To make your workplace more disabled-friendly, consider the experience of potential talent from the job hunting and application stage through to actually doing the role. Creativity around how a job can be done will widen the range of candidates you consider and hire.

Disability advocate Jerusher Mather says there are a number of ways a workplace can be made more inclusive. "Like having natural light to make it easier for those who lip read, ramps for wheelchair users, or ensuring well-ventilated buildings," she says.

"We need to see more flexible minds willing to give us a chance and trust us. The truth is that we want to be included in employment and discussions about our world."

It's also worth noting that disability isn't always visible. "Each individual is different, and their individual needs should be met," Mather says. "It should be our priority to cultivate an environment with room for everyone." 

KEY TIPS

- ▶ Advertise roles on job sites like The Field to get your roles in front of more talent
- ▶ Think creatively about the jobs you have and what it takes to do them effectively
- ▶ Customise jobs from senior executive through to entry level for people with disability
- ▶ Make information shared internally and externally more accessible by using tools like alt-text which allows for screen reading
- ▶ Work with advocacy groups and Disability Employment Services providers like Max Solutions
- ▶ Have an explicit policy around disability inclusion and back this up with strategic effort

WORKER RIGHTS

Employers or HR professionals should be aware of disability and accommodation rights.

"It is within an employee's right to ask the organisation to provide reasonable accommodations. 'Reasonable accommodations' means providing necessary and appropriate modifications and adjustments, which do not impose a disproportionate or undue burden on the employer. Reasonable accommodations can range from replacing a doorknob with an accessible door handle to providing flexible working arrangements. It is prudent and necessary for employers to put in place effective WFH policies."

Employment lawyer Fay Calderone



Other steps you can take

Train in unconscious bias

Bias shows up in every workplace. Calderone says diversity and inclusion training can help educate employers and staff about unconscious bias, microaggressions and other barriers to certain people.

"Training can motivate positive behaviour, which is essential for curating and maintaining a respectful workplace," Calderone says. "Employers may also find it will increase employee morale to know that they are at a workplace which takes diversity and inclusion as seriously as it should."

"This also ensures compliance with discrimination and work health and safety laws by employers in that it establishes the foundation for a healthy, respectful and inclusive workplace."

Diversify your recruiting and promotion practices

When you hire, ensure your jobs are getting in front of a diverse mix of candidates by sharing them on specialist job sites or with advocacy groups representing

minorities. Partnering with groups like this can help maintain a pipeline of diverse talent.

There are a number of ways to hire for diversity. Calderone recommends removing unconscious biases by including diverse talent on recruiting panels, doing targeted outreach to underrepresented groups and blind resume reviews. "Employers should also ensure that their promotion processes are fair and transparent to allow all employees an equal opportunity to advance in their careers," she says.

Protect employee privacy

Employees' right to privacy is an issue Calderone and her legal team often come across. "HR managers should understand and respect the privacy rights of employees, such as: the right to keep personal information confidential, the right to access their own personal records, and the right to control the use and dissemination of their personal information," she says.

"It is always better to err on the side of caution. It is recommended that the employer have a privacy policy that complies, where possible, with the requirements of the Australian Privacy Principles."



Common mistakes employers make

(which you can avoid)

There are three common mistakes employers make which prevent good workplace policies and culture from flourishing. Calderone says all these mistakes can be avoided. Policies are only effective if backed by a non-toxic workplace culture underpinned by values like community, respect and trust.

* Failing to address and resolve employee complaints

Your workplace should have an effective process for addressing and resolving staff complaints. All employees should know how and feel comfortable in raising concerns. "If an employee feels as if they cannot speak up, or that they won't be taken seriously if they do, this can create a toxic workplace," says Calderone.

"Workplace grievances may not also be made in 'formal' writing'. Sometimes they can take place in informal discussions. It's important to know when this is taking place to ensure the employee is supported at all steps."

* Having unclear or ineffective policies

When you set up a workplace policy, it should clearly state what's being covered and accessible for all staff. Employers should also notify teams when changes are made. "A policy can easily become ineffective if the subject matter becomes either out of date with the legislation or out of date with the needs of its employees and the industry," says Calderone.

"To be effective, policies must be properly promulgated to ensure consistent and indiscriminate enforcement. Leaders should be trained to enforce policies and must lead my example in the behaviours they exhibit and tolerate."

* Inadequate training and resources

Inadequate training and development costs employers significantly especially in the loss of strong diverse talent. "Employers should be proactive when it comes to providing training and offering resources when it comes to ensuring that employees understand and comply with the policies and regulations related to workers' rights, safety and well-being," she says.



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