

CLEAN ENERGY FINANCE CORPORATION

Report to Responsible Ministers under the
Employment Opportunity
(Commonwealth Authorities) Act 1987

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CEFC

CLEAN ENERGY FINANCE CORPORATION

The Hon. Joe Hockey MP
Treasurer

Sen. the Hon. Matthias Cormann
Minister for Finance

Parliament House
CANBERRA ACT 2600

16 June 2014

Dear Ministers,

Equal Employment Opportunity (Commonwealth Authorities) Act 1987

I am pleased to present the Clean Energy Finance Corporation's (the Corporation) Annual Program Report to you as Responsible Ministers as required by section 9 of the *Equal Employment Opportunity (Commonwealth Authorities) Act 1987*.

This report has been prepared in accordance to requirements under the *Equal Employment Opportunity (Commonwealth Authorities) Act 1987* and includes information on program development, implementation and statistical results to cover the 12 month period since 17 April 2013 (when the Corporation first exceeded 40 employees and became a 'relevant authority' for the purposes of that Act).

Yours sincerely



Oliver Yates
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EEO Program Development and Implementation

Development of the Program

The CEFC is committed to developing and supporting positive working relationships and a healthy and safe workplace where all individuals are equally enabled to contribute to the success of the Corporation and develop their careers.

The CEFC has developed an EEO Program to ensure that individuals are employed, trained and promoted fairly, on merit, without discrimination and harassment and reflect the diverse nature of the Australian community.

The EEO Program addresses the potential disadvantage that may be present in the workplace by, for example, age, gender, race, religion, sexual orientation, disability, pregnancy, or marital status. Its focus is to support equal participation and achievement of the program objectives through diversity initiatives that ensure employees are treated equally and their differences valued and respected in the workplace, whilst helping the CEFC to achieve broad business benefit.

To achieve this, the program has been developed to include:

- clear EEO objectives and indicators against which the effectiveness of the program is to be assessed;
- methodology on annual collection, recording and publication of employee statistics, broken down into the areas employee gender and employees belonging to 'designated groups';
- assurances for annual, regular assessment of policies to identify discrimination against women or persons in designated groups;
- assurances that employees are to be kept informed of the contents of the program and of the results of any monitoring and evaluation of success of the implementation of the program; and
- consultation with employees, particularly employees who are women or persons in the designated groups.

Implementation of the Program

The CEFC was formed with the commencement of section 8 of the *Clean Energy Finance Corporation Act 2013* by proclamation date 3 August 2012. From that time until 'stand up' 15 April 2013 the Corporation was under Treasury control while the operational basis of the entity was established.

On 16 April 2013, the then Responsible Ministers provided the Corporation with its investment mandate. Relevantly, item 11 of the Mandate provides that 'in performing its investment function, the Corporation must have regard to Australian best practice in determining its approach to corporate governance principles' and that 'The Corporation must develop policies with regard to environmental social and governance issues'.

The then Australian Government determined that the staff and assets of Low Carbon Australia Limited (a Commonwealth company) transfer to the CEFC, and this occurred on 17 April 2013, bringing the CEFC's employment roster to 40 employees for the first time and triggering the CEFC's classification as a 'relevant authority' under section 3 of the *Equal Employment Opportunity (Commonwealth Authorities) Act 1987*.

During this first year of operations the CEFC has established its policies and procedures in an administrative sense and embedded them into operations:

- The Board has adopted a Code of Conduct and Ethics, incorporated the principles of the APS Values into its own statement of corporate values and set the standard and tone of the organisation as an ethical business that takes its legal requirements seriously.
- The Corporation embedded EEO principles, anti-discrimination and workplace harassment into its Corporate Policies and Procedures.
- On April 17, the Corporation held a general induction for all employees, which included training on the legal requirements of the Corporation's operating context, including the EEO Act, the various anti-discrimination Acts, workplace health and safety and the right to a workplace free from discrimination and harassment.

**Report to responsible Ministers under *Employment Opportunity
(Commonwealth Authorities) Act 1987***

- All new staff are provided with an induction pack covering these issues.
- All staff have been made aware of the entry into force of the *Public Interest Disclosure Act 2013*, and avenues to report improper and unethical conduct were put in place in requirements with this policy.
- The Board and Executive treat discrimination and harassment as operational risk and has specifically embedded the risk recognition, risk treatment and risk review of these types of matters into an extensive enterprise wide policy for managing risk that is oversights and periodically reviewed by the Board's Audit and Risk Committee.
- The Board adopted and implemented a scheme of Paid Parental Leave that exceeds the minimum standards established under law.
- Management has adopted a flexible approach to assist those with special needs (including parents) to meet their obligated minimum working hours.
- Conducting investigations into what is required of the Corporation under the *Equal Employment Opportunity (Commonwealth Authorities) Act 1987* and developing the EEO Program itself.

Given the above, the Program has not identified policies or practices that discriminate against women or other EEO groups. Analysis of CEFC statistics indicate that despite the fact the organisation is a new entity and has achieved gender equity in raw numbers (51% male to 49% female), males are in general overrepresented at senior levels and women in general remain overrepresented at more junior levels of the organisation.

The Program has identified that there are no employees identifying as indigenous or as a person with a disability. Given the CEFC has an employee headcount of 53 (including consultants – see 'Summary – CEFC Employee Statistics' below) this is neither statistically significant, nor demonstrative of discrimination.

Monitoring and Evaluation of the Program

In early June 2014 Management conducted a review of the Program to date against the legislated requirements. Implementation has

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been successful but the following areas have been identified as areas for further work:

- Program review will be embedded into the regular compliance calendar and Executive Risk Committee reporting arrangements rather than as a stand-alone process.
- Inclusion of EEO principles and compliance as part of a refresher update for all staff. Given Australian Government policy is to abolish the Corporation and the *Clean Energy Finance Corporation Bill 2014* is before the Senate, this activity will not be performed unless the Senate rejects the Bill as expenditure on ongoing compliance in these circumstances would not meet the requirements of an efficient, effective, economical and ethical use of public resources.
- Assuming the Corporation still exists, EEO employment data will be captured on entry into employment, and employees consulted in development of the next Program iteration.

Particulars of Directions by the Responsible Ministers under s 12

The CEFC has not received any directions made by Responsible Ministers under section 12 of the *Equal Employment Opportunity (Commonwealth Authorities) Act 1987*.

Summary – CEFC Employee Statistics

At 30 April 2014, the CEFC employed 53 employees (all statistics shown are head count, and include consultants). The Corporation is near gender equity at 51% male compared to 49% females. This is an increase in female employees over the 17 April 2013 figure of 39.5% — however, comparison of the CEFC employment structure reveals that women are disproportionately represented at more junior levels of the organisation, as the table below identifies.

The Executive Leadership Team comprises of 20% females (that is, one of 4 Executives). The current CEFC workforce is older than the APS average at 46 years old compared to the APS average of 42 years (as at June 2013).

Table 1: CEFC employees by EEO target groups (as at 30 April 2014)

	# of employees	Women	Born overseas	English as second language	Indigenous	Disability
Executive	5	1	2			
Exec Director	3	1	2	1		
Director	13	5	4	1		
Assistant Director	15	8	4			
Analyst	5	1	2	2		
Manager	6	4				
Administration	6	6	2	1		
Total	53	26	16	5	0	0

As at 30 April 2014: 49% who identified as women; 30% who were born overseas; 9.5% with English as a second language; 0% who identified as Indigenous; and 0% who identified as having a disability.