



The voice of Victorian workers since 1856
VICTORIAN TRADES HALL COUNCIL

Senate Finance and Public Administration Committees
PO Box 6100
Parliament House
Canberra ACT 2600

10 February 2017

Dear Committee,

**RE: SUBMISSION TO THE INQUIRY TO GENDER SEGREGATION IN THE
WORKPLACE AND ITS IMPACT ON WOMEN'S ECONOMIC QUALITY**

VTHC welcomes the opportunity to provide a submission to the Inquiry into Gender Segregation in the Workplace and its Impact on Women's Economic Quality.

VTHC notes the essential nature of this inquiry. We also wish to acknowledge the good work and crucial recommendations made by the many previous, similar enquiries into gender discrimination at work.

VTHC's contribution will be in four (4) parts:

- An introduction to VTHC and our work towards advancing gender equity between men and women at work
- A summary of the underpinning premise of our submission and the Recommendations contained within
- Overview of four (4) key issues that VTHC believes are fundamental to the Inquiry's deliberations
- Appendix: Containing two key VTHC reports that have informed our work and that we believe will be beneficial to the Inquiry process.

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Secretary

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**VICTORIAN TRADES
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We look forward to your recommendations and the subsequent corrective actions that will be taken to combat gender segregation in Australia's workforce.

Thank you for your consideration.

Yours Sincerely,

Luke Hilakari
Secretary
LH: CB / Ref: 71.3



ADDRESSING GENDER SEGREGATION IN THE WORKPLACE

VICTORIAN TRADES HALL COUNCIL SUBMISSION

FEBRUARY 2017

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1. ABOUT VICTORIAN TRADES HALL COUNCIL

The Victorian Trades Hall Council (VTHC) was founded in 1856 and is the peak body for unions in Victoria. VTHC represents 40 unions and over 430,000 workers in Victoria. These workers are members of unions that reach into every industry in the state, both in the public and private sectors.

Since gaining the Eight Hour Day in April 1856, VTHC has had a long history of fighting for and defending the rights of workers in Victoria. The importance of winning the Eight Hour Day is significant not just in Australia but worldwide. Few advances in the quality of life for working people would have been achieved without the involvement of the Victorian union movement.

Over the last 150 years, VTHC and its affiliated unions have campaigned for and successfully won a range of important rights and entitlements for Victorian (and Australian) workers, including:

- Minimum wage
- Penalty rates
- Collective bargaining rights
- Freedom of association and the right to representation
- Occupational Health and Safety (OHS) protections
- Annual, sick (and carer's) leave
- Maternity and parental leave
- Domestic violence leave
- Superannuation
- Protections from unfair dismissal and redundancy entitlements
- Long service leave

VTHC will continue to campaign tirelessly for the rights, entitlements and protections of workers in Victoria, no matter their gender, sexuality, employment status, employer, or workplace.

VTHC ACTION FOR WORKING WOMEN

VTHC has had specific resources, in the form of a dedicated Women's Officer, committed to affirmative strategies for women workers since the 1990s. Since that time VTHC has introduced many successful strategies to engage women workers and seek advances in their rights at work.

These strategies include:

- Co-ordinating the highly successful Anna Stewart Memorial program, a two-week mentoring program for women activists designed to provide them with skills that will increase their capacity to take leadership roles within their unions, at their workplaces and in their communities
- State wide women's conferences designed to explore issues of particular importance to women workers and develop strategies for the trade union movement to respond to these issues
- State wide and national campaigns on maternity leave, paid parental leave, childcare, remuneration equity, casual and insecure work, occupational violence and sexual harassment
- Leading, in conjunction with our affiliate union the ASU Victoria Tasmania Branch, the strategy of gaining national recognition of domestic and family violence (DFV) as a workplace issue and the campaign to achieve DFV as a workplace entitlement.

In addition, a number of VTHC affiliated unions have specific strategies and resources directed at affirmative action for their women members, including in some instances a designated women's officer. VTHC's affiliated unions are also engaged on a daily basis in representing individual women members whether it be through support and assistance when their rights in the workplace are infringed or through bargaining for the expansion of current or the establishment of new rights for women workers.

In 2015, VTHC decided to expand the resource commitment in this area. It now has a team of women leading VTHC's women's strategy.

This decision was made in recognition of the fact that:

- Whilst women are now the majority of union members within Australia (52%)¹ little progress is being made in closing the gender pay gap for women workers in

Victoria with the current gap sitting at 14%²

- One in five employed women with dependent children did not have access to paid leave entitlements – double the rate of men
- Women workers in Victoria continue to report instances of sexism, violence and discrimination at work³
- Women continue to perform the majority of care work in the home and family whilst they report having difficulty accessing secure flexible work arrangements (including quality part-time work).

VTHC recognises it has a role to play in overcoming the gender based discrimination that women workers in Victoria experience. VTHC has a strategy to take action to address gender equality in Victorian workplaces over the next four years.

Our plan aims to:

- Build a network of women prepared to take action on women's rights and safety at work
- Increase women's knowledge around their rights and safety at work
- Build the capacity of women and unions to take action to realise women's rights at work
- Increase VTHC and the union movement's capacity to be active on issues for women workers
- Campaign for change on issues identified by Victorian women workers as their priority areas for action.

VTHC is overtly feminist in its approach. It acknowledges that the experiences of women are different to that of men, and that historical and systemic barriers to equality must be overcome in order to address the impact of gender based discrimination on women. VTHC believes that this requires not just initiatives aimed at providing equal opportunity for women but those aimed at achieving equality in outcomes. Affirmative action (positive discrimination) is therefore required. To be successful, changes in institutions, structures and processes must take place.

Women's empowerment is central to our approach. The active engagement and participation of working women in the development of our plans and actions is key, as is accounting back to these women about progress.

1 Australian Bureau of Statistics, "Employee Earnings, Benefits and Trade Union Membership, Australia", August 2013. Canberra

2 WGEA 2016, Gender Pay Gap Statistics: March 2016, (2016) accessed at: <https://www.wgea.gov.au/sites/default/files/Gender_Pay_Gap_Factsheet.pdf>

3 VTHC, Stop Gendered Violence at Work: Women's Rights at Work Report (2016)



2. OUR PREMISE

VTHC founds this submission in the well-known, publicly available research that documents the extent and impact of gender segregation of the labour market, and the results of its own action research project. This action research project is known as Women's Rights at Work (WRAW) Chats. We have engaged over 600 Victorian women in WRAW Chats throughout the course of 2016. The methods of this study and the interim results arising from it are captured in a paper presented by VTHC's Women's Lead Organiser, Professor Lisa Heap, to Victorian parliamentarians in August 2016. A copy of this paper is attached to this submission.

From the above VTHC has drawn the following conclusions that it wishes to share with the Inquiry:

- The extent and impact of gender segregation in Australia's labour market is both well documented and analysed⁴
- Compared to other OECD countries, Australia has the 11th highest gender pay gap, six places above the OECD average
- Over decades, a variety of policy solutions have been identified in order to overcome the extent and impact

of gender segregation in the labour market and to therefore promote gender equity at work. Many of these solutions have been ignored or have been supported with limited effort, resources and timing, and therefore the objectives have not been achieved

- Now is the time to take action towards gender equity at work. Addressing the causes, extent and impact of gender segregation in the workforce is part of this. To fail to do so costs women but also our communities and our economy
- Past efforts have failed, not because they have been wrong or ineffective, but because there has never been consistent, whole of government and community effort to overcome the barriers to women's equal participation at work.

VTHC encourages the members of this current Inquiry to turn their efforts to substantive policy action. This should be implemented as a matter of urgency in order to achieve gender equity and to overcome the negative consequences of the current gender segregation at work.

⁴ See, for example Senate Finance and Public Administration References Committee, "Domestic Violence and Gender Inequality", November 2016, AHRC, "Supporting workplace to end workplace sexual harassment: A Guide for Small Businesses in Australia", Sex Discrimination Commission (2015), AHRC, "Supporting Working Parents: Pregnancy and Return to Work National Review – Report", Sex Discrimination Commission (2014), AHRC, "Headline Prevalence Data: National Review on Discrimination Related to Pregnancy, Parental Leave and Return to Work 2014", Sex Discrimination Commission (2014), and AHRC, "Accumulating poverty? Women's experiences of inequality over the lifecycle", Sex Discrimination Commission (2009)

SUMMARY OF RECOMMENDATIONS:

Recommendation 1: Adopt VTHC's 8 point Action Plan to Stop Gendered Violence at Work (amended for a national context), as a framework to assist in creating a culture and climate within which all Australian workplaces support women's employment.

Recommendation 2: Introduce strategies that increase women's participation in trade apprenticeships and create environments in male dominated industries and trades which see women apprentices supported, respected, and able to prosper.

Recommendation 3: Introduce public policy initiatives that encourage a more equal share of caring responsibilities between men and women. Action needs to be taken to make the transitions between working and caring seamless and without penalty for women.

Recommendation 4: Adopt a comprehensive National Action Plan to Achieve Gender Remuneration Equity, which targets the labour market at all levels. This plan must accept and be built on the knowledge that gender inequity exists and that it has led to remuneration inequality for all women.

Recommendation 5: Introduce mandatory gender remuneration audits for all workplaces. All government departments, local government, government contractors and large organisations must be required to perform and publish the results of gender remuneration audits.

Recommendation 6: Adopt procurement standards that require those tendering to provide goods or services to government, including those who receive government funding, to have a remuneration equity plan and to demonstrate implementation of that plan if they are to receive contracts and/or funding.

Recommendation 7: Federal, state and territory government support sector specific initiatives to address gender remuneration inequity in particularly vulnerable workforces for example, in care/ support work.

Recommendation 8: Amend the Fair Work Act to require that the Fair Work Commission (FWC) adopt a set of principles for pursuing remuneration equity claims and make amendments to more effectively progress remuneration equity claims. In addition, make funds available to unions to pursue remuneration equity claims (in the public interest) before the FWC as per past initiatives of the Queensland government.

Recommendation 9: Action needs to be taken on the disparity between men and women's superannuation. As a first step, VTHC recommends changes to the Commonwealth Paid Parental Leave scheme to include superannuation during paid parental leave.

Recommendation 10: Amend the Fair Work Act to ensure those with family/caring responsibilities have a right to flexible working hours, and provide support for applications before the Fair Work Commission.

Recommendation 11: Our workplace laws need to be reframed to provide for decent work and dignity for all. These must:

- Include universal access to minimum work related entitlements;
- Cover the field of work, and should not be related to the establishment of an employment relationship including regulating contractors and labour hire scenarios; and
- Provide a tighter definition of genuine casual work and give the workplace tribunal greater powers to manage disputes affecting those engaged in 'non-standard' forms of work.

Recommendation 12: Fund initiatives by peak union bodies and employer groups designed to support the adoption of employment practices for quality part-time work at federal, state and territory governments levels, and a move away from casual work arrangements for workers with family/caring responsibilities.

Recommendation 13: Frame any reports and recommendations arising from this Inquiry by an understanding that insecure work is a gender equality issue and that therefore any recommendations or proposals must acknowledge and incorporate a gender dimension.

Recommendation 14: Consider the use of the ILO's Unacceptable Forms of Work (UFW) framework, which acknowledges the vulnerability of women in the labour market and offers a multi-dimensional approach to resolving issues associated with insecurity.

3. WOMEN FACE GENDERED VIOLENCE AT WORK

Academic literature, the results of various public inquiries over time, and VTHC's WRAW Chats study demonstrates the existence of wide spread gender-based violence at work including widespread cultures of sexism that underpin this.⁵ This violence and culture of sexism impact on women's engagement with work and the roles and industries they are attracted to.

"I have had my manager wolf whistle at another woman worker, and when I said that is not okay to do at work the manager asked me if I was jealous. I raised this harassment with my manager's boss and he said the issue was a personality clash."
- Copy Writer and Editor, Carlton North

"I was working in an office and it was commonplace for the male employees to openly tell me what they wanted to do with me sexually. This was done frequently both verbally and in writing. It was before I went into health - I was working in financial trading and was even traded by the male staff."
- Environmental Health Worker, Melbourne Western Suburbs

The results of our WRAW Chats study thus far indicate:

- 64% of respondents have experienced bullying, harassment or violence in their workplace
- 60% of respondents reported feeling 'unsafe, uncomfortable or at risk' in their workplace
- 44% of respondents reported experiencing discrimination at work
- 23% of respondents don't feel that they are treated with respect at work
- 19% of respondents cited 'unsafe work environment' as a factor in their decision to leave paid work.

Women who attended VTHC's Women In Male Dominated Industries (WIMDOI) Conference in 2016 provided detailed evidence of the violence

they have experienced and the barriers to their, and other women's ongoing participation in these roles/industries including:

- Being afraid to speak out about OHS issues because of negative backlash
- A sense of isolation and alienation
- Being overlooked even when skilled to do the job
- A lack of employer preparation around pregnancy
- Being allocated the administrative tasks, even when in technical roles
- The presumption that women will do the cleaning tasks
- Blatant sexism and being subjected to sexist comments
- Sexually explicit material in the workplace ("in the tool box" and other locations)
- Sexual assault
- Having a lack of facilities – toilets, sanitary bins etc.
- Being talked over and having opinions overlooked in meetings
- Having OHS issues overlooked and only having male HSRs in the workplace.

The impact of gendered violence and sexism at work is significant. Many women have reported illness arising from sustained gender-based violence. Others have reported leaving secure employment to remove themselves from the risk where employers fail to address the issue or the culture. Further, the health and safety impacts of workplace cultures of sexism were highlighted in the recent independent review by the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) into the culture of Victoria Police⁶.

Many participants in our study have indicated that management responses to complaints of gendered violence in the workplace are inadequate. They have little confidence that cultures of sexism at work will be tackled in any comprehensive way that brings about real change.

⁵ VTHC has published a detailed Women's Rights at Work report entitled "Stop Gendered Violence at Work (2016) that documents the extent and impact of gendered violence. A copy of this report is appended with this submission for ease of reference.

⁶ Victorian Equal Opportunity and Human Rights Commission, "Independent Review into Sex Discrimination and Sexual Harassment, Including Precatory Behaviour in Victorian Police" Phase One Report, (2015)

“There’s quite a lot of “old school” attitudes at work; with their language and body language and jokes. If you say “no” that’s not right, they’ll still continue on. [In] one of the departments there was bullying and the language was pretty offensive. At one point the “C-word” was used. I couldn’t believe it – this was a small office! I said “I don’t like that word. In fact, I despise it.” A manager was there at the time and didn’t say much about it. In that department, it’s become accepted, even though there were three women and one bloke.”

- Local Government Worker, Melbourne

In our *Stop Gendered Violence at Work (2016)* report, VTHC has identified a comprehensive plan of action (based on the Victorian context) to end gendered violence at work⁷. This action plan could easily translate to the national context. The Stop Gendered Violence at Work (2016) report is attached at the end of this document.

RECOMMENDATION 1:

Adopt VTHC’s 8 point Action Plan to Stop Gendered Violence at Work (amended for a national context, see report attached), as a framework to assist in creating

a culture and climate within which all Australian workplaces support women’s employment.

In male dominated occupations or industries, the culture is not conducive to attracting and retaining women workers. Efforts to attract females into apprenticeships and traineeships here are lost when the culture that

they meet in the workplace is at best alienating and at worst sexually predatory and damaging. This represents a loss of potential, skills and missed opportunities for both workers and employers.

RECOMMENDATION 2:

Introduce strategies that increase women’s participation in trade apprenticeships and create environments in male dominated industries and trades that see women apprentices supported, respected, and able to prosper.

Elements of this plan should include:

- Training programs, facilities and providers that can incorporate gender equity objectives within them/ their approach
- Gender equity awareness raising for all those involved
- Union engagement and support with designated union contact people who are trained and confident to support women in these roles
- Recruiting and training women in groups so as to create a critical mass
- Placement of women together when training in order to provide a critical mass
- Creating women’s information and support networks
- Supporting and funding for union created networks such as WIMDOI
- Campaigns within workplaces designed to eradicate gendered violence against women at work
- Women-Women mentoring and partnering schemes, where experienced women can support those entering the trade or occupation
- Ensuring fundamentals like women friendly uniform, and site facilities are in place

⁷ VTHC, “Stop Gendered Violence at Work”, Women’s Rights at Work Report (2016), p. 9

4. WOMEN'S WORKFORCE PARTICIPATION IS IMPACTED BY CARING RESPONSIBILITIES

Workforce data for Victoria demonstrates a major concern with respect to gender and workforce participation, employment/underemployment and underutilisation⁸.

Table 1 **Labour Force (May 2016)**

Victoria	Total	Male	Female	% M/F
All	3,195,700	1,735,800	1,459,900	54.3 / 45.7
Fulltime	2,029,900	1,315,300	714,600	64.8 / 35.2
Part Time	986,300	330,300	656,000	33.5 / 66.5
Unemployed	182,200	91,700	90,500	50.3 / 49.7

Table 2 **Participation rate % (May 2016)**

Persons	Total	Male	Female
National	64.7	71.8	57.9
Victoria	64.7	71.8	57.9

Table 3 **Unemployment rate % (May 2016)**

Persons	Total	Male	Female
National	5.7	5.7	5.7
Victoria	5.7	5.3	6.2

Table 4 **Underemployment rate % (May 2016)**

Persons	Total	Male	Female
National	8.4	6.8	10.3
Victoria	8.8	7.0	10.9

Table 5 **Underutilisation rate % (May 2016)**

Persons	Total	Male	Female
National	14.2	12.4	16.2
Victoria	14.7	12.6	17.2

⁸ All data is drawn Australia Bureau of Statistics (2016) Labour Force Data, Australia, tables 1 and 5, cat. no. 6202.0, Canberra ABS, quoted in Professor (Adjunct) Lisa Heap's Parliamentary Library Fellowship Paper, "Hear My Voice: The Experiences of Victorian Women at Work", No. 2, August 2016

This data reinforces what we know as a result of other public inquiries and our own WRAW Chats study. Workforce participation is an important lever to economic security and women with caring responsibilities continue to face barriers in the labour market. The results of the most recent Household, Income and Labour Dynamics in Australia (HILDA) survey show that 'approximately 88% of lone parents are women.'⁹ Women continue to perform the majority of unpaid caring and domestic work and bear the economic consequences of balancing these responsibilities.

In addition, women with caring responsibilities are more likely to be employed in lower paying jobs and in less secure employment¹⁰.

The reality is that women carry the majority of domestic caring responsibilities and must also work. But women are also regularly given conflicting messages about these roles¹¹.

Recent public comments by Senator David Leyonhjelm reflect the double standard meted out to working women when it comes to caring, particularly childcare workers:

"A lot of women — mostly women — used to look after kids in childcare centres. And then they brought in this national quality framework and they had to go and get a Certificate III in childcare in order to continue doing the job they were doing — you know, wiping noses and stopping the kids from killing each other."¹²

Attitudes that devalue the importance of care carry over into the workplace. Our WRAW Chat's study confirmed that many women feel they are penalised in their jobs for their caring responsibilities.

"[I am denied] opportunities I see others being offered. Being told I can't do certain things because of my 'childcare responsibilities'"
- Higher education worker, Melbourne

Conversely, some women report feeling discriminated against precisely because they are at work rather than at home caring for children and this can also impact on a women's decision to return to or stay in paid work.

"The thing I hated the most was when someone told me I was a bad mum for being at work while a babysitter raises my children".
- Lay-up operator, Port Melbourne

Evidence suggests there is a positive correlation between increasing childcare uptake and lowering of the gender earnings gap and between the level of childcare subsidies and labour force participation¹³.

The AHRC has observed that the limited availability of flexible working arrangements and quality affordable childcare presents a barrier to women's participation in paid work and the subsequent reduced accumulation of retirement savings in superannuation¹⁴.

"The 'sweet spot' for childcare used to be 3 days for the childcare rebate. You could work 3 days and get 50% of your fees back. For me I only ever had one child in childcare at any one time so that made working feasible financially. Now the sweet spot is about 2 days before you reach your annual limit (depending on what your childcare fees are). Childcare costs have surged and the cap has remained unchanged. I have been asked to return to my previous work hours and basically the extra hours I will be required to do will result in a net result of \$0, requiring both my children to be in care for an extra day (one at childcare and the other at before school care). I've not been given a choice about the extra hours and despite having to work more hours in the week in order to keep my job, the additional pressures this places on the family unit is high, the net reward is zero financially."
- Occupational Therapist, Melbourne

9 Household, Income and Labour Dynamics in Australia (HILDA) Survey, 2016, Page 17

10 Australian Institute of Health and Welfare (2015) Australia's Welfare 2015: in brief, Australia's welfare no. 12. cat. no. AUS 193, AIHW, Canberra, p. 52

11 Economics References Committee (2016) op. cit., p. 31

12 David Leyonhjelm, "Childcare: Deregulate, Don't Subsidise", accessed at: <<http://davidleyonhjelm.com.au/childcare-deregulate-dont-subsidise/>>

13 Thevenon, Olivier, "Drivers of Female Labour Force Participation in the OECD", OECD Social, Employment and Migration Working Papers No. 145 (2013), accessed at <<http://www.oecd-ilibrary.org/docserver/download/5k46cvrgnms6-en.pdf?expires=1485840144&id=id&accname=guest&checksum=F947A87503C33CA469BC933BBB57FF9F>> "Do subsidies increase the labour force participation of women in Australia?"

14 Ibid

"I had a position where I was working Monday-Friday, when I had older children and wanted to return to full-time employment near the end of maternity leave. When I did all the costings, factoring in childcare and fuel and all the rest, it was going to cost me \$5 extra a day to go to work. So I'm losing money to go to work. So from that point I had to change the way I worked, I had to do a lot of active nights. I was tired, trying to sleep during the day with a baby and work all evening. In the last few years I've had to do a lot of sleep overs, because I'm away from the rest of my family. I do early mornings and late evenings to earn money. I work all weekends, I was working Friday night, Saturday, Saturday night all day Sunday in order to pay the bills. There's no social life."

- Disability Support Worker, Melbourne

WORKERS WHO ARE CARERS EXPERIENCE DISCRIMINATION AT WORK

According to the AHRC, 36% of mothers experience discrimination on their return to work after pregnancy. Of that number, half reported discrimination when they requested flexible work arrangements, and almost a quarter reported being made redundant or restructured, dismissed, or did not have their contract renewed¹⁵.

"I've be treated differently because of my responsibilities as a mother. I've been made to feel guilty when asking for time off during school holiday, I've been denied that time for no good reason. I've put in applications, and I've been denied, and I've had to take this up to a higher manager. I can't afford childcare, because I won't earn enough in that week to warrant me putting my son into childcare. They [my workplace] need to give me the time off because they're aren't other options."

- Disability Support Worker, Melbourne

Participants in VTHC's WRAW Chats study confirmed that this is a significant issue. Participants in the survey were asked the question: "How well do your working hours fit in with your family/and or social commitment outside of work?" On a scale of 0-10 where, 0 = not at all well and 10 = very well, 38% of participants provided a ranking of 5 or below. The difficulties obtaining flexible working arrangements upon return to work following maternity leave, as documented in the AHRC report above, were confirmed by women in the discussion groups.

Women frequently reported having to take lower status roles in order to get part-time hours or being forced to move to less secure working arrangements in order to achieve the flexibility they needed to accommodate their caring responsibilities.

Further, participants reported a perceived shift in the way their organisations viewed them once they had caring responsibilities, citing less access to more complex or important work, professional development, training and mentoring opportunities and higher duties. A lack of access to these opportunities has a compound effect, as those matters are limiting future promotional opportunities.

"I was finally offered some training after I really had to push for it, but they wouldn't roll it out all at once for me, they would only do it in units. Before I began, I was asked specifically, "Are you going to have another child?" and if I was, I wasn't going to be offered training. And if I stopped my training I'd have to pay it back. I couldn't believe they asked that when they knew how difficult the first was.

And so, when I announced I was pregnant with my second child I was told I lied to my manager. And now I'm halfway through my training and I don't get to finish it. I asked if I could be involved in the team meetings and I was told "no, you're part-time." But I was responsible and experienced enough to hold the fort while the whole department went to the team meeting. It was the same with leave, if I had appointments during the week I was told I had my non-working days to do those. And I can't help it if my child has specialist appointments.

All this because I am a female, I was definitely not afforded the same opportunities as others due to me having children."

- Local Government Worker, Melbourne

15 Australian Human Rights Commission, "Supporting Working Parents: Pregnancy and Return to Work National Review – Report" (2014)

"Eight years ago I was working in a clinical role in the public health service. Eight years ago I also fell pregnant with my first child. Eight years later I continue to work in my same clinical role albeit in a part time capacity. Notwithstanding the three years of mostly unpaid leave to assume primary care giver responsibilities for my children, that still leaves five working years of nil career progression or promotion. And little prospect that will change with my current work arrangements.

Being a working parent has many challenges. Flexible work arrangements and childcare costs are the two biggest factors from my personal experience. Then there's the other 'cost', the cost to your career trajectory. The cost of working for hardly anything to have the luxury of not abandoning your job or your career completely.

- Occupational Therapist, Melbourne

PAID PARENTAL LEAVE FOR MEN AND WOMEN IS VITAL

Paid parental leave (PPL) is a key component in establishing family care arrangements and to achieving women's equality in the workforce. Whilst Australia now has a public scheme that provides women having children with paid time out of the workforce, that scheme is regularly under attack and downgraded. It is our view that the fundamentals of the scheme need to be beyond political argy bargy if we are to address women's participation in the labour market. These fundamentals include:

- Extend the period of the current Government PPL scheme to 26 weeks at the National Minimum Wage
- Legislate an obligation on employers to 'top up' the gap between the National Minimum Wage government payment and the employees' actual earnings (capped at average earning rate of \$81,947). Employers may voluntarily top up employee wages above \$81,947 per annum
- Legislate an obligation on employers to make superannuation guarantee contributions on the PPL period
- Legislate for the accrual of entitlements such as sick leave, annual leave, and long-service¹⁶.

We also need to look to changes in public policy to begin to address the entrenched gender imbalance in distribution of child rearing responsibilities. Until men take equal share of caring responsibilities, it is primarily women who will need flexible arrangements.

Sweden is an example of a country that has had success in this area. It has a parental leave scheme that provides incentives for men to take on more caring

responsibilities. Swedish fathers and partners are allocated a designated four months of paid leave, at a rate of almost replacement wage. It is worth noting that until Sweden's model was changed to provide this monetary incentive, very few men utilised the leave¹⁷. In contrast, studies conducted in the UK show that parental leave is unlikely to be used by men when it is offered at a "low rate", i.e. below replacement wage¹⁸.

"I've recently returned from maternity leave after a bit over 12 months out of the workplace ... my partner and I wanted at least 6 weeks together post birth. My partner's workplace had very generous maternity leave options so I assumed he would be able to access reasonable leave. I was so wrong! My partner could access 1 week's paid leave and 7 unpaid. He ended up combining that with some annual leave and the 2 weeks through Centrelink...

When I hear politicians go on about the importance of fathers taking on more responsibilities with parenting I see red. Of course, there are issues with the burden of care disproportionately falling on women, but we've discovered as a young family that despite our best intentions we have been forced into that situation because of the financial reality we face. Gender inequality starts with the gender pay gap and continues with lack of access to appropriate parental leave for both parents and lack of access to affordable childcare."

- Social Worker, Melbourne

16 ACTU Submission into Paid Parental Leave Scheme Review (2013), accessed at: <<http://www.actu.org.au/media/289835/ACTU%20Submission%20to%20Paid%20Parental%20Leave%20Scheme%20Review%20-%2031%20May%202013.pdf>>

17 Duvander, Ann-Zofie, "How long should parental leave be? Attitudes to Gender Equality, Family, and Work and Determinants of Women's and Men's Parental Leave in Sweden" Journal of Family Issues (2014) Vol 35, 7

18 Castellanos Serrano, Cristina., & Drabble, David, "Shared Parental Leave to Have Minimal Impact on Gender Equality" The Tavistock Institute (2014), accessed at: <<http://www.tavistock.org/news/shared-parental-leave-minimal-impact-gender-equality/>>

RECOMMENDATION 3:

Introduce public policy initiatives that encourage a more equal share of caring responsibilities between men and women. Action needs to be taken to make the transitions between working and caring seamless and without penalty for women.

VTHC therefore recommends the following action:

- Increase childcare subsidies, including for before-and-after school care, to facilitate return to work
- Adopt targeted strategies to ensure men's uptake of Paid Parental Leave (PPL) for example, portions of parental leave available only to fathers or partners on a "use it or lose it" basis
- Amendments to the Fair Work Act (Cth) to require employers to accept requests for flexible work arrangements on return to work following parental leave
- Amendments to equal opportunity legislation to provide a positive duty on employers to accommodate the needs of workers who are pregnant or have family responsibilities
- Implementation of workforce development strategies to help employers more effectively plan for, and integrate, the caring responsibilities of their employees into their operations, with particular assistance given to small or medium sized businesses
- Introduction of penalties where employers fail to address discrimination and gender inequalities in their workplace related to worker's caring responsibilities
- Change the Commonwealth PPL scheme to increase the amount of paid leave to 26 weeks and to include superannuation on payments
- Include provisions to ensure equal access to PPL for casual workers

"There was no flexibility [at work]. If I was running late, I'd have to make it up. They kept tabs on me, whereas others could arrive whenever they wanted. Sometimes, with kids, I can't help it, it's an unrealistic time to come in – with drop off times and work starting. I always had to produce certificates immediately, it was not the same, there was no understanding. During my pregnancy, no one asked how I was going. I had an appointment and I brought a letter back to say where I had been. It wasn't written on a letter head but signed by a mid-wife. I presented it to the manager and they said, "That's not good enough, it needs to be on a letterhead", when I was clearly pregnant; however a fellow male colleague was afforded flexibility and leniency to tend to his personal matters at home without need for certificates.

I asked to move department. It took a few years and I didn't think it would happen. I was in a small team, and I was bullied and harassed quite horrendously. I was reminded that someone else had three children and they could get out the door on time.

- Local Government Worker, Melbourne

5. GENDER REMUNERATION INEQUITY

Women's position in the labour market contributes significantly to the gender remuneration inequity experienced by Australian working women. The Workplace Gender Equality Agency (WGEA) defines the gender pay gap as the difference between women's and men's average weekly full-time equivalent earnings, expressed as a percentage of men's earnings¹⁹.

The national gender pay gap as of March 2016, was 17.3%, and the Victorian gender pay gap was 14%.

The Australian Institute of Health and Welfare reports that nearly two thirds (65%) of primary carers aged 25–64 found it hard to meet everyday living costs because of their caring role²⁰.

Interim results from our WRAW Chats study show:

- 71% of participants indicated that they were worried about their current financial situations or their financial future
- 58% of participants did not feel confident that they would have enough savings or superannuation on

retirement. A further 28% indicated that they did not know if they would have enough for the future

- 45% of participants indicated that they either didn't think they were paid fairly or did not know if they were paid fairly
- 38% of participants did not know what others were getting paid in their workplace
- Over a quarter of participants indicated that they currently had difficulty meeting household costs such as insurance, power, utilities and petrol. 19% had difficulties meeting the costs of groceries and rent, and 15% the costs of mortgage.

"In order to fulfil family and caring responsibilities, I work part time (30+ hours per week), but this will affect my superannuation. Also, as a part-time worker, I find I still have to work on my day off at times, which, as it is a managerial position, is unpaid."
Manager (higher education), Geelong

NO MORE MORNING TEAS

We know about the existence of gender remuneration inequity for all Australian working women and yet those in positions of authority act with surprise and disappointment when annual statistics are published that again highlight this fact. Morning teas on Equal Pay Day, which in effect celebrate remuneration inequality, are highly insulting for working women. What working women need is concerted action to address what we all know is the reality – from pocket money through to CEOs or chairpersons of boards women are paid less because they are women.

There are very few mechanisms that call organisations to account for their role in continuing to perpetuate (wittingly or unwittingly) gender remuneration inequity. WGEA does a good job with the limited resources and powers that it has at its disposal; however, it can do little more than report the problem.

Our system currently requires unions to take equal remuneration claims before the Fair Work Commission, a system that is ineffective for this purpose, or requires individuals to lodge claims founded on discrimination.

"[My workplace] is male dominated with the directors and the managers. We have one female director now, but men are predominantly in the higher management positions. Women are on the lower band positions. There are women in my workplace that would like to be senior, and they leave because of lack of opportunity. Talented women have left and gone elsewhere. It's very frustrating when male colleagues or management are attending training opportunities not afforded to part-timers or lower banded workers. Particularly when you have been a loyal employee for a longer length of time.

I've definitely been treated unfairly because of my gender and age. It's passively done; you're not offered the same opportunities. There was a male in the team, I was more experienced and he got the offer of training and not me. I've

¹⁹ WGEA, Gender Pay Gap Statistics: March 2016, (2016) accessed at: <https://www.wgea.gov.au/sites/default/files/Gender_Pay_Gap_Factsheet.pdf>

²⁰ Australian Institute of Health and Welfare, Australia's Welfare 2015, (2015), accessed at <<http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129552261>>

said it would be great to have the same opportunities and expressed my interest in further training and development and they come back and say it's not in the budget. But it's in the budget for the blokes. I lost motivation, I was a bit disgruntled. I thought I'd give it another go

next year but it never seems to happen. I was very much devalued at work, and I was constantly reminded I was only part-time.

- *Local Government Worker, Melbourne*

NATIONAL ACTION PLAN TO ELIMINATE GENDER INEQUALITY

Rather than forcing individual workers to take action to rectify their own situation, we recommend addressing these structural issues through a National Action Plan to eliminate gender remuneration inequity. This is happening internationally already. In 2016 the New Zealand government, following concerted community pressure arising from an equal remuneration case for women residential aged care workers, entered into tri-partite discussions with New Zealand unions and business that has resulted in an agreed set of remuneration equity principles and mechanism for

progressing equal remuneration matters in female dominated occupations or industries across the New Zealand economy²¹.

Rather than to continue to have fruitless public debates over how best to measure the gender remuneration gap, there needs to be acceptance, particularly from those who define public policy initiatives, that it exists at all levels within the labour market.

RECOMMENDATION 4:

Adopt a comprehensive National Action Plan to Achieve Gender Remuneration Equity, which targets the labour market at all levels. This plan must accept, and be built on the knowledge that, gender inequity exists and that it has led to remuneration inequality for all women.

The plan should include:

- Education and awareness raising for both boys and girls regarding gender and remuneration inequity
- Organisations examining conscious and unconscious bias in recruitment practices. We know for example that female graduates earn less than male graduates with the same qualifications and experience on recruitment²²
- Organisations auditing themselves on a set of objective key measurements, standards and factors that are associated with achieving gender equity and in particular gender remuneration equity
- Strategies and supports designed to attract and retain women into non-traditional roles including trades
- Affirmative action plans for women's advancement into managerial and promotional positions
- Affirmative action plans for those who take time away or who have caring responsibilities to have access to training and learning opportunities that support advancement
- Quotas and targets for women on boards and throughout decision making structures
- Auditing and the publication by organisations and government of remuneration data by gender.

GOVERNMENT CAN MAKE A REAL DIFFERENCE

All government, including local government, departments, authorities, agencies and private sector

employers must take ownership over addressing the problem of gender remuneration inequity.

²¹Joint Working Group on Pay Equity Principles, Recommendations, June 2016 <<http://www.ssc.govt.nz/pay-equity-working-group>>

²²Graduate Careers Australia, Grad Stats: Employment and Salary Outcomes of Recent Higher Education Graduates, December 2015

RECOMMENDATION 5:

Introduce mandatory gender remuneration audits for all workplaces. All government departments, local government, government contractors and large

organisations must be required to perform and publish the results of gender remuneration audits.

The government should advance a National Action Plan to Achieve Gender Remuneration Equity by using its purchasing power. There are numerous state/territory and federal government precedents, along with international examples where government procurement has been directed to social policy objectives.

In Canada, provincially regulated employers, with 100 or more employees bidding on federal contracts worth \$1 million or more must certify that they will implement employment equity measures. These incorporate four requirements. The first is to collect workforce information, similar to a gender remuneration audit, and then complete a workforce analysis comparing internal

workforce representation, with externally available estimates to identify gaps in the representation of designated groups. Thirdly, employers must establish short term and long term numerical goals, which they must make reasonable progress and reasonable efforts towards achieving. Compliance assessments are conducted to ensure all requirements are being met. If found non-compliant the contractor cannot bid on federal government goods and services contract, and may result in termination of the contract²³. This has helped change Canada's position in OECD pay gap rankings. They have moved from being roughly 5% above the OECD average in 2006, to 3% above the average today²⁴.

RECOMMENDATION 6:

Adopt procurement standards that require those tendering to provide goods or services to government, including those who receive government funding, to

have a remuneration equity plan and to demonstrate implementation of that plan if they are to receive contracts and/or funding.

Workers in heavily female dominated industries, such as the caring and disability sector, are paid low wages because this work is associated with "women's qualities" and is therefore undervalued. For example, the early childhood sector is 97% female, and yet they are paid

one third less than primary educators. Many of these workers earn less than \$45,000 per year, even though more than 80% have a formal qualification²⁵.

THE FAIR WORK COMMISSION IS CURRENTLY A BARRIER TO GENDER REMUNERATION EQUITY

Even when attempting to address unequal remuneration, the current provisions of the Fair Work Act (Cth) have been found to have limited efficacy given their adversarial nature, complexity and lengthy time

delays, according to the Senate Economics References Committee²⁶. The current application by United Voice and other unions before the Fair Work Commission for early childhood educators is an example of this²⁷.

RECOMMENDATION 7:

Federal, state and territory government support sector specific initiatives to address gender remuneration

inequity in particularly vulnerable workforces for example, in care/ support work.

23 Federal Contractors Program, accessed at < <https://www.canada.ca/en/employment-social-development/programs/employment-equity/federal-contractor-program.html> >

24 <https://www.oecd.org/gender/data/genderwagegap.htm>

25 <http://www.smh.com.au/nsw/childcare-workers-hit-the-streets-to-campaign-on-pay-20160226-gn4py4.html>

26 Senate Economics References Committee, "A Husband is Not a Retirement Plan: Achieving Economic Security for Women in Retirement" (2016)

27 "Fair Pay for Early Childhood Educators? The Only Question is When", United Voice media release, accessed at < www.unitedvoice.org.au/press-releases/fair-pay-early-childhood-educators-the-only-question-when >

RECOMMENDATION 8:

Amend the Fair Work Act to require that the Fair Work Commission (FWC) adopt a set of principles for pursuing remuneration equity claims and make amendments to more effectively progress remuneration equity claims.

In addition, make funds available to unions to pursue remuneration equity claims (in the public interest) before the FWC as per past initiatives of the Queensland government.

GENDER SUPERANNUATION INEQUALITY REQUIRES ACTION

Part of addressing women's remuneration inequity requires addressing the gender gaps in our superannuation system. Our approach to superannuation is one that is modelled on the male bread winner. It does not take account of women's position in the labour market nor women's engagement with caring responsibilities. Substantial change is required in order to address the inherent gender bias in our system.

According to Industry Super Australia, the superannuation gender gap for women upon retirement is 47%, while 29% of women over 65 are living below the poverty line²⁸. The Association of Super Funds of Australia states that, on average, an Australian woman will retire with almost half of the superannuation savings of a man²⁹. This is attributable to a number of factors.

A significant reason behind lower superannuation rates for women is the loss of retirement savings that comes with time taken away from the workforce to care for children. Other factors include women earning less than men on a full time equivalent basis. However, given the wage gap in Australia is calculated to be at between 13-17%, this earning differential does not account for the approximate 50% less super women retire with compared to men³⁰.

Unions have long advocated the removal of the requirement for an employee to earn \$450 per calendar month before they are entitled to superannuation payments. Women are disproportionately affected by this measure, due to their overrepresentation in casual and part-time work.

Again, however, removing this minimum requirement alone will not go far enough to correct the gender disparity in retirement savings. A report published by Women in Super states that gender wage inequality in combination with time out of the workforce or in part time work to raise

children are the main culprits for the gender disparity in retirement savings³¹.

This is a sentiment also strongly felt by participants of our WRAW Chats study:

"I am very worried that I won't have enough superannuation, and that the pension will not exist when I retire. I am single and I rent. I am worried that soon I will not be able to afford to live in the area I want due to increasing costs in rent."

- *Social and Community Services Worker, Newcastle*

"In order to fulfil family and caring responsibilities, I work part time (30+ hrs pw), but this will affect my superannuation"

- *Manager (Higher Education), Melbourne*

"(I don't have) enough super... to retire on, because I have had child rearing (responsibilities) and been out of workforce several times over my career"

- *Technology Coordinator, Broadmeadows*

"The years in the workplace when I worked part time or not at all, due to children, has left me with little superannuation and financial stability for my retirement"

- *Lawyer, Lismore*

Numerous public inquiries have identified the gender issues with respect to superannuation and have proposed action here³².

RECOMMENDATION 9:

Action needs to be taken on the disparity between men and women's superannuation. As a first step, VTHC recommends changes to the Commonwealth Paid

Parental Leave scheme to include superannuation during paid parental leave.

28 Women in Super, "Women's Super Summit 2016" (2016)

29 Women and Super, accessed at: <<https://www.australiansuper.com/superannuation/women-and-super.aspx>>

30 Australian Human Rights Commission, "The Gender Gap in Retirement Savings", accessed at: <<https://www.humanrights.gov.au/publications/gender-gap-retirement-savings>>

31 Women in Super, "Women's Super Summit 2016" (2016)

32 See Senate Economics References Committee, "A Husband is Not a Retirement Plan: Achieving Economic Security for Women in Retirement" (2016)

6. INSECURE WORK DISPROPORTIONATELY AFFECTS WOMEN

Insecure work is a gender equality issue as most of those employed insecurely are women. In female dominated industries, insecure work is more prevalent. The nature of work in Australia has changed dramatically in recent decades with one of the biggest changes being the growth of part-time work. In 2014, 25% of Australians aged 25–64 worked part-time, compared with 21% in 1992³³. The majority of these part-time jobs are characterised by temporary, non-permanent contracts. Whilst part-time work has grown for both men and women, women work part-time at three times the rate of men³⁴.

Given that women in Australia continue to bear responsibility for the majority of unpaid domestic and caring work, a lack of flexible working arrangements for women with caring responsibilities forces many women into insecure and precarious work. While flexible working arrangements affects both men and women, women continue to be far more likely to take extended leave to fulfil caring responsibilities³⁵.

The number of women who are employed casually is 25.5%. Unsurprisingly, it is the female dominated industries that predominately employ insecure workers such as the healthcare and social services, and retail sectors. As a result, over a quarter of women workers do not have access to paid leave entitlements or secure working arrangements compared to one fifth of men, exacerbating gender remuneration inequality³⁶.

Part-time and casual jobs are generally not managerial positions and a breakdown of part-time managers by gender highlights the lack of part-time management positions³⁷, and that men are more likely to hold managerial positions. Insecure work creates a labour market which is not only segregated between secure and insecure workers, but also entrenches gender segregation between men and women³⁸.

Insecure and precarious work is linked to not only lower earnings but also poorer employment prospects and advancement opportunities including opportunities

for skill development³⁹. The lack of meaningful flexible working arrangements in permanent employment, and in particular, difficulty accessing part-time or flexible hours on return to work after parental leave⁴⁰, forces many women into insecure and precarious casual work.

Women in insecure work do not receive the same paid entitlements as full-time workers. They also often miss out on regular superannuation benefits and opportunities for advancement which perpetuates gender remuneration inequity.

As a result of the economic disadvantages associated with insecure and precarious work women are experiencing financial and housing stress at increasingly high rates. The Australian Institute of Health and Welfare reports that nearly two-thirds (65%) of primary carers aged 25–64 found it hard to meet everyday living costs because of their caring role.⁴¹ For older women a life time of insecure work can result in living in poverty and an increased risk of housing stress and homelessness in later life⁴².

Insecure work is both driven by, and entrenches, the male bread winner model. The normative 'one and a half earner' model that sees fathers working full-time while women work part time hours is deeply entrenched in Australia⁴³. This norm together with the prevailing social attitude that views women as primarily responsible for the majority of reproductive labour, perpetuates women's income and employment insecurity by creating a set of conditions which push women into insecure and precarious work.

Another key factor in the feminisation of insecure work is the workplace discrimination experienced by many women returning to work after a period of parental leave. This matter has been addressed earlier in this submission. This discrimination is one of the underlying causes of the overrepresentation of women in part-time, casual and therefore insecure work.

Emphasis needs to be given to mechanisms aimed at breaking the current nexus between family/caring responsibilities and insecure work.

33 Australian Institute of Health and Welfare, 2015 "Australia's Welfare 2015 – in brief, Australia's welfare no. 12. Cat. No. AUS 193. AIHW, Canberra, p. 26

34 WGEA, 2015. Australia's Gender Equity Scorecard: key findings from the Workplace Gender Equity Agency's 2014-15 reporting data November 2015. WGEA. Sydney, p. 3

35 Independent Inquiry into Insecure Work in Australia, 2012. Lives on Hold: Unlocking the Potential of Australia's Workforce. Independent Inquiry into Insecure Work In Australia, Melbourne. P. 21

36 Ibid. p. 21

37 WGEA, 2015. Australia's Gender Equity Scorecard: key findings from the Workplace Gender Equity Agency's 2014-15 reporting data November 2015. WGEA. Sydney, p.

38 Independent Inquiry into Insecure Work in Australia, 2012. Lives on Hold: Unlocking the Potential of Australia's Workforce. Independent Inquiry into Insecure Work In Australia, Melbourne. P. 21

39 Pocock B. and Charlesworth S. 2015. 'Job Quality and Work Life: Unsocial Working Hours, Casual Work and Work-Life Outcomes in Australia', in A. Knox and C. Warhurst (eds.), Job Quality in Australia: Perspectives, Problems and Proposals. Federation Press, Sydney, pp 1-23, p. 2

40 Australian Human Rights Commission, 2014, Supporting Working Parents: Pregnancy and Return to Work National Review – Report, AHRC, Sydney, p. 29

41 Australian Institute of Health and Welfare, 2015 "Australia's Welfare 2015 – in brief, Australia's welfare no. 12. Cat. No. AUS 193. AIHW, Canberra, p. 52

42 Equality Rights Alliance 2015, Fact Sheet 2: Ageing Women & Housing, fact sheet, accessed at <http://equalityrightsalliance.org.au/sites/equalityrightsalliance.org.au/files/images/final_housing_fact_sheet_2.pdf>

43 Independent Inquiry into Insecure Work in Australia, 2012. Lives on Hold: Unlocking the Potential of Australia's Workforce. Independent Inquiry into Insecure Work In Australia, Melbourne. P. 43

RECOMMENDATION 10:

Amend the Fair Work Act to ensure those with family/caring responsibilities have a right to flexible working

hours, and provide support for applications before the Fair Work Commission.

RECOMMENDATION 11:

Our workplace laws need to be reframed to provide for decent work and dignity for all.

Changes should include:

- Ensuring universal access to minimum work related entitlements for all workers including those in non-standard forms of engagement.

- Reframing workplace laws to ensure they cover the field of work and are not related to the establishment of an employment relationship including regulating contractors and labour hire scenarios.

- Providing a tighter definition of genuine casual work and give the workplace tribunal greater powers to manage disputes affecting those engaged in 'non-standard' forms of work.

RECOMMENDATION 12:

Fund initiatives by peak union bodies and employer groups designed to support the adoption of employment practices for quality part-time work at federal, state and

territory governments levels, and a move away from casual work arrangements for workers with family/caring responsibilities.

RECOMMENDATION 13:

Frame any reports and recommendations arising from this Inquiry by an understanding that insecure work is a gender equality issue and that therefore any

recommendations or proposals must acknowledge and incorporate a gender dimension.

RECOMMENDATION 14:

Consider the use of the ILO's Unacceptable Forms of Work (UFW) framework⁴⁴, which acknowledges the vulnerability of women in the labour market and offers

a multi-dimensional approach to resolving issues associated with insecurity.

⁴⁴ McCann D. and Fudge J. 2015, Unacceptable Forms of Work: A Global and Comparative Study, International Labour Office, Geneva

7. CONCLUSION

VTHC strongly believes that progress on addressing gender segregation has stagnated.

While these issues are complex, the core premise remains today that women's work is less valued than men's. Action on gender segregation is long overdue. Clearly, female workers deserve the same remuneration and access to employment entitlements and opportunities as their male counterparts. VTHC calls on the government to remove structural barriers that entrench segregation and take action to overcome gender inequity at work now.



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