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The centring of gender equality in the Bill is important. Academic research shows that despite women's world-leading educational attainment, Australia has a significant gender pay gap of 14% in full time work, women are more likely to work in precarious jobs and to have other markers of low job quality (like poor career progression, poor working time regulation and low levels of voice and influence see Cooper et al 2021; Foley and Cooper 2021). Regulation can make a significant difference in the experience of work for women, especially for the low paid (see Baird, Cooper Ellem 2009). This is urgent work.

- **Strengthening the 'right to request' flexible working arrangements is welcome and needed.** The research evidence suggests that there has been a significant undersupply of 'good flexibility', where workers have some control and choice in the type of flexibility they access at work. Informality and poor information flow has characterised practice to date (Cooper and Baird 2015). Having better guardrails (such as the need for employer to discuss the decision with the employee, setting out reasons for decision, genuinely trying to reach and agreement, right to appeal decision) should make for a better process and access to 'good flexibility'. I note that refusal on 'reasonable business grounds' is allowed, and that this is very broad and open to interpretation.
- **The introduction of the 'supported bargaining' multi-employer bargaining stream is welcome and needed.** Previous mechanisms in the *Fair Work Act* have been ineffective in opening collective bargaining up for low-paid feminised sectors. Indeed, the Low Paid Bargaining Stream which was designed to assist presented hurdles to access that made it unworkable and inaccessible for feminised sectors (see Cooper 2014). Multi-employer bargaining may allow standards across key sectors like aged care, ECEC and disability support to be lifted. The capacity for the Commission to bring funders / head contractors to the bargaining discussions may be potentially fruitful. I hope that this stream allows low paid women in feminised sectors to increase their wages and the quality of their jobs
- **Making gender pay equity / equality and Objective of the Act is welcome and needed** and linking this explicitly to the work of the commission should have an impact on the work of this institution. Key matters such as modern award reviews and minimum wage decisions have a keen impact on working women. I note that the Commission undertakes several other functions (like enterprise bargaining approval) would it not make sense to note that the objective applies to all the work of the institution?
- **Making changes to the operation of equal remuneration applications / orders is welcome and needed.** The inclusion of the concept of 'undervaluation' is significant and

noting that it is not necessary to compare to an 'historically male dominated occupation or industry' will help avoid some barriers to success in earlier equal remuneration applications.

- **Building the capability of the FWC through expert panels is welcome and needed.** Dealing with matters related to the undervaluation and low pay of feminised labour is extremely complex and building and supplementing the work and expertise of the Commission is warranted. I note that the Bill proposes that the Expert Panels (Care and Community Services and Equal Remuneration) would comprise a Presidential Member, expert Members and other Members as needed. Given the scale of the challenges that need to be dealt with by the Panels and the complexity of the work, would it be worth considering supplementing the work of Members with highly qualified part-time appointments with specific expertise in care and community services and or equal remuneration as a matter of course.

References

Baird, M., Cooper, R., Ellem, B. (2009). Low-paid women: the impact of regulatory change in Australia. *Industrial Relations Journal*, 40(5), 393-407.

Cooper, R. (2014). Low-paid Care Work, Bargaining, and Employee Voice in Australia. In Alan Bogg, Tonia Novitz (Eds.), *Voices at Work: Continuity and Change in the Common Law World*, (pp. 55-66). Oxford: Oxford University Press.

Cooper, R., Baird, M. (2015). Bringing the 'right to request' flexible working arrangements to life: From policies to practices. *Employee Relations: the international journal*, 37(5), 568-581.

Cooper, R., Mosseri, S., Vromen, A., Baird, M., Hill, E., Probyn, E. (2021). Gender Matters: A Multilevel Analysis of Gender and Voice at Work. *British Journal of Management*, 32(3), 725-743.

Foley, M., Cooper, R. (2021). Workplace gender equality in the post-pandemic era: Where to next? *Journal of Industrial Relations*, 63(4), 463-476.