



## **AEU Submission to the Workplace Gender Equality Amendment (Closing the Gender Pay Gap) Bill 2023**

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**Correna Haythorpe**  
Federal President

**Kevin Bates**  
Federal Secretary

**Australian Education Union**  
Ground Floor, 120 Clarendon Street  
Southbank Vic 3006  
PO Box 1158  
South Melbourne Vic 3205

Telephone: +61 (0)3 9693 1800  
Facsimile: +61 (0)3 9693 1805  
Web: [www.aeufederal.org.au](http://www.aeufederal.org.au)  
E-mail: [aeu@aeufederal.org.au](mailto:aeu@aeufederal.org.au)

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### **Introduction**

The Australian Education Union (“AEU”) makes this submission on behalf of its 195,000 members employed in public early childhood centres; schools; vocational, technical and further education and training providers, as teachers, educational leaders, education assistants or support staff across Australia.

The AEU welcomes the opportunity to make a submission on the *Workplace Gender Equality Amendment (Closing the Gender Pay Gap) Bill 2023 (the Bill)* to the Senate Finance and Public Administration Committees. The AEU has had the benefit of reviewing the Australian Council of Trade Unions’ draft submission to the Bill; the AEU supports the ACTU submission and its recommendations. The AEU submission provides feedback as requested, specifically focussing on the impact for educators employed in public education institutions.

Education is a highly feminised sector. Yet, women working in education typically earn less than the men employed in education, have less job security, and retire with less<sup>1</sup>.

The AEU supports the intentions of the Bill to close the gender pay gap and reflects election commitments by the Australian Labor Party to do so. It is an important first step, however, it is only the first step. Coverage must be expanded to include State and Territory Public Sector Agencies, as employers of significant number of women in public education. This is essential to having a truly comprehensive data set on pay equity across all sectors and occupations, and will contribute to the understanding of gender equity at work more broadly.

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<sup>1</sup> Workplace Gender Equality Agency Data Scorecard 2021-22, <https://www.wgea.gov.au/data-statistics/data-explorer>

### **The Role of State and Territory Public Sector Agencies as Employers**

The education and training sector is highly feminised, with over 75% employees being women<sup>2</sup>. As such, the education workforce is not immune to the impacts of gendered assumptions and discrimination that is experienced and amplified within feminised industries. This extends to, but is not exclusive to, the gender pay gap, levels of insecure employment through rolling fixed term contracts, access to promotion positions, and the superannuation gap.

Furthermore, it is a workforce that is predominantly employed by state and territory governments. There are 6,692 public schools in Australia that educate 2.62 million students, and of the total 281,000 public school staff, 215, 586 (76.7%) are women.<sup>3</sup>

As is, the Bill will not cover state and territory public sector agencies as employers. These governments are the largest employers of education employees in Australia, and thus it is important to report their gender pay gap to drive action necessary to close the gender pay gap in education. The continued exclusion of state and territory public sector agencies is a barrier to the proper analysis of the gender pay gap in education.

State and territory public sector agencies are large and well-resourced employers. They are accustomed to data collection and public reporting processes, with established structures and human resources systems to do so. Requirements to report and comply data in line with the Bill would represent no additional regulatory burden.

To continue to exclude women employed in a government early childhood setting, school, or TAFE from this reporting is deeply flawed policy. It is the AEU's view that State and territory public sector agencies must be accountable to a suitable and transparent reporting mechanism so that workforce data is publicly available.

### **Intersectional Data Gaps**

The Workplace Gender Equality Agency does not currently collect aggregate data for intersecting diversity, specifically Aboriginal and Torres Strait Islander background, culturally and linguistically diverse, disability, LGBTIQ+ status. Based on international statistics, and the well-recognised impact of intersectionality on compounding discrimination, it can be assumed the gender pay gap is worse for groups of women from diverse backgrounds<sup>4</sup>.

The data set currently collected by WGEA also does not include key diversity and inclusion criteria. If WGEA expanded its data set, it would be possible to better understand the differential impact of gender inequality on different groups, including those that experience multiple and compounding forms of discrimination, such as Aboriginal and Torres Strait Islander women.

It is important to collect aggregated data on intersecting forms of data, however provision of this data to employers must only occur on a voluntary basis by employees.

### **Educators are workers, and most are women**

The overwhelming majority of employees in education are women. Whilst men and male students make up 50 and 51% of the population, women are 78% of the teaching workforce in schools and early childhood services. This varies across the learner levels, from 67% in secondary schools, through to 84% of primary teachers, and the gender disparity is greatest in early childhood services with women making up 99% of the workforce. In contrast, 31% of educational leaders are men.

<sup>2</sup> <https://www.aitsl.edu.au/research/australian-teacher-workforce-data/atwdreports>

<sup>3</sup> <https://www.acara.edu.au/reporting/national-report-on-schooling-in-australia/national-report-on-schooling-in-australia-data-portal/staff-numbers#view1>

<sup>4</sup> <https://womensagenda.com.au/latest/a-lack-of-intersectional-data-hides-the-real-gender-pay-gap/>

The most recent Australian Teacher Workforce Data National Teacher Workforce Characteristics Report released in December 2021 demonstrates the gendered rates of insecure employment in education, the disparity in career breaks to accommodate caring responsibilities, and the gendered promotion discrimination. Extracts from this report that demonstrate the existence and impact of a gender pay gap in school staff are included below.<sup>5</sup>

**Time to and in Leadership by gender**

School leaders who were men were promoted to their positions in fewer years after they commenced teaching than school leaders who were women. This was the case in each type of main leadership position, ranging from 1.5 (deputy position) to 2.7 years earlier (principal position).

Men were overrepresented as leaders (31%) relative to the proportion of men among classroom teachers (21%).

Among principals, men reached the role an average of 2.7 years sooner than women (Table 9-3). Due to the similar career lengths of men (29.4 years) and women (30.2 years), the average number of years' experience as a principal is 1.9 years lower among women.

**Table 9-3: Principal career timelines, by gender**<sup>113</sup>

	Women	Men	Overall
<b>n =</b>	<b>239</b>	<b>126</b>	<b>367</b>
Years since commencing teaching	30.2	29.4	29.9
Years before becoming a principal	21.7	19.0	20.8
Years as a principal	8.5	10.4	9.1

Men who were deputy principals reached the role an average of 1.5 years before women. Due to men (23.3 years) and women (23.6 years) having the same career lengths, the average number of years' experience as a deputy principal is 1.2 years lower among women.

**Table 9-4: Deputy principal career timelines, by gender**

	Women	Men	Overall
<b>n =</b>	<b>605</b>	<b>216</b>	<b>821</b>
Years since commencing teaching	23.6	23.3	23.5
Years before becoming a deputy principal	16.5	15.0	16.1
Years as a deputy principal	7.1	8.3	7.4

Men who were other leaders reached the role an average of 1.9 years before women. While men (20.9 years) and women (22.4 years) had slightly different career lengths, the number of years' experience as another leader is similar among men (11.1 years) and women (10.6 years)

<sup>5</sup> <https://www.aitsl.edu.au/research/australian-teacher-workforce-data/atwdreports>

Table 9-5: Other school leader career timelines, by gender

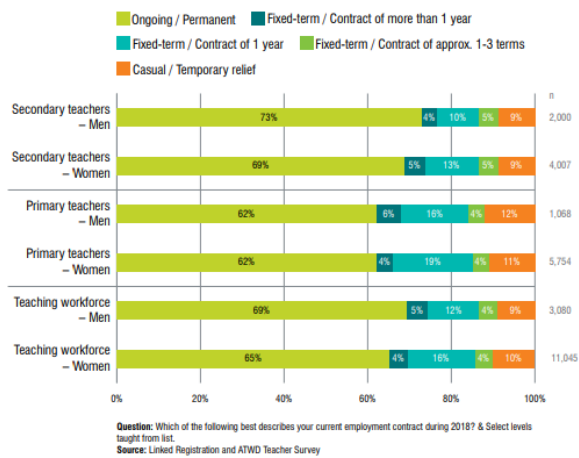
	Women	Men	Overall
n =	469	230	699
Years since commencing teaching	22.4	20.9	21.9
Years before becoming an other leader	11.7	9.8	11.1
Years as an other leader	10.6	11.1	10.8

**Contractual arrangements**

Women who taught at the primary level were slightly more likely to indicate holding contracts of one year or less (23%) compared to primary teachers who were men (20%). Among secondary teachers, 73% of men held a permanent role, compared to 69% of women. At the primary level, however, men and women were equally likely to hold permanent roles (62% men; 62% women). Also at the primary level, women were slightly more likely to be employed on a fixed-term contract of one year (16% men; 19% women) but slightly less likely to be employed on a fixed-term contract of more than one year (6% men; 4% women) (Figure 5-7). Women who were aged 49 years or younger were more likely to hold contracts of one year compared with men in those age groups (13%, compared with 10% overall)

In early childhood education, teachers tend to be more precariously employed than in schools. For example, in South Australia, whereas 81% of teachers in schools are employed in secure work arrangements, only 66% of preschool and children’s services teachers have secure work.<sup>6</sup>

Figure 5-7: Employment contract types, teaching workforce, by gender and learning levels taught



<sup>6</sup> Department of Education, ‘Workforce Profile Issue 10 – June 2020’, p 4, accessible [here](#).

### ***Casual Relief Teachers (CRT)***

Across all CRTs, women were considerably more likely than men to indicate that the reason they had a CRT role was because of personal circumstances (34% women; 19% men).

Women teaching at secondary level were slightly more likely than men to indicate that the reason they had a CRT role was because they were unable to secure either a permanent position or contract (37% women; 32% men).

At the primary levels, however, women and men were equally likely to be working as a CRT because they were unable to secure a contract or permanent position (38% women; 38% men).

### ***Employment gaps***

Around half of the teaching workforce (51%) reported an employment gap of at least one term over their career. Women were more likely to have a gap in their employment over the course of their careers than were men, and the duration of the gap taken was longer.

More than half (55%) of all women reported an employment gap, compared to one-third (36%) of men.

Among teachers who reported an employment gap, 38% of men reported that the gap lasted for only one or two school terms, compared with 25% of women, and two thirds (67%) of women had taken a year or more away from the teaching workforce, compared to 55% of men.

### **Actionable Recommendations**

The AEU supports the actionable recommendations in the Australian Council of Trade Unions submission (attachment 1), and the fundamental need to:

- Extend reporting obligations on all gender equality indicators and compliance with the gender equality standards to all employers regardless of size, including Labour Hire companies and all State, Territory and Local Government public sector agencies.

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## Attachment 1

### Summary of ACTU Recommendations

Recommendation 1: Require employers to report both base salary and total remuneration packages (including cash and non-salary benefits) of all employees and positions, including CEOs and partners.

Recommendation 2: Develop a set of outcomes-based gender equality standards in the Legislative Instruments which set clear and objective numerical minimum benchmarks against which to measure progress towards gender equality year on year.

Recommendation 3: Consistent with Recommendation 3.2a of the Review, the 2013 Legislative Instrument should be amended to require relevant employers to report the data employers share with their employees, shareholders, and/or members the gender equality reports that the employers provided to WGEA.

Recommendation 4: Require employers to provide workers and their unions with a copy of their reports to WGEA, as well as notification of lodgement.

Recommendation 5: Require reporting on a set date every year to improve compliance and comparability of data.

Recommendation 6: Hostile workplace environments should be added as a gender equality indicator to both the WGE Act and the 2013 Legislative Instrument.

Recommendation 7: Existing Gender Equality Indicator 6 should be broadened out to include other work and safety related barriers to women's workforce participation, in addition to sexual harassment, harassment on the ground of sex, and discrimination.

Recommendation 8: Extend reporting obligations on all gender equality indicators and compliance with the gender equality standards to all employers regardless of size, including Labour Hire companies and all State, Territory and Local Government public sector agencies.

Recommendation 9: Make changes to data collection that allow for accurate measurement of the impact of insecure work on the gender pay gap and gender inequity, including requiring employers to report on the actual earnings and hours of part-time and casual employees, rather than full-time equivalent annual earnings (see also WGEA Recommendation 15).

Recommendation 10: Require employers to provide additional data on:

- a) Access to employer-funded paid parental leave for primary carers and secondary carers and the eligibility period for access, disaggregated by gender, employment status, and manager/non-manager category (see also WGEA Recommendation 16).
- b) What superannuation benefits are paid, including whether superannuation is paid on parental leave (see also WGEA Recommendation 17).
- c) Terminations and redundancies by gender, employment status and manager/non-manager category (see also WGEA Recommendations 9 and 10).
- d) Gender and intersecting forms of diversity, namely: primary work location, Aboriginal and/or Torres Strait Islander background, cultural background, disability, and LGBTIQ+ status, but only where this is provided on a completely voluntary basis by employees (see also WGEA Recommendation 22).

Recommendation 11:

- a) Require employers to consult with workers (and specifically women workers) and their unions on measures to improve gender equality; and to report on the action taken as a result of such consultation (see also WGEA Recommendation 19).

- b) Apply penalties to organisations who fail to comply with their obligations under the Act, including failure to report adequately and/or on time and meet new outcomes-based gender equality standards.
- c) Empower an appropriately qualified body or bodies to conduct detailed remuneration and gender equality audits where needed to monitor actual year on year progress towards gender equality.
- d) Conduct a thorough review of the Workplace Gender Equality Procurement Principles to ensure they are effective in driving improvements in gender equity (see also WGEA Recommendation 30).
- e) Fund WGEA adequately to carry out all of its functions.