

Centre for Work + Life

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Ms Sharryn Jackson, MP,
Chair, Standing Committee on Employment and Workplace Relations
House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600
AUSTRALIA

24 November 2008

Dear Ms Jackson,

RE: Inquiry into pay equity and associated issues related to increasing female participation in the workforce.

Please find enclosed two reports on research pertinent to the terms of reference of the Inquiry into pay equity and associated issues related to increasing women's workforce participation. The reports set out the findings of six matching qualitative studies of the impact of *Work Choices* on women workers in particular, with a focus on those employed in low-pay sectors and reliant on minimum conditions as contained in awards.

The studies were conducted by academic researchers from universities across the five mainland states and the ACT. The report *Not fair, No choice* (Elton and Pocock 2007) contains the findings of the South Australian study, which was conducted by the Centre for Work + Life at the University of South Australia. Findings of the six studies were integrated by the Centre into the national report, *Women and WorkChoices* (Elton et. al. 2007).

The studies show the detrimental impact of the removal or minimisation of legal protections regarding pay, working conditions and job security on pay equity and the workforce participation of these workers. They point to a broad and detailed legal underpinning of employment rights and entitlements being essential for participation and equity.

The vulnerability of the women participants in these studies arose primarily from their restricted options arising from a need to juggle work and caring responsibilities; employment in small workplaces; historical reliance on award provisions and legal minimum wages and conditions; part-time, casual and contract employment; job insecurity; lack of access to information; and lack of union access and representation. These women had little bargaining power with which to pursue workplace agreements or individual contracts that met their needs.

The limited capacity of study participants to bargain at the workplace was further undermined under *Work Choices* by the removal of remedies for unfair dismissal and the creation of a severely restricted bargaining floor. A lack of protection against unfair dismissal effectively silenced their voice at work. It discouraged them from pursuing matters that they required for greater equity and from speaking out against detrimental employer proposals. Changes to their wages and conditions

were overwhelmingly initiated and carried out unilaterally by the employer and without compensating trade-offs. The broad extent and negative impacts of employer driven changes were facilitated by the removal of detailed award conditions. Unilateral changes to hours of work forced some participants out of employment altogether. Cuts in take-home pay arose from the 'freeing up' of hours and patterns of work, overtime and penalty rates and public holidays.

Replacement legislation put forward to date by the federal Labor Government only partially addresses the structural disadvantage of women in minimum conditions sectors, such as those in the attached studies. Some will continue to have no protection from unfair dismissal and will therefore remain vulnerable to employer pressure and negative changes.

The legislation also retains a focus on workplace bargaining and agreements. However, many women in low pay sectors remain without the capacity to effectively bargain at the workplace. Improvements in pay that address the gender pay equity gap, and conditions that foster participation, are most unlikely to be achieved by them at this level. They will continue to rely on National Employment Standards and award provisions, including occupational classification and pay structures. Their experience under *Work Choices* shows the need for detailed provisions, for example regarding hours of work, rather than the illusory 'flexibility' of minimal protections.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jude Elton', written in a cursive style.

Dr Jude Elton

On behalf of the Centre for Work = Life.