

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2016 - 2017

Outcome 2 - Workplace Relations and Economic Strategy

Department of Employment Question No. EMSQ17-001588

Senator Cameron asked on 02 March 2017 on proof Hansard page 129

Question

Gender Pay Gap Sunday Work

Dr Morehead: The commission asked everybody that during all the hearings, over two years. Unfortunately, in Australia there is not robust data that can be broken down into lots of different categories in terms of anything to do with Sunday work. We know overall figures but, in terms of breaking it down, it could not be shown that more women than men are affected. I think I can quote the paragraphs on that. They are quite heavily iterated in the report.

Senator CAMERON: No, you do not have to. On notice you can do that, if you do not mind.

Dr Morehead: You would like that done?

Senator CAMERON: Yes, on notice.

Dr Morehead: On notice, yes.

Answer

With regard to the Modern Award Objective relating to the principle of equal remuneration for work of equal or comparable value, in Chapter 3.3 (Pages 28-50), the Fair Work Commission expressly considered whether 'Cuts to penalty rates will disproportionality affect women'.

[Fair Work Commission decision, Page 47, Paragraph 208]

After considering the evidence put before them, the Fair Work Commission concluded that:

"To make good the proposition advanced [by United Voice], it would have to be shown that more female hospitality workers usually work on Sundays, than males. But no data has been presented which shows the number of hospitality workers who usually work on Sundays, by gender. Further, the available data does not appear to support the proposition advanced." **[Fair Work Commission decision, Page 47, Paragraph 209]**

"The SDA advanced a similar submission¹⁰³ to that put by United Voice in relation to retail workers and submits that any cuts to penalty rates in the General Retail Industry Award 2010 will 'disproportionately affect women'.¹⁰⁴ There is no evidence before us which shows the number of retail workers who usually work on Sundays, by gender." **[Fair Work Commission decision, Page 47, Paragraph 211]**