

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

**2006-2007 BUDGET SENATE ESTIMATES HEARING
29TH AND 30TH MAY 2006
EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO**

QUESTIONS ON NOTICE

Outcome 2: Higher productivity, higher pay workplace

Output Group 2.1: Workplace relations policy and analysis

Output 2.1.1: Workplace relations policy advice

Question Number: W144-07

Question:

Senator Wong asked in writing:

How will historical undervaluation of work on the basis of gender be addressed under the Work Choices Act?

Answer:

The Australian Fair Pay Commission is required, when setting and adjusting wages, to apply the principle that men and women should be paid equal remuneration for work of equal value (refer *Workplace Relations Act 1996* section 222(1)(a)).

In relation to the residual award matters and workplace agreements, the Australian Industrial Relations Commission (AIRC) can make orders that equal remuneration for work of equal value be provided. (refer *Workplace Relations Act 1996* Division 3 Part 12).

The AIRC is still obliged to ensure that remaining allowable award matters are not discriminatory and can still vary a workplace agreement or award to remove discrimination on the basis of sex.

In addition, the Workplace Relations Act prescribes prohibited content for the purposes of the Act. Clauses in awards and agreements that discriminate on the basis of sex, etc will be prohibited content in workplace agreements. These clauses will be void and subject to removal by the Employment Advocate.

The equal remuneration provisions of the WR Act also explicitly state that an employer cannot dismiss or otherwise cause detriment to an employee as a result of their participation in an equal remuneration proceeding.

In performing his/her statutory obligations, the Employment Advocate is obliged to have regard to the need to eliminate discrimination on the grounds (among others) of sex, marital status, family responsibilities and pregnancy.