

What Women Want

Consultations on Welfare to Work and Work Choices

Report delivered by Marie Coleman at the Cross-Secretariat Meeting in Melbourne on 2 June 2007

With support from over 60 Australian women's organisations the National Foundation for Australian Women has conducted a round of consultations in Australia's capital cities on the impact on women of changes to the industrial relations framework. The Australian Women's Coalition was represented by member delegates at many of the round table consultations. AWC congratulates Marie Coleman and her team for this excellent initiative and report of outcomes.

Major themes

Discussion at the consultations centered on the following themes:

- Deterioration in wage equity arising from individualisation of negotiations, loss of conditions and loss of a clear path to argue work value;
- Difficulty of accessing accurate information about the new legislation;
- Failure of the government to monitor the impact of the changes;
- Problems created for women re-entering the work force; and
- Adverse impact on job security and the quality of work and life balance

Deterioration in wage equity

The causes of different pay levels for men and women include occupational segregation by sex as well as the undervaluing of work done by female dominated occupations (e.g., teaching, nursing, community work, hospitality, child care and other caring professions) and this is continuing with young women and girls still following traditional and under-valued career paths.

Difficulty of accessing accurate information

Easy access to accurate information about the implications of the Work Choices legislation for women was seen as essential, but is currently not available. This is of concern for both employers and employees. There are still no accessible official pay scales flowing from the first determination of the Australian Fair Pay Commission. There is little data on precisely what family friendly conditions have already been traded off. Responding to public concern about the fairness of current practice the government has announced restructuring of the agencies responsible for monitoring and over-sighting working conditions. As well, a new Fairness Test has been proposed that will only be applied once the employer and employee have signed the AWA and not during the drafting and negotiating process.

Problems re-entering the workforce

Under Welfare to Work, approximately 96,000 women will be returning to work over the next few years. After being on NewStart people who refuse to sign an AWA lose their payments for 8 weeks. The threat of losing New Start payments also leads to a loss of job choice, forcing women into jobs with low returns.

Adverse impact on life and work balance

Participants overwhelmingly said they wanted a productive job and that this was a significant part of their engagement with society. They did not want their employment, however, to unbalance other aspects of their lives and responsibilities. A constant theme was the degree to which women felt they experienced a loss of dignity, a loss of respect in the bargaining process. This also is arising from the loss of job security that has resulted from the unfair dismissal provisions

of the legislation and is experienced most specifically by those who are dismissed, as well as by other people in the organisation that witness the consequence of such actions.

Recommendations

The Work Choices legislation aims to 'create a more flexible, simpler and fairer system of workplace relations for Australia ... to improve productivity, increase wages, balance work and family life, and reduce unemployment'. These are worthwhile goals, but the women consulted believe they will not be achieved unless the following recommendations are adopted:

- 1. The Commonwealth government should monitor and publish annual reports on gender pay equity including workplace audits, in consultation with employers.*
- 2. The Commonwealth Government should include in the industrial relations framework a mechanism for test cases and equal value cases at an institutional, rather than individual level, in order to provide an important safeguard for wage equity and adequate employment conditions in Australia.*
- 3. The Commonwealth Government should clarify the legislative responsibilities of the Australian Fair Pay Commission (AFPC), guaranteeing the mandate and power to ensure equal remuneration for equal work.*
- 4. The Commonwealth, State and Territory governments should clarify the relationship between industrial and anti-discrimination law.*
- 5. The Australian Fair Pay Commission should publish annual wage scale guidelines for all industry sectors.*
- 6. The Commonwealth and State and Territory Governments to develop new and enhanced processes to produce greater awareness of rights in the workplace, and in particular to develop programs to enhance skills and confidence for young women in negotiating*
- 7. The Office of the Employment Advocate (however named) should be required to monitor and to report six-monthly (by industry and gender) on the conditions being removed under AWAs and pay outcomes. They should also monitor unfair dismissals (by industry and gender), and the complaints being made to other organisations, including the Human Rights and Equal Opportunity Commission (HREOC), about outcomes, particularly equity, in wages and conditions. These audits should not only provide simple gender analysis, they should disaggregate data to show the effect on disadvantaged and marginalised groups.*
- 8. Removal of penalty rates, meal breaks and compensation for working on public holidays demonstrably results in poorer working conditions and deteriorating quality of work-life balance for women. These entitlements should be reinstated.*
- 9. The Government should provide supplementary funding to the Australian Bureau of Statistics to enhance their collections in line with relevant recommendations of the WESKI Report and the UN Committee on the Elimination of Discrimination Against Women released in 2006.*
- 10. Changes should be made to the industrial relations legislation and framework to provide accessible remedies for unfair and unlawful dismissal for all employees, with appropriate information and support for employees and employers to minimise potential abuses of the system.*
- 11. Paid maternity leave is critical to women's participation in the workforce, but is in danger of being traded off against other terms and conditions enjoyed by men. These trade-offs are also in contravention of international human rights obligations. Introduction of a national system that values paid maternity and parental leave must be a priority for the Commonwealth Government.*

For further information and copy of the report go to: <httpwww.nfaw.org/media/2007/07-06-02.html>