

20 October 2023



Natalie James
Secretary
Department of Employment and Workplace Relations

Via: asg@dewr.gov.au

RE: AUSTRALIAN SKILLS GUARANTEE DRAFT PROCUREMENT GUIDELINES

The Victorian Trades Hall Council (VTHC) welcomes the opportunity to make a submission to the draft procurement guidelines for the Australian Skills Guarantee.

VTHC was founded in 1856 and is the peak body for unions in Victoria. VTHC represents over 41 unions and more than 500,000 workers in the state. These workers are members of unions that reach into every industry across Victoria. Unions are committed to ensuring that our apprenticeship system is accessible and inclusive. Apprenticeships must be a viable avenue for workers to have to a long-term career in the trades.

Victorian unions are broadly supportive of the targets as proposed by the draft procurement guidelines and support the scalable nature of the targets for women apprentices. Overcoming gender segregation of the workforce, particularly in male dominated industries and trades, is a difficult yet surmountable prospect, and the targets as set are realistic while increasing in ambition.

However, improvements should be made to corresponding monitoring, compliance, and gender equality action plans so that the targets will be genuinely successful and contribute to workplace gender equality.

VTHC's recommendations draw on our work as part of the Victorian Government's Equal Workplaces Advisory Council, the Victorian Building Equality Committee, and the Building Industry Consultative Council (BICC), all of which contributed to the Victorian Government's Building Equality Policy (BEP). The BEP has introduced targets for labour hours for women workers in trade covered labour, non-trade construction Award labour and management/supervisory and specialist staff. Work on the BEP has demonstrated that genuine, early consultation and collaboration is extremely important to the success of implementing targets.

1. Targets need to be monitored in real time

As the draft procurement guidelines are currently proposed, reporting and monitoring of the targets only occurs at the end of a project despite the fact that many projects occur over a long-time span. This approach and a failure to intervene early will limit the success of the progress of these targets.

Targets should be tracked and reported in real time. Tenderers should report on their compliance with targets regularly, for example, every six months. Victorian unions understand it may not be possible to reach targets immediately, but tenderers responsible for the project should be able to demonstrate they are genuinely working towards successfully implementing the targets.

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2. There should be an independent Commissioner responsible for the targets

Real time monitoring and compliance of the targets should be the responsibility of a specific, independent Commissioner, tasked with enforcing the targets for women apprentices. The Commissioner should collate tenderer's real time reporting of targets and check in on progress and provide support. They should also be tasked with enforcing targets, and ensuring there is accountability for tenderers who fail to meet targets.

A specific Commissioner responsible for tracking this data in real time would enable expertise and analysis to achieve genuine monitoring of targets, and they could be a hub for resources and support for unions and employers to achieve these targets.

3. Consultation with unions should be built in

In implementing the targets, a working group between unions, employers, experts and peak bodies should be convened by the Commissioner. The working group would assist in tracking issues in real time and discuss problems as they arise. This working group should be consulted on creating templates and working through questions and issues from employers.

VTHC has a demonstrated commitment to collaboration with industry to achieve increased women's participation in traditionally male dominated trades. For example, VTHC collaborated with the Holmesglen Institute, Australian Women in Solar Energy, the Victorian Electrical Trades Union, and the Victorian Department of Education to create the Women in Apprentices Victoria Electrical (WAVE) program. The WAVE program won the industry collaboration award at the 2023 Victorian Training Awards, celebrating the holistic approach to supporting apprentices from engagement to placement, supported by strategies to attract, recruit, train and retain women in electrical apprenticeships. As a result, 33 participants commenced a women-only pre-apprenticeship course, more than 100 women got involved in Try a Trade Days, and 94% completed the pre-apprenticeship program.

Victorian unions know that there are a range of systemic barriers to employing women apprentices, including stubbornly persistent gender perceptions regarding women entering traditionally male dominated trades. Unions are committed to overcoming these persistent issues. VTHC runs the Women On Site project, which organises the WAVE program and other similar programs. Women On Site supports women pre-apprentices and apprentices throughout their training, and runs Try A Trades days for potential future women apprentices.

The Victorian experience has shown that when there is a genuine sense of collaboration between unions and employers and a commitment to increasing women's participation in traditionally male dominated trades, the root causes of issues can be worked through early. This is a principle that should be applied to Commonwealth targets.

4. It is essential that there is a strong accountability mechanism

The draft procurement guidelines currently propose an accountability mechanism in which failing to reach targets will only be considered when the same tenderer has the opportunity to re-tender for another government contract.

This is simply not enough to encourage tenderers to ensure more women apprentices are employed. Tenders for a range of projects are released constantly, and a tenderer can foreseeably ignore their gender equality targets for a project over multiple years, and tender for a number of projects in the meantime; ultimately taking years to be held to account for their failure to reach targets.

Tenderers must take seriously their obligation to employ more women in traditionally male dominated trades, and this message must be clearly sent. If they fail to take this obligation seriously, they should not be able to access lucrative government contracts.

This preclusion must also work in conjunction with real-time target reporting, independent monitoring by a Commission, and union collaboration. Working with unions collaboratively and efficiently will demonstrate employers and tenderers are able to do everything in their power to employ women apprentices in traditionally male dominated industries, which will help them reach their targets.

5. There must be broader workplace reform to support women workers entering traditionally male dominated industries

Under the proposed procurement guidelines, it is only flagship construction projects that are required to prepare a Gender Equality Action Plan (GEAP). This is a missed opportunity. The purpose of introducing targets is to genuinely increase women's employment in traditionally male dominated industries. To achieve this, women must be safe, respected and supported to remain in the workplace.

It should be a condition of tendering for projects under these proposed guidelines that all employers are required to prepare a GEAP. Women workers entering traditionally male dominated industries are likely to face challenges such as gender based occupational health and safety issues. GEAPs help to address cultural issues and make workplaces safer for women workers.

GEAPs should be developed in consultation with the relevant union and with workers, so that they are able to address the specific issues at the workplace and to be implemented with the buy in from all affected parties. Working conditions in construction are commonly heavily influenced by an enterprise bargaining agreement (EBA), so it is necessary to consult unions in creating and implementing a GEAP.

In Victoria, targets for employing First Nations apprentices were introduced under the Social Procurement framework with little requirement for broad workplace change to support First Nations workers. At first, the Social Procurement framework did not require broad cultural workplace changes, and it resulted in labour hire organisations supplying First Nations labour simply so that employers could 'tick-off' their requirement, while First Nations workers were not required to turn up to work or given meaningful work to grow their skills. This is a program that should be learned from and avoided in the future.

In implementing the BEP, Victorian unions have sought to learn from this experience to create meaningful change for working women. Under the BEP, GEAPs are required to be created for all employers tendering which has created broad

workplace reform to continue to support women workers in traditionally male dominated trades. This lesson should be applied to the Commonwealth procurement framework. All employers tendering under the proposed framework should create a GEAP and there should be consequences for failing to do so.

6. VTHC's recommendations

Recommendation 1: Create an independent Commissioner responsible for implementing and enforcing skills targets.

Recommendation 2: The implementation of skills targets should occur in real time and progress towards targets should be reported every six months.

Recommendation 3: Tenderers who fail to meet the targets should be precluded from tendering from government contracts.

Recommendation 4: Real, genuine and ongoing consultation must be built in to the process of implementing targets.

Recommendation 5: All tenderers who tender under these procurement guidelines should create a Gender Equality Action Plan (GEAP), and failure to enforce the GEAP should result in the tenderer being precluded from tendering for future government contracts.

Thank you for the opportunity to make a submission into this important review. Should you have any further questions, please don't hesitate to contact Tiarne Crowther, VTHC Special Advisor on tcrowther@vthc.org.au.

Regards,



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