

13 August 2021

Inquiry into Economic Equity for Women  
Department of Treasury and Finance  
1 Treasury Pl  
East Melbourne VIC 3002



Dear Panel Members

**RE: INQUIRY INTO ECONOMIC EQUITY FOR VICTORIAN WOMEN**

The Victorian Trades Hall Council (VTHC) welcomes the opportunity to make a submission to the Inquiry into Economic Equity for Victorian Women.

VTHC was founded in 1856 and is the peak body for unions in Victoria. VTHC represents over 40 unions and more than 430,000 workers in the state. These workers are members of unions that reach into every industry across Victoria in both the public and private sectors.

Since winning the Eight Hour Day in 1856, VTHC has had a long history of fighting for and defending the rights of all workers in Victoria. And women in unions have been at the forefront of the struggle for all women to be safe, respected and equal at work. From the staunch women in the tailoresses union who went on strike in the 1880's for fair pay, to Zelda D'Aprano and her trade union sisters who chained themselves to buildings in the 1970's for equal pay and right up to today, union women have fought tirelessly for fairness and equality in the workplace. This submission has been framed by that history of struggle.

If you have any questions or would like further information, please do not hesitate to contact Politics and Research Lead, Ted Sussex, on [tsussex@vthc.org.au](mailto:tsussex@vthc.org.au)

Yours sincerely,

A handwritten signature in blue ink, appearing to read "W. Stracke".

Wil Stracke  
Assistant Secretary

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## Introduction

This submission has been developed around the lived experiences of working women.

In 2015, the VTHC developed Women's Rights at Work (WRAW) Chats – structured conversations and surveys of working women's experiences. Since then, WRAW Chats have rolled out across all sectors and industries with women from across the state, talking about the challenges they face and sharing their ideas for change. The recommendations made in this submission are drawn from the experiences, input and feedback of women who have taken part in this process.

Understandings that underpin the recommendations in this submission include:

- Gender inequity is 'baked in' to our society and economy. Our systems and structures are founded on assumptions and ideas around women's role in society and in work – both paid and unpaid – that are no longer appropriate or relevant.
- Addressing workplace gender inequality is key to addressing women's economic equity. And central to that is women's ability to access stable, secure work in circumstances that do not reinforce gender and intersecting and compounding forms of discrimination.
- The nature of gender inequality and discrimination means that it may not be readily apparent to everybody. It is therefore important to interrogate how we do work, who does what work and who has power and controls decision-making in the workplace, as these factors are core to identifying workplace gender inequality.
- Change to our systems of work has not and will not happen naturally but instead requires deliberate intervention. Measurable and achievable strategies must be identified and implemented targeted at eradicating the gender pay gap, gender inequality and discrimination and other barriers at work.
- Workplace gender equity will only be achieved through collective action. Traditional 'top-down' approaches have failed. Real and meaningful change can only occur in partnership with government, unions, and employers and with the engagement and input from workers at every level, from the floor all the way up to the CEO.
- The Victorian government has many levers available to it in supporting this change – it is Victoria's largest employer; an exemplar and leader of innovative practice in gender equality and violence against women; a legislator and regulator; a procurer of goods and services; and an influencer, particularly as a member of the National Cabinet and National Federation Reform Council (NFRC) (formerly COAG).

This submission is directed primarily at addressing some of the factors that drive gender inequality and discrimination at work, including access to work. In this submission VTHC has identified practical initiatives that in many cases the Victorian government could implement immediately, including those that are responsive to and address the gendered impact of Coronavirus (COVID-19).

It is our view that the engagement of the institutions of work, including the union movement, is central to any successful approach designed to innovate and lead systemic change in practice, culture, behaviour, and actions at work. We have therefore largely focused on areas where the Victorian union movement could partner with the Victorian government.

Our submission is action-focussed. Our proposals are grounded in a wealth of research including WRAW Chats as well as the findings from numerous government and independent inquiries. We do not seek to restate the substantial evidence that exist which supports these proposals. We ask that the inquiry focus on practical solutions as we have.

Our submission is broken down into recommendations tied to the various levers that are available to the Victorian government:

- As Victoria's largest employer;
- As an exemplar and leader of innovative practice in gender equality and violence against women;
- As a legislator and regulator;
- As a procurer of goods and services; and
- As a member of the National Cabinet and National Federation Reform Council (NFRC) (formerly COAG).

Lastly, we would note that the recommendations in this submission are a starting point – we believe there is much more that can and should be done.

## 1. Government as an employer

The Victorian government (and other public agencies including local government) as an employer should drive change to eradicate women's inequality at work in areas of its direct control.

Insecurity of work, low-paid work, the gender pay gap and working conditions that do not recognise women's dual role at work and in society should not exist in public employment.

Further, given the existence of sexual harassment and other forms of gender-based violence (GBV) creates an environment of insecurity and uncertainty, as well as injury for those experiencing it and those observing it, the government should be proactive in preventing this.

### **Recommendation 1: Commit to direct employment of workers on an ongoing basis.**

Insecure and precarious employment are key drivers of gender inequality. Workers in insecure employment are less likely to speak up about safety and conditions in the workplace. The insecurity of work that women face in the public sector also impacts on their career progression.

As such, the use of casual engagement, short-term contracts and labour hire should be eradicated. The government should also limit the use of consultants. Targets to achieve this should be agreed with the relevant unions. These unions should also be involved in monitoring and reporting on the achievement of these targets.

### **Recommendation 2: Amend the Victorian State Government Wages Policy and Enterprise Bargaining framework to include mandatory clauses focused on gender equity, drafted in consultation with unions.**

The Victorian government wages policy and enterprise bargaining framework provides instruction and guidance to the broader public sector around enterprise bargaining. It sets out 'model' clauses for various entitlements.

The policy should designate certain clauses as a mandatory requirement for all public sector agreements where they address issues of gender inequality. For example, paid parental leave entitlements for both carers regardless of gender, inclusion of shift allowances and other payments into parental leave payments, measures to address the gap in superannuation savings, workplace flexibility to support workers balance out work and caring responsibilities, a review of rostering arrangements in shift work environments, family and domestic violence leave, paid bereavement leave if a worker experiences miscarriage or stillbirth, ensuring proper support for pregnant employees and women returning to the workforce after parental leave and paid reproductive leave.

As a specific example, reproductive health issues manifest in the workplace through excess use of personal leave and/or a barrier to career progression because of stigma associated with reproductive issues. Paid reproductive leave that workers can access when they are experiencing reproductive health treatments or symptoms - such as assisted reproductive treatments, menopause, serious menstrual pain, poly-cystic ovarian syndrome, endometriosis and vasectomies - addresses these issues. This leave should be available on

an hourly basis (and not just on a daily basis) in order to allow for workers to attend appointments during the work day.

**Recommendation 3: Ensure the requirements of designated entities covered by the Gender Equality Act ('the Act') to address issues of systemic gender (in)equality are carried through to real action.**

The Act empowers the Gender Equality Commissioner to resolve disputes that relate to an issue of systemic gender inequality where this is specifically authorised by the workplace enterprise bargaining agreement.

To ensure the objects of the Act are met, we recommend that relevant regulations are amended to ensure that designated entities are required to include mandatory clauses in their enterprise agreements that enliven the jurisdiction of the Gender Equality Commissioner to resolve such disputes.

This should include a dispute settlement provision that uses inquisitorial (rather than adversarial) processes to address complaints on systemic gender equality issues. The process must also accept the standing of unions to be involved in processes designed to address and resolve systemic gender equality issues under the Act.

In addition, it should be made clear that issues of 'systemic gender inequality' include a failure to apply industrial agreements and policies fairly and equitably.

For example, whilst the Victorian Public Service (VPS) agreement provides for paid family violence leave, the internal policy in some departments requires an employee to disclose their personal situation to multiple different people to access the leave, compounding the trauma they are already experiencing. This clearly has a gendered impact, as it is overwhelmingly women who are the victims of family and domestic violence.

There should also be a requirement that designated entities report any complaints to external bodies (e.g. WorkSafe, the Victorian Equal Opportunity and Human Rights Commission) to the Gender Equality Commissioner where these align with issues or actions set out in their Gender Equality Action Plans.

**Recommendation 4: Commence action to eliminate the gender pay gap through addressing low-paid work as a priority.**

There continues to be a gender pay gap in the Victorian public sector. This has most recently been measured at 10.7% and results to a large degree from the distribution of men and women across pay bands and roles - lower-paid roles in clerical, administration and care work are dominated by women whilst professional and managerial roles are dominated by men.

The government should work with unions to produce a priority 'heat map' based on low-paid areas, then negotiate and agree with unions on a mechanism to address these priorities areas over the next twelve months.

**Recommendation 5: Take action to end sexual harassment and other forms of GBV at work for public sector workers.**

GBV is a workplace hazard that injures workers. The government should fund a pilot that engages public employers and unions in a program designed to prevent sexual harassment and GBV using a work health and safety (OH&S) approach.

**Recommendation 6: Investigate the option of enabling all public service workers to manage the additional difficulties arising from managing work and other responsibilities during COVID-19 by implementing a four-day working week without loss of pay.**

The gender pay gap results in part from the reality that women still bear the primary responsibility for caring for children, other family members with disabilities or in old age. This role as the primary carer for dependent family members often leads to women taking time away from work.

A four-day week could allow workers one day a week to fulfil care duties, giving women workers with caring roles additional flexibility to fulfil their duties, as well as providing an opportunity for more even distribution of caring duties across genders. This has been trialled with success in Iceland and has delivered both higher levels of productivity and output and greater job satisfaction for workers.

**Recommendation 7: Implement measures to address the challenges faced by women of colour working in the public sector.**

Research undertaken by the CPSU shows that a high proportion of women of colour have experienced workplace bullying, racism and discrimination in the VPS. Measures should be developed in consultation with the union to respond to, address and prevent incidents of racism and discrimination in workplaces.

The framework for this should be guided by the following principles:

- Voice – race advisory panel to promote diverse decision making and confidential, anonymous reporting;
- Education, Awareness and Coaching – including training for leadership and workers;
- Tracking metrics – improving diversity in leadership positions, independent monitoring of outcomes;
- Clear governance – policies, programs and targets.

Measures would include:

- Including the VPS in the Victorian government Anti-Racism strategy;
- Allocated five-year funding for the VPS Women of Colour Network to identify and recommend strategies to address racism and discrimination;
- Amending the Gender Equality Act 2020 to require employers to report on the ethnicity pay gap with their gender pay gap and develop strategies to improve the gender equity of women of colour;
- Ensuring equitable access to accredited courses and skills training, promoting access to women of colour, disabled women and women from LGBTIQ+ communities;

- Committing to ongoing funding for a youth traineeship program with a specific target to recruit young women, in particular women of colour.

## 2. Government as an exemplar and leader of innovative practice in gender equality and violence against women

COVID-19 has highlighted the reality that women continue to shoulder the burden of unpaid care work in our society, particular of young children, even with two parents at home. Women are dropping out of the labour market, and the rates of under-employment and under-utilisation for women is highly concerning. Women are losing economic independence and their attachment to the labour market.

Female-dominated areas of work have been on the frontline during COVID-19. COVID-19 has exposed the vulnerabilities of these frontline workers. These vulnerabilities include: the need for many workers to engage in multiple forms of work to piece together a 'living wage'; employment insecurity; workers' exposure to hazardous working conditions, including gender-based violence; and the concentration of refugee and migrant women employed in low-paid front-line roles.

There is a need for affirmative strategies to address inequality. In this environment the agency of working women, their ability to realise their rights and to be safe at work have been compromised. There is a need to introduce a service to these women, that can provide independent and informed advice and assistance.

Frameworks such as the International Labour Organisation's (ILO's) Decent Work and Unacceptable Forms of Work can assist in developing innovative approaches.

### **Recommendation 8: Fully-fund access to full-time, high-quality childcare and three- and four-year-old early childhood education for all families in Victoria.**

High quality early childhood education and care is critical to achieving workplace gender equality. This is evidenced by the gap in workforce participation for women with young children and that women with young children are also more likely to work part time. These factors contribute to women's economic inequity.

It is critical that government invest in a system of free, universal childcare and early childhood education that pays its own workers – predominantly women – properly. Children and parents would benefit and for workers in the sector, this would mean improved job security and increased wages.

We acknowledge that the federal government historically funds childcare but the manifest failure of the system means the State government could and should intervene in the system.

### **Recommendation 9: Invest in a 'Pathways to economic security through decent work program' designed to address the vulnerabilities of front-line workers.**

The program should prioritise those in care work, health, education, retail, and hospitality. Unions and relevant employers should be engaged as partners in the design, development, and delivery of this program.

### **Recommendation 10: Found a Working Women's Centre at Victorian Trades Hall.**

The landmark Respect@Work report by Australia's Sex Discrimination Commissioner Kate Jenkins recommends that governments fund the establishment and operations of Working Women's Centres where these do not already exist. Victoria does not have a Working Women's Centre. The VTHC is best placed to deliver a model for such a service that provides support and assistance to all working women with a particular emphasis on addressing women's economic security through decent work and overcoming intersectional and compounding forms of discrimination at work (including access to work).

The VTHC has an established model of delivery on which to base a Working Women's Centre. The Young Workers Centre (YWC) at VTHC combines a community legal centre providing advice and support to young workers with outreach and community education. The YWC also prepares submissions and undertakes advocacy around issues impacting particularly on young workers. The Centre has been in operation for several years and has a track record of success.

The VTHC also has established relationships with organisations representing and supporting marginalised and excluded communities (including through the Migrant Workers Centre based at the Hall) whilst both the Hall and our affiliate trade unions have deep connections into workplaces and with employers. We are also the only not for profit organisations that exist solely to provide support and advocacy to workers.

**Recommendation 11: Invest in services and resources that assist women from marginalised and excluded cohorts** (including women with disabilities, women seeking asylum, trans women, women at risk of homelessness, women of colour and migrant women) into work.

Programs may include:

- Public sector traineeship programs that are focused on, for example, women of colour or women re-entering the workforce after a long period off due to caring/family responsibilities;
- Specific funding targeted at providing job ready skills and support to women from marginalised and excluded cohorts;
- Funding for training and resources to address gender- based violence, cultural safety and workplace diversity.

## **3. Government as Legislator & Regulator**

The incidence of sexual harassment and other forms of gender-based violence in Victorian and Australian workplaces is well documented. The current complaint-based system of enforcement requires that women victims of GBV are individually responsible for policing this issue. This is perceived as a high-risk option for many. That so many instances of sexual harassment and other forms of GBV go unreported raises questions about the extent to which current systems of regulation are adequate. Little attention has been paid to primary prevention (stopping it before it starts) strategies to ending GBV at work. The current trend to seeing GBV, including sexual harassment, as a workplace health and safety concern should be encouraged, and further measures should be adopted to push towards a



prevention focus. Note that the VTHC will have further recommendations around this to be outlined in our written submission to the Ministerial Taskforce on Sexual Harassment.

**Recommendation 12: Fund WorkSafe to develop specific, industry-based accredited gender-based violence training with unions and employer groups.**

This training should be based on VTHC's pilot gendered violence health and safety representative (HSR) training. Developed in collaboration with WorkSafe, this training is now an accredited one-day refresher course for workplace health and safety representatives. This model should be extended beyond HSR's to WorkSafe inspectors and employers, to ensure that there is a shared understanding of the issue and how it should be dealt with in a workplace setting.

**Recommendation 13: Fund unions and employer peak bodies to develop and agree upon Codes of Practice for the prevention of gender-based violence at work, tailored to industries.**

Funding should also be provided to the union and employer peaks to assist industries to adopt practices in line with these codes.

**Recommendation 14: Legislate to hold company directors and senior management liable for incidents of sexual harassment**

The Victorian Equal Opportunity Act establishes a positive duty for employers to take action to prevent sexual harassment. Given that gender inequality is a driver of sexual harassment/GBV, the guidance from the Victorian Equal Opportunity and Human Rights Commission around how this is accomplished include the implementation of broader measures to address gender inequality. Currently there are no sanctions arising from a breach of this duty.

The Victorian Occupational Health and Safety Act (OH&S Act) establishes a duty on employers to ensure workers are safe at work. WorkSafe has identified GBV as a workplace hazard and has issued guidance to employers on its prevention and elimination.

These duties are longstanding. Despite this, the incidence of sexual harassment and GBV remains unacceptably high. Our current systems mean that a failure to meet existing legal duties is largely consequence free. In many cases, organisations wait until a complaint is raised before turning their minds to questions related to organisational culture and responses are often framed around payouts rather than creating positive change. Settlement of claims is often conditional on complainants signing a non-disclosure agreement that maintains secrecy and allows bad cultures to fester.

The high incidence of sexual harassment and GBV in workplaces represents an abject failure of corporate and institutional leadership and accountability. It cannot be allowed to continue and there is no evidence that change will happen voluntarily - despite decades of programs aimed at persuading those in leadership positions of the importance and benefits of making change, up to two thirds of working women report having experienced GBV in the workplace.

Under those circumstances, measures must be implemented aimed at ensuring that those in a position to effect change take action. Amending the OH&S Act to hold directors and senior management personally liable for prosecution and fines means that decision makers

have a stake in ensuring that positive preventative measures are implemented in their organisation. It would mean that decision makers shift the issue of addressing sexual harassment from the category of 'nice to have' to 'must have'.

**Recommendation 15: Amend the OH&S Act to ensure that gendered violence is made a notifiable incident.**

Currently, only certain kinds of incidents are required to be notified to the work health and safety regulator. These incidents are generally serious matters that have an imminent risk to health and safety. Data collected in this process assists the regulator to monitor and evaluate risk and implement harm prevention measures for these serious matters. Employers should be obligated to report incidents of GBV to the health and safety regulator.

**Recommendation 16: Amend the OH&S Act to strengthen the rights of authorised representatives of registered employee organisations (ARREOs) and trade unions to investigate and enforce to prevent and stop GBV.**

Currently, there are limits on the ability of ARREOs and trade unions to investigate and enforce to stop sexual harassment and GBV.

**Recommendation 17: Create and adequately resource an inspectorate/prosecution team inside WorkSafe with dedicated resources to support and enforce higher order controls for prevention of GBV.**

WorkSafe is the OH&S regulator and must be supported to enforce the duties on employers as they relate to issues of GBV. This requires specialist skills and an understanding of the key drivers of GBV.

**Recommendation 18: Make any necessary clarifications including, if necessary, amendments to legislation or regulations to support the making of representative claims under the Equal Opportunity Act.**

**Recommendation 19: Develop and pilot a victim-initiated restorative model of justice as an alternative mechanism to resolve complaints of GBV.**

Restorative justice processes bring together people affected by harm in a safe, structured and facilitated way to talk about how they were impacted and how the harm can be repaired or addressed. Potential models to address workplace GBV might be victim/offender mediation and/or restorative engagement.

This would require strict parameters that centre the victim's autonomy and ensure employers remain responsible for rectification. A starting point would be to review the Victorian government restorative justice process for victim survivors of family violence, which arose out of a recommendation of the Royal Commission into family violence.

**Recommendation 20: Resource the Working Women's Centre to be established at Victorian Trades Hall to support complainants of gendered violence, including sexual harassment.**

This includes supporting them to make complaints to the appropriate authority and during any proceedings. There is significant evidence that victims find it challenging to navigate the systems around reporting and enforcing their rights under the various state and federal laws governing sexual harassment.

Recommendation 10 suggests the establishment of a Working Women's Centre at VTHC able to provide support and advice to women workers around workplace issues. This would include issues related to GBV, where the centre could provide legal advice and support whilst working in collaboration with counselling services and community organisations as required.

Working in collaboration with the YWC, a Working Women's Centre at Trades Hall would also be able to deliver education and training to high school and higher education students around issues related to workplace GBV, another of the recommendations of the Respect@Work report.

**Recommendation 21: Require state licence-holders to attend gendered violence training and show evidence of a workplace gendered violence policy, process, and risk management plan as a prerequisite to obtaining a licence.**

The Victorian government issues licenses to persons wanting to operate various different types of businesses. Applicants are generally required to pass a 'fit and proper person' test and to demonstrate an understanding of their legal obligations to qualify for a license to operate their business. As part of this process, the government should require license holders to demonstrate an understanding of their obligations under the Equal Opportunity Act (EOA) and the OH&S Act.

The hospitality industry, for example, has a higher incidence of sexual harassment and GBV. Currently, applicants for a liquor license are required to attend 'New Entrant Training' to ensure they have an adequate understanding of the Liquor Control Reform Act, which includes best practice in managing licensed premises. It should be a requirement that people applying to hold a liquor license undertake gendered violence training as part of this training. It should also be a condition of their license that they have appropriate policies and complaints processes in place to manage the risks of GBV associated with their industry.

**Recommendation 22: Ensure that the capacity of license holders to retain this license is reviewed (including revocation of licenses) if licence-holders breach a gendered violence policy and/or process or fail to implement a risk management plan.**

#### 4. Government as a procurer/funder of goods and services

The Victorian Government is a key player in the economy as both a purchaser of goods and as a funder of services. There are many opportunities to maximise outcomes for gender equality through government spending by establishing strong requirements for corporations and organisations to be eligible to tender for government projects and/or the

delivery of services. The Victorian Government should utilise provisions under the Gender Equality Act to clearly link procurement with gender equality and hold corporations and funded services to higher standards as employers.

**Recommendation 23: Procurement and funding guidelines should be amended to require any business or service provider who receives government funds to meet minimum requirements around gender equality and the prevention of GBV at work.**

These minimum requirements should include:

- a reviewable gender equality action plan based on a gender equality audit;
- a GBV policy and process and risk management plan to prevent GBV and an effective inquisitorially based dispute resolution process;
- a minimum of 20 days family violence leave entitlements;
- a commitment to limit the use of insecure forms of employment;
- gender pay gap action plans and measures to increase pay for low paid workers.

The implementation of these procurement guidelines should be monitored by a tripartite body made up of government, union, and business representatives.

**Recommendation 24: Commit to longer funding contracts for government funded service deliverers linked to requirements for those services to invest in meeting procurement standards**

The funded care sector in Victoria is a highly feminised sector. Workers are often employed on a short term, insecure basis linked to short funding cycles and the work is often low-paid.

Where the Victorian Government provides funding to independent services, particularly in female-dominated sectors such as early childhood education and community services, the Victorian Government should commit to longer funding contracts and increased funding. This must be specifically tied to wage increases proportionate to funding increases and limits on the use of short-term contracts.

The health and welfare sector has one of the largest gender pay gaps of any sector in Australia. Longer funding contracts and increased funding must be linked to a requirement to develop gender equality plans and addressing GBV.

**Recommendation 25: Implement strategies to increase women's participation in male-dominated industries and reduce the gender segregation of the Victorian workforce.**

Strategies should be developed in consultation with unions and industry bodies. To be successful, they should consider the adoption of specific targets/quotas, measures to support cultural change and include mechanisms to oversee monitoring and measures to ensure compliance.

The Victorian 'Women in Construction' strategy and the 'Building Equality Policy' proposed by industry for construction procurement arose from the collaboration of building unions, employer peaks and construction companies and is an example of how this can be achieved. The strategy proposes tangible measures to address the challenge of attraction, recruitment and retention of women into the sector, with responsibility for delivery shared amongst the industry players supported by government. The proposal for procurement

incorporates industry relevant quotas and targets along with additional agreed measures to ensure long term culture change and compliance. Similar approaches should be taken in other industries.

## 5. Government as a member of the National Cabinet and the National Federation Reform Council (NFRC) (formerly COAG)

Victoria's leadership in gender equality and the elimination of violence against women is needed at the national level to achieve changes to relevant federal laws that impact on gender equity at work. The Victorian government should advocate and the National Cabinet and NFRC for the following as a priority:

### **Recommendation 26: Adopting a plan to reduce the gender super gap.**

This plan should include measures such as:

- increasing the superannuation guarantee to 12% immediately (not delayed until 2025);
- ensuring super is paid on every dollar earned;
- paying super as part of the Government's paid parental leave scheme and ensuring it is paid on all paid and unpaid parental leave;
- an additional annual \$1,000 Government contribution into super for low-income earners aged 25 and over.

### **Recommendation 27: Reinstate abolished penalty rates in retail and hospitality awards, lift minimum rates of pay in female-dominated industries, and improve paid parental leave for all new parents.**

The retail and hospitality sectors are dominated by low paid women workers, often in insecure and precarious forms of employment. Cuts to penalty rates in that sector have disproportionately impacted women workers and must be reversed. In addition, the current paid parental leave scheme is inadequate and must be increased.

### **Recommendation 28: Make amendments to the Fair Work Act to place limitations on the extent to which employers can use insecure work arrangements.**

Insecure work is a key driver of workplace gender inequality. It discourages women workers from raising issues and impacts on their ability to progress their careers. Limitations on its use will benefit women particularly.

### **Recommendation 29: Make amendments to the Fair Work Act to introduce provisions that will allow for the effective progress of Equal Remuneration cases particularly in female dominated areas of work.**

The Equal Remuneration provisions of the Fair Work Act have proven time and time again to be inadequate. The last successful case was decided in 2012 covering workers in the not-for-profit community sector and precedents set were all reversed in subsequent, unsuccessful cases.

These provisions must be amended to include the adoption of an indicia approach based on the Queensland Equal Remuneration principles. In order to ensure that these are

affected, it will be critical to also include the appointment of Commission members with expertise in addressing gender pay inequality.

## Summary of recommendations:

### **Government as an employer**

Recommendation 1: Commit to direct employment of workers on an ongoing basis.

Recommendation 2: Amend the Victorian State Government Wages Policy and Enterprise Bargaining framework to include mandatory clauses focused on gender equity, drafted in consultation with unions.

Recommendation 3: Ensure the requirements of designated entities covered by the Gender Equality Act to address issues of systemic gender (in)equality are carried through to real action.

Recommendation 4: Commence action to eliminate the gender pay gap through addressing low-paid work as a priority.

Recommendation 5: Take action to end sexual harassment and other forms of GBV at work for public sector workers.

Recommendation 6: Investigate the option of enabling all public service workers to manage the additional difficulties arising from managing work and other responsibilities during COVID-19 by implementing a four-day working week without loss of pay.

Recommendation 7: Implement measures to address the challenges faced by women of colour working in the public sector.

### **Government as an exemplar and leader of innovative practice in gender equality and violence against women**

Recommendation 8: Fully-fund access to full-time, high-quality childcare and three-and four-year-old early childhood education for all families in Victoria.

Recommendation 9: Invest in a 'Pathways to economic security through decent work program' designed to address the vulnerabilities of front-line workers.

Recommendation 10: Found a Working Women's Centre at Victorian Trades Hall.

Recommendation 11: Invest in services and resources that assist women from marginalised and excluded cohorts.

### **Government as Legislator & Regulator**

Recommendation 12: Fund WorkSafe to develop specific, industry-based accredited gender-based violence training with unions and employer groups.

Recommendation 13: Fund unions and employer peak bodies to develop and agree upon Codes of Practice for the prevention of gender-based violence at work, tailored to industries.

Recommendation 14: Legislate to hold company directors and senior management liable for incidents of sexual harassment.

Recommendation 15: Amend the OH&S Act to ensure that gendered violence is made a notifiable incident.

Recommendation 16: Amend the OH&S Act to strengthen the rights of ARREOs and trade unions to investigate and enforce to prevent and stop GBV.

Recommendation 17: Create and adequately resource an inspectorate/prosecution team inside WorkSafe with dedicated resources to support and enforce higher order controls for prevention of GBV.

Recommendation 18: Make any necessary clarifications including, if necessary, amendments to legislation or regulations to support the making of representative claims under the Equal Opportunity Act

Recommendation 19: Develop and pilot a victim initiated restorative model of justice as an alternative mechanism to resolve complaints of GBV.

Recommendation 20: Resource the Working Women's Centre to be established at Victorian Trades Hall (as per Recommendation 10) to support complainants of gendered violence, including sexual harassment.

Recommendation 21: Require state licence-holders to attend gendered violence training and show evidence of a workplace gendered violence policy, process, and risk management plan as a prerequisite to obtaining a licence.

Recommendation 22: Ensure that the capacity of license holders to retain this license is reviewed (including revocation of licenses) if licence-holders breach a gendered violence policy and/or process or fail to implement a risk management plan.

### **Government as a procurer/funder of goods and services**

Recommendation 23: Amend procurement and funding guidelines to require any business or service provider who receives government funds to meet minimum requirements around gender equality and the prevention of GBV at work.

Recommendation 24: Commit to longer funding contracts for government funded service deliverers linked to requirements for those services to invest in meeting procurement standards (as outlined in Recommendation 23).

Recommendation 25: Implement strategies to increase women's participation in male-dominated industries and reduce the gender segregation of the Victorian workforce.

### **Government as a member of the National Cabinet and the National Federation Reform Council (NFRC) (formerly COAG) to advocate for the following as a priority:**

Recommendation 26: Adopt a plan to reduce the gender super gap.

Recommendation 27: Reinstate abolished penalty rates in retail and hospitality awards, lift minimum rates of pay in female-dominated industries, and improve paid parental leave for all new parents.

Recommendation 28: Make amendments to the Fair Work Act to place limitations on the extent to which employers can use insecure work arrangements.

Recommendation 29: Make amendments to the Fair Work Act to introduce provisions that will allow for the effective progress of Equal Remuneration cases particularly in female dominated areas of work.