

WELA Submission to Employment White Paper

Introduction

Women's Electoral Lobby, established in 1972, is an independent, non-party political lobby group dedicated to creating a society where women's participation and their ability to fulfil their potential are unrestricted, acknowledged and respected and where women and men share equally in society's responsibilities and rewards.

The Women's Electoral Lobby (WEL) is a national, independent, non-party political, feminist lobby group that has worked tirelessly for some 47 years to improve the position of women in society.

The Women's Electoral Lobby is dedicated to creating a society where women's participation and their ability to fulfil their potential are unrestricted, acknowledged and respected and where women and men share equally in society's responsibilities and rewards.

WEL applies a feminist approach to all its work from policy analysis and development to campaigning. WEL has developed a Feminist Policy Framework, which sets out the values, which we use to measure fairness for women and fairness for society. WEL believes that good policies should address these indicators and works with governments at all levels on achieving better and fairer policy outcomes.

WEL believes that fair policies are those that:

1. Ensure the benefits and outcomes are fairly distributed between women and men, as well as between different groups of women
2. Value and reward fairly people's different skills, experiences and contributions
3. Recognise the value of caring and supporting roles, whether paid or unpaid
4. Recognise and rectify past and current inequalities between men and women; and
5. Enhance opportunities for both women and men to take on equal rights and responsibilities in all aspects of society: politics, community, employment and social life.

WELA's Submission

Summary of Recommendations

WELA recommends that following appropriate consultation, new legislation addressing those deficiencies (which were plainly evident in the early childhood education, and other cases) be introduced as a matter of urgency.

WELA recommends that Associate Professor Junor, Associate Professor Meg Smith (also an expert witness in the aged care case) and other relevant experts be resourced and requested to develop an upskilling program on techniques for addressing gender-related undervaluation (notably the Spotlight tool as well as the Australian Standard on Gender-inclusive Job Evaluation).

WELA's submission focuses particularly on pay equity and equal opportunities for women and on the care economy. However the matters we raise have implications for full employment, wages growth, job security, fair pay and conditions and labour force participation. Both the problems and the solutions we point to are closely interrelated.

WELA notes the recent statement (4 November 2022) by the President of the FairWork Commission concerning operational segregation and gender-related undervaluation. The President notes that the Full Bench had found that rates were not properly set (for work value Reasons) in awards relating to aged care, nursing, social, community and home care, and disability services. President Ross reviewed the female-dominated areas of the workforce in which gender-related undervaluation is likely to have historically occurred and to be present. They include but are not limited to care sector work (also potentially including retail trade, accommodation and food services, and financial and insurance services). He sets out how societal assumptions about gender can influence the evaluation of work, pointing out that the reality that women do the bulk of unpaid caring work has made the skills in this work (creative, nurturing, facilitating) largely invisible in paid work.

The President says that the legislative framework for work value and equal remuneration has been inadequate, and specifically limited by the requirement to identify the skills and valuer of work women do by reference **tyo** a male standard (largely set by the metal industry award). He also notes that there have been real weaknesses in job and work evaluation methods and their implementation.

The legislative deficiencies in the Fair Work Act equal remuneration provisions have not yet been remedied although they have been evident and noted in proceedings in the Fair Work Commission.

WELA recommends that following appropriate consultation, new legislation addressing the deficiencies in the equal remuneration provisions of the Fair Work Act (which were

plainly evident in the early childhood education, and other cases) be introduced as a matter of urgency.

The President has indicated that the Fair Work Commission is available to assist parties considering making work value or equal remuneration cases.

An important aspect of the President's statement is the recognition that advances have been made in gender-inclusive work evaluation through the work of Associate Professor Junor in developing the Spotlight tool for analysing work and skill. The tool has specifically been developed to facilitate recognition of precisely those skills which are often not recognised in women's work, notably (but not only) the work in the care economy. Indeed in the aged care case, employer organisations argued that the skills identified in Associate Professor Junor's report were personal characteristics rather than skills in the sense recognised by work value assessments. This argument was rejected in the case.

The Spotlight tool¹ has been used in several other cases, including social and community care, early childhood education, and school support work. The tool provides an effective method of remedying many of the defects of past approaches to evaluating work. To date there are very few trained expert users of the tool.

WELA notes that the president's statement shows that the problem of gender-related undervaluation of work is likely to be widespread across a wide range of awards and industries. The statement also recognises that other cases in the care industries are likely to require significant evidence from industries and from experts. The statement also notes that it was possible to narrow the issues in dispute in the aged care case, and that a consensus statement of significant areas of agreement was filed in the case.

WELA considers that progress in addressing the sizable case load of work value and equal remuneration in the care industries would be greatly facilitated by increased availability of expert and trained users of tools such as Spotlight.

WELA recommends that Associate Professor Junor, Associate Professor Meg Smith (also an expert witness in the aged care case) and other relevant experts be resourced and requested to develop an upskilling program on techniques for addressing gender-related undervaluation (notably the Spotlight tool as well as the Australian Standard on Gender-inclusive Job Evaluation).

There is a sizable body of research on these matters, as is noted by President Ross in his Statement. The Fair Work Commission published a range of background documents in the aged care case, as well as a Research Reference List of 665 documents including Australian and international reports and papers. There has been discussion of gender-related undervaluation in a range of industrial proceedings (including the NSW Pay Equity Inquiry) over many years. There is not yet an accessible system of building relevant expertise among industrial practitioners.

While a key objective in addressing gender-related undervaluation is to achieve equal remuneration, so long overdue, that is by no means the only objective. The prevalence of multiple job-holding in service sector work is related to the low levels of pay. In turn, the lack of job security affects retention levels and service quality. Some of the outcomes have been brought sharply into relief during the pandemic as workers carried covid infections from one of their workplaces to others.

The care industries have become increasingly important sources of paid employment (especially for women). The need for the services provided (in early childhood education, aged care, home care, disability services, nursing) will continue to increase, as will expectations about the quality of the services. It is evident that the availability and quality of these services significantly affects women's workforce participation, which in turn affects women's lifelong income and workforce productivity. Currently there is substantial under-utilisation of the education and skills of Australian women, who are among the most highly educated in the world. In the care industries there are significant gaps in labour supply, and in skill levels. These gaps have been extensively documented and analysed in inquiries into aged care, disability care, and early childhood education.

A significant increase in wages will contribute to improving labour supply. Ongoing improvements in the quality of services provided critically depends on a fine-grained and robust analysis of the skills required in service occupations. The analysis should be utilised for careful review of current training provision and gaps in it, and in workforce planning for the long term. The necessary current and complex understanding of service skills is not yet reflected in national skills, industry and productivity policy in relation to the care industries and other service-related work.

The level of wages and the adequacy of training affect retention as well as recruitment. Current levels of turnover in the care industries and other service-related work impose significant inefficiencies and costs, as well as undermining service quality. It is increasingly well-understood that skills needed in service sector work are learned in many different ways beyond formal education and qualifications. Understanding the skills and how they are acquired is fundamental to identifying and supporting mobility within and between job levels, occupations and industries. Acquiring and upgrading these skills often requires facilitation and support from more expert **[practitioners]**. Too often gaps in labour supply and in necessary skills have been papered over by insufficiently supported migration and migration used as a substitute rather than a complement to training local workers properly.

Provision of adequate and appropriate training in service work has been impeded by the absence of a coherent and sophisticated skills analysis. That has been impeded by failure to recognise that many of the skills that really make a difference to service quality have been mis-identified as personal characteristics. For example, providing personal care services clients perceive as kind and respectful.; providing personal care services in culturally appropriate ways. Where skills are mis-identified or unidentified they are not properly supported by training and

development. Among the many skills often overlooked are the minute by minute judgement and awareness, and the complex interaction and coordination necessary for smooth functioning of services.