



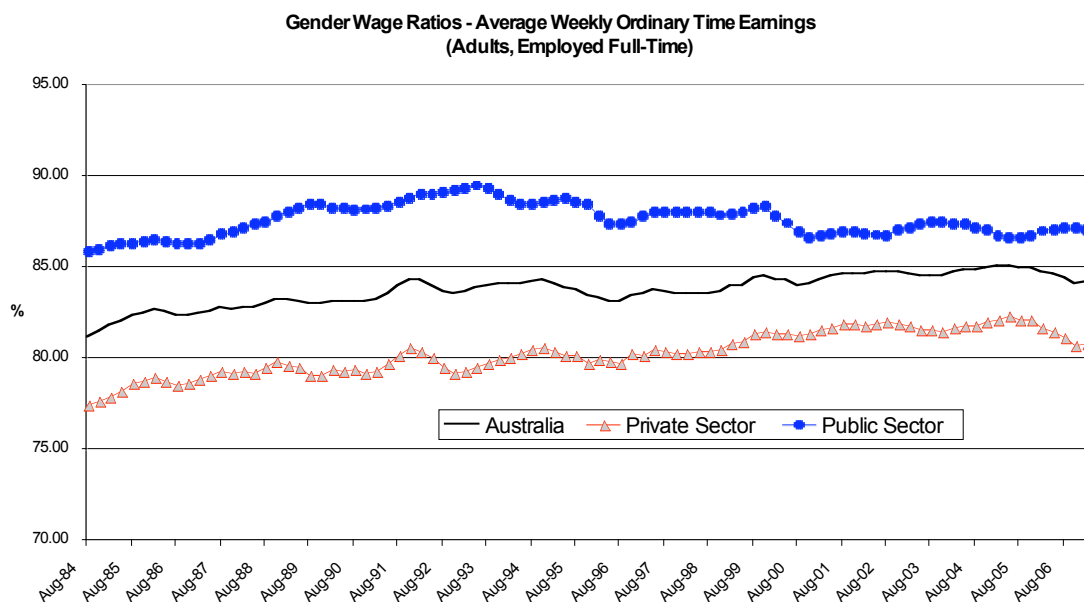
What Women Want

Consultations on Welfare to Work and Work Choices¹

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 framework².

This report is a summary of the discussions and contains recommendations arising from the consultations.

Figure 1



Source: ABS 6302.0- Four quarter moving average applied to smooth the data



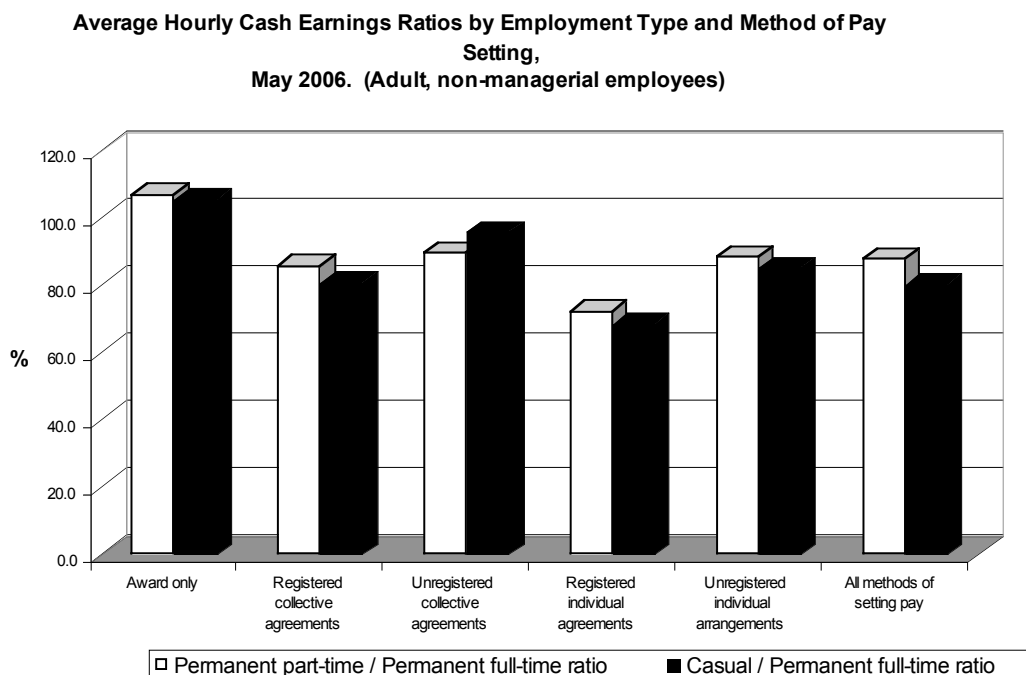
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Key findings

The following provides a summary of the key findings of the consultations.

1. There is clear and documented evidence of a marked and, for the women consulted, unacceptable deterioration in wage equity where women are employed under Australian Workplace Agreements (AWAs) or other individual wage agreements³. This mirrors the now pronounced growth in the gap existing in New Zealand between male and female wages for work of comparable value, under an industrial system similar to that now in place in Australia.^{4,5}
2. Wage inequality is most apparent in the part-time and casual labour markets where women are disproportionately clustered. For example, amongst those covered by registered collective agreements, data shows that the earnings of permanent part-timers equates to 85.6 per cent

Figure 2



Source: ABS 6306.0

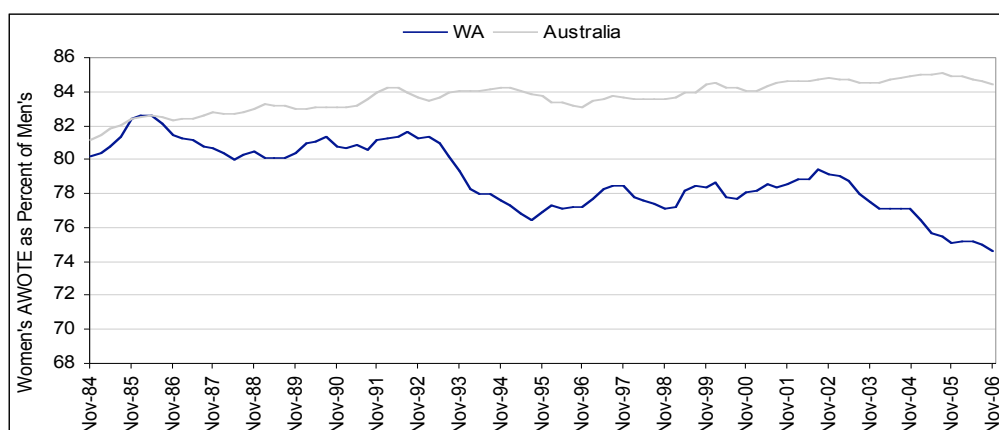
of the earnings of permanent full-timers. The corresponding ratio for casual employees relative to permanent full-time employees is 81.0 per cent (see figure 2). The graph shows that wages instruments are therefore important determinants of gender pay equity. AWAs are most common in the retail sector, where there has been little if any

wage growth, and available data do not show what conditions have been traded off.

3. There is also evidence⁶ that in managerial and professional occupations a gender wage gap occurs at different points on the wage continuum. Women professionals and managers are not doing as well as their male counterparts. As well as being under-represented in these occupations, there is a glass ceiling for women professionals and managers. This provides quantitative evidence of similar findings by a survey by Chief Executive Women⁷. The effect is more marked in the private than in the Government employment sector.
4. There is concern for the impact that lower wages have for the further feminisation of poverty in old age, given the findings of a number of studies that women have lower savings for retirement than men, and that more baby boomer women have HECS debts than do men⁸.
5. It is becoming apparent that AWAs operate quite differently in feminised sectors of the workforce; wage levels tend to remain stagnant in sectors such as childcare. In Western Australia (the state where the incidence of AWAs is the highest) in November 2006 the gender wage gap was 25%: this means that on average for every one

Figure 3

**Women's average weekly full time ordinary earnings as percent of men's
WA and Australia**



Source: ABS, Average Weekly Earnings, Cat no. 6302.0.
Seasonally adjusted series, 4 quarter rolling average.



dollar earned by a full time male employee, a full time female employee earned 75 cents⁹. The gender wage gap is higher in Western Australia than in any other jurisdiction. In the full-time labour market the gender pay gap was 16 per cent at November 2006. The first significant deterioration in the relative pay of women in Western Australia¹⁰ coincided with the introduction of individual bargaining in that state (see figure 3 above for full-time employees managerial and non-managerial)¹¹.

6. Problems were reported from federally funded Indigenous organisations that are being forced to require women to sign workplace agreements, often without their comprehension of the import of the changes. It was asserted that funding agencies refused to permit inclusion of cultural leave in AWAs. Governmental funding of community organisations commonly requires them to place employees onto AWAs without any alternate option being offered.

This raises an important issue: are women being forced to sign AWAs in a situation where there is no informed consent?

7. There is a great deal of confusion among both employees and employers as to details of guaranteed entitlements. Many employers, especially those with large workforces, make use of collective enterprise agreements and have appropriate ethical standards in reaching agreement with their work-forces (recognising the value of retention of valued employees). On the other hand, there are reports of workplaces where the employers clearly assume that 'anything goes'. Many women were very concerned that Government agencies are not responding adequately to what are actually illegal actions.
8. There is widespread expressed concern that young women workers have poor bargaining skills, as do women from a culturally and linguistically diverse (CALD) background, and other marginalised groups, and in consequence all are frequently exploited.
9. There are significant reported problems for women workers in rural communities where there are few, if any, alternate employment opportunities when an employer seeks to introduce an AWA. A specific instance from Tasmania of a mushroom farming company operating in Spreyton and the Huon Valley was provided¹²:



The case of Adelaide Mushrooms trading as Tasmanian Mushrooms and operating the two farms was referred to as an example of the negative potential impact of AWAs on workers from rural areas in terms of work hours and the impact on work and family balance. In reference to work hours the AWA prescribes that there will be no minimum hours guaranteed in the agreement, excludes shift loadings, penalty rates, redundancy pay, annual leave loading, ceremonial leave, ordinary hours, rest breaks and public holidays. The AWA averages the 38 hour week over a 12 month period and states that staff should agree to “volunteer” to be available for extra shifts or extra hours be they on public holidays or weekends at the all up rate. The workforce is casual with few other local employment options and minimal negotiating power.

10. There are particular issues that need to be addressed for all workers in agricultural and horticultural workplaces where the industry or region is undergoing particular climatic or economic stress. Employers may be unable to finance appropriate wage settings because of current economic problems, yet if employees are forced to move away, then there will be later difficulties in attracting them back to the industry.
11. Some women proprietors of small businesses, especially in rural areas, reported great problems in attracting appropriately skilled workers. They reported that they frequently could not afford to offer sufficiently high salaries to attract workers. In some instances the vacancies were for workers with skills in general demand.
12. Other problems were reported of women attempting to balance part-time work and receipt of Centrelink benefits. Frequently these women, who under present arrangements are required to report in person, travel considerable distances to report their compliance with job seeking requirements, at great personal financial and time cost.
13. There is great concern that women with disabilities and women coming off welfare payments are not receiving the support from Government they require to be able to enter the paid work force, and that many women with disabilities completely miss opportunities to participate more fully in the community and the workforce. The issue of whether there is always informed consent to AWA arrangements is again of relevance.



14. There are major concerns that the Anti-Discrimination legislative framework, both Commonwealth and State, is not adequate as it stands to bring about timely conciliation or solution of issues that might previously have been resolved through unfair dismissals processes and that there is a lack of clarity on the application of anti-discrimination law in this context. The unlawful termination provisions of WorkChoices are cumbersome and expensive to access.
15. There is a perceived need to develop additional new machinery at State level such as the WA Government's Pay Equity Unit, the NSW Government's intervention on behalf of child (minors) labour laws, the proposed Queensland Fair Pay agency and the Victorian Government's Workplace Rights Advocate, to ensure that there is good advice available to both workers and to employers, and to ensure that there is some outreach service to assist particularly vulnerable workers. These would complement the role of the Commonwealth's Specific Employee Groups Unit, which has responsibility for groups perceived to be vulnerable within the Office of the Employment Advocate (which will be renamed the Workplace Authority).
16. There is dissatisfaction with the failure of the Office of the Employment Advocate to adequately fulfil its statutory role (see Attachment A) to investigate and deal with the issues outlined above.
17. There is dissatisfaction with the failure of the Office of the Employment Advocate to fulfil its statutory role of providing adequate reporting on the nature of individual AWAs, and changes in family friendly conditions.
18. There is dissatisfaction with the failure of the Commonwealth Government to provide a national paid maternity leave scheme as recommended in HREOC's *A Time to Value Report*¹³, and a perceived need for the Commonwealth to progress an initiative in this area.
19. There is dissatisfaction that the timing of minimum wage adjustments is left to the discretion of the Australian Fair Pay Commission (AFPC). Women need the guarantee of the timing of minimum wage adjustments to regular, publicly known intervals. Women who are reliant on minimum wages need to plan and cannot be left to guess when their next pay rise might come.

Background

In November 2005 the Commonwealth Government introduced legislation that has significantly changed both welfare and workplace relations in Australia in a fashion that removes many protections. Concerns had been raised from the time these initiatives were mooted about their possible impacts on women.

In 2006/7 the National Foundation for Australian Women undertook the task of consulting with women's organisations across the nation on these changes.

Women in employment in Australia comprise both those women who are self-employed (sometimes as business owners, sometimes as self-employed professionals) as well as those who are employed either in the private sector, including not-for-profit enterprises, or in the public sector. The consultations undertaken for this report focuses primarily on the employed women, not self-employed women¹⁴.

The purpose of the consultations with women's organisations was to identify local issues and responses to the legislation and also to provide them with information about the legislative changes and results of current research¹⁵.

Supported variously by State and Territory Governments, university research centres and non government organisations, roundtable discussions were conducted in Brisbane, Canberra, Perth, Darwin, Adelaide, Sydney, Melbourne and Hobart.

The consultations, conducted from November 2006 to May 2007, complement two related research studies. One research study (commissioned by NFAW, The Women's Electoral Lobby Australia and the Human Rights and Equal Opportunities Commission) benchmarked women's wages and conditions: this was undertaken by the WiSER (Women in Social and Economic Research) Unit of Curtin University) and has been published in September 2006 under the title Women's Employment Status Key Indicators (WESKI)¹⁶.

The second related research study involves over one hundred in-depth individual field interviews with minimum wage workers across six states and territories, coordinated by the Centre for Work and Life at the University of South Australia. The field research in each State and Territory has been

financed by the relevant State and Territory Governments, and the national report and coordination has been financed by NFAW, WEL and the YWCA with support from many other individuals and organisations. The individual State reports are likely to become available serially from early June, while the Report to the three national women's organisations will be launched in August 2007. These reports will contain a great many personal stories, snapshots in time of some women's current experiences with the industrial relations framework.

Over 300 women attended the consultations, representing more than 60 Australian women's organisations. There was participation by women of culturally and linguistically diverse backgrounds, by women of Indigenous backgrounds, by rural women, by women with disabilities, by young women; a widely representative cross section of Australian women. The total membership represented at the consultations exceeds two million Australian women.

The NFAW is profoundly grateful to the individual women who participated in these events, and to the generous contributions of time and resources by the bodies that organised and sponsored the roundtables in each capital city (see endnote 2).

This report is a summary of the issues those women would like to see addressed by governments and it has been endorsed by a national roundtable of individuals who have already been at a capital city event.

Major themes

Discussion at the consultations centred 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

The discussions drew on the extensive research on women's workforce position collated in the WESKI Report, a comprehensive audit and analysis of existing data sources on women's pay and conditions that identifies gaps and weaknesses in these sources. The WESKI Report highlights the diversity of women and analyses the constraints on their/our bargaining capacity, a fundamental issue in the new workplace relations regime.

It is apparent that the imbalance of power between employers and employees that results from Work Choices is producing, in many workplaces, a climate of insecurity and a pervasive sense of hopelessness, particularly among young women and marginalised groups.

A summary of the discussion against each of the themes is provided below.

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 paths¹⁷.

Pay inequality also occurs as a result of women being paid less than men for doing a similar job. This type of inequity is more difficult to identify under Work Choices, which has introduced individualised pay negotiations and decreased transparency of pay arrangements. Under registered collective agreements¹⁸ the ratio of female to male earnings has remained reasonably steady. However, the gender wage gap under registered individual contracts (AWAs and State equivalents until 2004) has shown that the ratio of female

to male hourly earnings has gone down since 2000, and has reduced even more in unregistered individual agreements.

The Australian Chamber of Commerce and Industry submission to the AFPC wage review in July 2006 stated that 'gender pay disparity is already narrowing in Australia - with the pay gap between men and women at record lows'.

This assertion seems open to question.

Submissions to the AFPC by NFAW and the What Women Want consortium have addressed the need to consider pay equity.

However, focusing on the mean gender wage gap of those in full-time employment hides much of the variation, as evidence of the growing part-time/full-time wage gap shows.

Low paid workers in Australia include a disproportionate number of women. Union membership significantly benefits women's wages in most countries, as women are more likely to be reliant on award payments (according to ABS data, in 2004 24% of women were wholly reliant on awards pay and conditions compared to 16% of men). Award-reliant employees are most vulnerable to loss of pay and conditions. It was considered by those consulted that the loss of employment conditions, including penalty payments, would have a particularly negative impact upon women and other low paid workers.

A survey by the Sydney based Youth Action and Policy Association of 400 young workers, 206 of whom were young women showed that:

- Prior to Work Choices, the majority of young women were happy with their pay and conditions;
- The majority of young women thought they would be better off under an award (52%);
- Less than one in five young women thought they would be better off negotiating their own pay and conditions (17%);
- The majority of young women are not confident to negotiate their own pay and conditions (37% confident, compared to 63% not confident or neutral);

- That young women are more likely to put up with poor pay and conditions than to simply quit and look for another job (80% compared to 20% who would just quit); and
- Over 40% of young people under 18 were unsure about the conditions of both the award system and individual negotiation.

The removal of wages and classifications scales from awards and the reliance on awards under the new legislation means that there is now no capacity to bring cases about pay equity to the Australian Industrial Relations Commission (AIRC)¹⁹. This also removes any understanding of the earlier culture that existed in workplaces for employees and employers. Pay scales informed people about what remuneration to expect in different jobs. Under Work Choices, there is no requirement for the Australian Fair Pay Commission to examine wage equity, but it may do so if it is convinced there is a need.

Work value cases were identified by those consulted as the most effective means of maintaining wage equity prior to the introduction of Work Choices, but this mechanism has not been retained. There is concern that wage discrimination cases will not be effectively addressed under the new legislation.

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 overseeing working conditions. As well, a new Fairness Test has been proposed.

It is of concern that the Fairness Test reinforces the practice of women trading away significant award entitlements for short-term economic gain, which can later be eroded as the cost of living rises.

This test came into effect on 7 May, 2007 but guidelines and resources to administer it are yet to be put in place. From information available to date

the Fairness Test will only be applied once the employer and employee have signed the AWA and not during the drafting and negotiating process and will not apply to the hundreds of thousands of AWA's which were lodged prior to 7 May, 2007.

The consideration of 'location' as an exceptional circumstance raises the issue of potential economic disadvantage to rural and regional women. The consideration of "employment circumstances of the employee" raises concerns over pay equity for women entering and returning to the workforce. This has the potential to remove the notion of fair pay for the value of the work performed. The ability to trade away basic provisions (which are not measurable in terms of their current and future value to women, families and communities) for money, has the potential to further entrench rather than remedy fundamental disadvantage

The consultations identified different interpretations of the legislation emerging between States, and there is confusion about how to lodge grievances.

If the Government has in fact provided substantial funds to employer bodies to keep their members fully aware of the changed industrial relations provisions, it has not resulted in good information at the work place.

Many women, especially young women and women with limited English language skills had little or no idea of the basis on which they were employed/paid nor understanding as to their actual minimum legal entitlements. The lack of a 'no disadvantage' provision in the Commonwealth legislation is allowing for egregious outcomes for women workers. Note that in May 2007 the Government has announced some changes which may alleviate this problem, but legislative and operational details are still not available.

At a minimum it should be a legal requirement for an employer to provide an employee with a clear statement of their employment entitlements when they are appointed, and spell out clearly the payments made in employee pay slips.

The function of the Office of the Employment Advocate to pursue this must be strengthened. The May 2007 announcements by the Prime Minister have the potential to improve the situation. However the wording of Workplace Relations Amendment Bill (A Stronger Safety Net) 2007 is unclear on what

are considered to be the ‘exceptional circumstances’ where “the Workplace Authority Director would be able to have regard to the employer’s industry, location or economic circumstances and the employment circumstances of the employee”.

Failure to monitor changes

Participants identified a need for research into the overall impact of Work Choices, specifically the changes that impact on women. The absence of relevant data is viewed with a strong degree of suspicion and is creating the impression that the federal government does not want people to know what impact the new legislation is having.

There is also a view that there is a need to record whether women are trading employment related provisions for short term wage increases, in order to understand the longer term implications of these decisions.

The recommendations of the WESKI Report are particularly germane in this. This report concluded that there should be stronger ministerial pressure on the relevant agencies (the Office of Workplace Services and the Office of the Employment Advocate) to collect and regularly publish data relevant to their statutory functions.

Subsequently, the Australian Bureau of Statistics has advised the NFAW that the Bureau would require more funding to allow it to take up some of the WESKI recommendations.

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. These 96,000 women will have little choice but to sign AWAs offered by prospective employers, little opportunity to negotiate in any meaningful way. At this stage, Government is prepared to support only the ‘most serious’ cases with food vouchers. This support is contingent on the availability of a service provider through whom the support can be channelled.

The threat of losing New Start payments also leads to a loss of job choice, forcing women into jobs with low returns. This also means that women move into jobs with conditions that undermine their ability to care for their children.

Participants in the Round Tables are concerned that this is an inadequate level of support, and many women will be forced to accept inferior pay outcomes when they return to work. This will have the effect of further increasing the gender wage equity gap.

Whilst the able bodied are affected by the individualisation of the workforce, women with disabilities are affected more so by lack of disability networks within the workforce. Some but not all State governments have support networks, such as the NSW Public Sector Deaf & Hearing Impaired Employees Network.

Information from women with disabilities shows that they have been affected in ways similar to able-bodied women, but that their situation is exacerbated because disability discrimination is a barrier to workforce participation, and increases job insecurity once in work. Participation rates remain low.

Women with disabilities wishing to enter the workforce are affected more by the Welfare-to-Work changes than Work Choices. They reported being confused about their rights, and being nervous about using Centrelink in order to look for work. Those on Disability Support Pensions, even when the DSP was awarded prior to 2005, are unwilling to approach Centrelink for fear of losing their pensions. Three-hour Centrelink phone intake interviews have been reported - including calls that go via an operator with the National Relay Service. Job Capacity Assessments (JCA) are taking many weeks so that numbers reaching the Disability Employment Networks are still low.

Women with disabilities report being depressed and demoralised by the job search process. Rejections are frequent. The consequence is that they accept any AWA or wage offered. They reported being 'grateful' to get any job. Many have neither the will, nor the skill, nor the self-esteem to bargain with employers. Some have concerns that contracts are being signed without informed consent on the part of the employee. This leads to unsatisfactory and in some cases unsafe outcomes both for employers and employees.

Both skilled professional and unskilled women with disabilities find it difficult to enter the workforce. Graduates remain unemployed long after their peers have entered the workforce.

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. The participants generally perceive Work Choices as part of a social regulatory framework that intersects with the welfare provisions of Welfare to Work. Both pieces of legislation create tensions in achieving a balance between work and family responsibilities, which, in turn, is important to increasing participation in work. Workplace issues such as pay, hours of work, leave, job security and workload are work-life balance issues.

To realise a meaningful level of achievement and enjoyment in life, individuals need to work in organisations with positive work-life cultures. The emphasis of Work Choices combined with Welfare to Work is regarded by those consulted as a 'work first' approach, with the regulatory mechanisms focused on individual assertiveness rather than collective action.

The nature of secretive individual bargaining for contracts does not lead to collegial and cooperative relations between workers in a particular enterprise.

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 who witness the consequence of such actions. The change in climate is particularly felt in workplaces under 100 people where there is currently no redress as a consequence of Work Choices.

The women consulted said that as a result of the Work Choices legislation, individuals are more likely to feel vulnerable in raising issues with employers. For example, they said that many women are less confident discussing work-life balance problems with their employers. They either ignore the problems, or leave the employer. Many workers need the security of knowing exactly what they will be paid and to be respected for the work they do without need to engage in self-promotion.

Concern was expressed that those already disadvantaged, for example by discrimination within the work force, with poor quality jobs and inadequate work-life balance may be in the most disadvantaged position to negotiate improvements. For example, the capacity of people with disabilities or from CALD backgrounds to access the skills they need to successfully negotiate on

an individualised basis in the workplace was identified as a significant problem.

There was also concern that the new legislation devalues education, parenting and caring.

Recognition of the long-term financial costs of women's time spent bearing and rearing children is long overdue. For example, there is a need for superannuation entitlements to apply to women when they are out of the work force.

Participants also observed that employers have traditionally operated in an adversarial system of industrial relations in Australia and are not accustomed to giving workplace conditions that have not been sought by employees. For example, participants cited the perception that unfair dismissals have increased in order to avoid long service leave obligations and to replace older workers with younger workers.

Another example provided is the rate at which overtime is being abolished in AWAs; this increased from 25% to 51% in the first year of the Work Choices legislation²⁰.

Under the Work Choices legislation, there is no provision that obliges employers to offer similar employment conditions to employees performing similar work. There was concern that this would lead to a further reduction in terms and conditions of employment for women and have an adverse impact on their ability to maintain a reasonable work and life balance.

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.

Attachment A: Role of the Employment Advocate

The specific sections in the Work Choices legislation that relate to vulnerable workers are:

1. In performing his or her functions relating to workplace agreements, the Employment Advocate must encourage parties to agreement-making to take account of the needs of workers in disadvantaged bargaining positions (for example: women, people from a non-English speaking background, young people, apprentices, trainees and outworkers).
2. In performing his or her functions, the Employment Advocate must have particular regard to:
 - a. Assisting workers to balance work and family responsibilities; and
 - b. The need to prevent and eliminate discrimination because of, or for reasons including, race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.²¹

The OEA can explain the content of agreements in ways appropriate to an employee's specific needs including, for example, the circumstances of Indigenous communities, people from non-English speaking background, women and young people.

There are 7 employee protections in the legislation:

- Right to a minimum of 7 days to consider the agreement
- Right to a OEA information statement
- Bargaining agents can be appointed
- Additional protections for younger employees
- Coercion and duress are prohibited
- False or misleading statements are prohibited
- Discrimination based on union membership or non-union membership is prohibited

End notes

¹ Now the *Workplace Relations Amendment (A Stronger Safety Net) Bill, 2007*

² The following lists the dates of the consultations and those that supported NFAW by assisting with the organisation and/or venues in each State/Territory:

Canberra	22 November 2006	ACT Minister for Women and Deputy Chief Minister Women's Electoral Lobby (Aust.) ACT Human Rights Commission ACT Women Lawyers Association ACT Women's Advisory Council
Brisbane	5 December 2006	Griffith University University of Queensland
Perth	2 March 2007	Curtin Graduate School of Business Women in Social and Economic Research Unit (WiSER)
Darwin	6 March 2007	NT Minister for Women's Policy YWCA (Darwin)
Adelaide	9 March 2007	Centre for Work and Life, University of South Australia
Hobart	16 March 2007	Tas. Office for Women's Policy
Sydney	23 March 2007	University of Sydney Women and Work Research Group
Melbourne	9 May 2007	YWCA (Australia)

³ Alison Preston, Therese Jefferson, Rob Guthrie, *Australian Workplace Agreements and Gender Equity* WiSER, Graduate School of Business, Curtin University 2007. See also <http://www.cbs.curtin.edu.au/business/research/areas-of-research-focus/women-in-social-and-economic-research/wiser-events/women-and-workchoices-roundtable-fair-pay/equal-pay>

⁴ Raymond Harbridge and Glen Thickett, *Gender and Enterprise Bargaining in New Zealand, Revisiting the Equity Issue*. *New Zealand Journal of Industrial Relations* 28(1)- 75-89

⁵ On 17 May 2007 Minister Joe Hockey released a media statement 'ABS data shows Women are the Winners'. Using ABS data from catalogue 6302.0 (on average weekly earnings) Minister Hockey argued that "The wages data show that female earnings have outstripped male earnings over the past year." The data referred to by Minister Hockey are for adults in full-time employment. They do not take into consideration hours worked and do not include the earnings of women employed part-time. At February 2007 the common ratio of the average ordinary time weekly earnings of adult women and men employed full-time was equal to 84.33%. At November 2006 the corresponding ratio was 83.6%. The change between 2006 and 2007 is not significant.

⁶ Alison Preston, *Trends in the Gender Pay Gap*, Presentation at the WiSER/NFAW Roundtable Forum, 2 March 2007.

⁷ For details of the survey refer to <http://www/cew.org.au/>

⁸ See, for example, AMP.NATSEM Wealth Reports <http://www.amp.com.au/group/3column/0.2449.CH5268%255FNI74069%255FSI3.00.html>).

⁹ WA Office of Women's Policy, 2007, *Impact of WorkChoices on Women*, available from: www.community.wa.gov.au/Communities/Women/).

¹⁰ Alison Preston & Geoff Crockett, "State of Pay: Female Relative Earnings in Australia" *Journal of Labour and Industry*, Vol. 10(2), December 1999, pp129-146.



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- 11 The time-series data are from ABS 6302.0 which presents information on average weekly earnings (ordinary and total time) for full-timers and all persons (full-timers plus part-timers). It is not possible to separate out non-managerial and managerial employees in the 6302.0 survey. The ABS *Employee Earnings and Hours Survey* (6306.0) allows this separation. The 6306.0 survey also uses a different measure of earnings. These differences make comparisons across series relative more difficult. Both series are, however, used as a way of further exploring trends and determinants of the gender pay gap.
- 12 Details of this case may be found at <http://www.parliament.tas.gov.au/ctee/Transcripts/WorkChoices%20-%207%20December%2006.pdf>.
- 13 Available at http://www.hreoc.gov.au/sex_discrimination/pml2/index.html
- 14 It is worth noting that in 1998 of all employed women, self-employed women constituted about 14% and it is likely this proportion is now higher. It is also likely that the experience of the labour market differs between self-employed women and women who are employees. An indication of this is provided in research undertaken by Sensis ("Better Conditions, Better Business" Australian Government Office for Women) which reports that 97% of SMEs surveyed offered their employees at least one provision to assist them in balancing their work and caring responsibilities. Businesses surveyed that were predominantly operated by females were more likely than other businesses to offer carer and family friendly conditions to their employees.
- 15 The formal research papers presented at the RoundTables are available at www.nfaw.org.
- 16 The report may be accessed at: <http://www.nfaw.org/social/www/index.html>
- 17 *Getting Real: Young Women and Girls, Working Futures, VET and VET in Schools*, Security 4 Women, 2005
- 18 Refer to note 6 above
- 19 Gillian Whitehouse, University of Queensland presentation to Women and Work Choices Roundtable December 2006. See, also, WiSER submission to the AFPC 2007 Minimum Wage Review. <http://www.cbs.curtin.edu.au/business/research/areas-of-research-focus/women-in-social-and-economic-research/wiser-publications#submissions>
- 20 David Peetz, WorkPlace Express 8/12/06
- 21 Workplace Relations Act 1996 Section 83BB (2) pp 44-45
http://www.workplace.gov.au/NR/rdonlyres/9398E7E7-5F2F-4D3A-A8FD-BB02E18A5BC3/0/wra_wc_act2005.pdf