Female Workforce Attachment Policies

The NFAW has compared and contrasted policies of the major political parties bearing on workplace attachment for women in the lead up to the 2013 election. In doing so NFAW has assumed that workforce attachment is a desirable option for a great many women, having the potential to ensure that they have greater economic security throughout working life, as well as in retirement. This review encompasses a number of different portfolio areas. NFAW has not endorsed any particular suite of policies.

NFAW is a non-partisan feminist organisation. NFAW is not dependent on government financial support. Our purpose in this project is to assist women (and their partners) to make a well informed decision. Text has been submitted to political Parties for checking for accuracy.

Enhanced work-force participation has been identified by the Australian Treasury as a significant factor in improving the productivity of the Australian economy. Women and retirees are among the groups whose participation can be increased.

Recent research by the Australian Institute of Family Studies shows that most women return to work on a part-time basis after having a child. There is evidence that working women also bear most of the domestic care responsibilities. Female work-force participation for the age range 20-74 years in Australian has increased from 61.1% to 65.2% in the last decade. (The participation rate includes those people in work and looking for work. These figures do not differentiate between part-time and full-time employment, but much of the increase in female participation is associated with part-time work.) According to Treasury, the female participation rate in Australia is higher than the average in OECD countries, but there is scope for increase among the mature age population.

Many labour economists argue that the employment to population ratio is a better indicator of change in the labour market as it measures actual employment. In the last decade the employment rate for 20-74 year old females has increased from 58% to 62.3%.

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3 Australian Bureau of Statistics 4125.0 - Gender Indicators, Australia, Jan 2013
4 Australian Bureau of Statistics 4125.0 - Gender Indicators, Australia, Jan 2013
6 Australian Bureau of Statistics 4125.0 - Gender Indicators, Australia, Jan 2013
In 2012 The Grattan Institute in its report ‘Game Changers’, which analysed potential drivers of improved productivity, supported Treasury, arguing that improvements to child care accessibility and affordability, together with reducing the effective marginal tax rate (EMTR), should be considered as ‘game changers’ in achieving the goal of greater female work force attachment. Treasury has also identified the quality, affordability and availability of child care as all factors relevant to workforce participation (Treasury Working Paper, 2010-02).

Paid parental leave programs are essential, but not sufficient in achieving this objective.

In this analysis, the NFAW has assumed that there should be equal pay for work of equal value; that women with dependent children should have the right to choose to work full-time or part-time, according to their preference; and that Government policies ought encourage shared parenting, with both partners having family friendly flexible working conditions available for them if they so choose.

These desiderata impact on industrial relations policy, on direct transfers or welfare policy, on taxation policy, on child care subsidy and provision policy, and on paid parental leave policies.

This paper makes reference to those while summarising the existing suite of policies. Separate stand-alone comparison papers will explore in detail policies on the interaction of tax and transfers (EMTR), and parties’ child care policies.

An analysis of major parties’ paid parental leave policies was published in May 2013.

This paper has been authored by Professor Marian Baird, and Irina Kolodizner, and authorised by the National Foundation for Australian Women Social Policy Committee.

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<th>LABOR</th>
<th>COALITION</th>
<th>GREENS</th>
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<tr>
<td>Child Care</td>
<td>A child care benefit and increased child care rebate for 50% of child care expenses up to $7,500 per child per year is available to parents as child care related financial</td>
<td>Proposed Productivity Commission Inquiry into child care system, the purpose of which is to make it more affordable, flexible and accessible.</td>
<td>NA</td>
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<td>See stand alone paper for</td>
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| Detailed Analysis | Terms of Reference<sup>8</sup> include inquiry into day care and in home services including nannies and au pairs, as well as consideration of:

- the current hours parents work or study, or wish to study;
- the particular needs of rural, regional or remote parents, as well as shift workers;
- the out of pocket costs of child care to families;
- rebate and subsidies available for each type of rebate; and
- the needs of vulnerable or at risk children.

Have not ruled in or out means testing the Child Care Rebate if elected.

Will look at cutting $1.97 billion from the child care ‘funding envelope’ including the Child Care Benefit to subsidise nannies.

Have committed to rolling back the National Quality Framework if elected, including the transparent ratings system.

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Published the quality ratings of child care services on the Government’s MyChild website.

Introduced the Early Years Learning Framework (EYLF) and Framework for School Aged Care to help children to learn and develop through play.

Established a Pay Equity Unit within the Fair Work Commission to look at wage levels across the whole children’s services sector.

Delivering over $190 million in training support through waiving TAFE fees for diploma in children’s service, introducing a recognition of prior learning program for early childhood educators and the HECS/HELP Benefit for Bachelor of Education (Early Childhood).

Reviewing the Budget Based Funded child care program to improve the delivery of early childhood education and care in areas where child care services would not otherwise be viable.

| Baby Bonus | A reduction in the availability of the baby bonus is proposed. If the primary carer is Wholesome scrapping of the baby bonus.⁹ | NA |

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<tr>
<th>Workplace Flexibility</th>
<th>eligible for Family Tax Benefit A - that is household earnings are under $94,316 - then $2000 for the first child and $1000 for subsequent children will be offered.</th>
<th>(Noted that the Coalition introduced the ‘baby bonus’)</th>
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|                       | - Right to request flexible working conditions  
An entitlement for parents to request flexible working conditions operates as a national employment standard under the Fair Work Act 2009 (Cth) (FW Act). The entitlement applies to employees with 12 months service who have to care for a child under school age or under 18 with a disability.  
Minister Bill Shorten has indicated in a media release\(^\text{10}\) that Labor’s policy platform, in accordance with the recommendations of the FW Act Review, will be to amend the FW Act so as to extend the right to request flexible working arrangements to include:  
• workers with caring responsibilities (thus potentially applying to all carers)  
• employees who are parents, or who have responsibility for the care of a child of school age  
• employees with disability  
Support for Labor’s ‘family flexibility’ provisions of the Fair Work Amendment Bill 2013.  
Flexibility is also addressed through expansion of Individual Flexibility Arrangements (IFAs). IFAs will no longer be able to be restricted by the terms of an enterprise agreement – although will still be subject to the Better Off Overall Test (BOOT) test. The BOOT requires that the IFA make the relevant employee(s) better off overall when compared to existing conditions applicable to the employee(s). | - The Greens advocate for greater flexibility for employees in workplace arrangements to allow for a better balance between work and family, social and community involvement.  
- The Greens support the extension of the right to request flexible working conditions to all carers (including informal carers), reduction of the eligibility threshold for the entitlement to 6 months of being with an employer, and providing for refusals to grant flexible working arrangements to be referred to the Fair Work Commission for resolution.  
- No specific policy on employment protection or |

- mature-age employees
- workers experiencing family violence and workers providing personal care, support and assistance to a member of their immediate family or member of their household because they are experiencing family violence.

This is consistent with the content of the current FW Act Amendment Bill 2013.

- IFAs
The FW Act also provides (s 144, 202) for every modern award and enterprise agreement to include a flexibility term that allows an employer and an individual employee to agree on an arrangement which varies the effect of the modern award or enterprise agreement to meet the needs of the employer and individual employee.

The FW Act ensures these arrangements do not undermine minimum employee entitlements by requiring the employer to ensure the employee covered by the IFA is better off overall on the IFA compared to the modern award or enterprise agreement the IFA varies.

IFAs can be restricted by the terms of an enterprise agreement.

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<th>equal opportunity</th>
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<td>- General policy statements with respect to women’s rights (extracted below)¹¹</td>
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Women have the right to:

- equal respect, responsibilities and rewards in society;
- equal access and participation in decision-making processes in all areas of political, social, intellectual and economic endeavour;
- freedom from violence;
- equal pay for work of equal value, and to have their unpaid caring responsibilities acknowledged and properly valued throughout their lifetime; and
- informed, supported choices about all aspects of their lives, including sexual identity, health, reproductive health processes, birthing and child-bearing, and how they balance participation in paid work with

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<th>Employment Protection and Breastfeeding&lt;sup&gt;12&lt;/sup&gt;</th>
<th>Employees on parental leave have a legal right under the FW Act to return to their pre leave position – or a position of equivalent pay and status – once they return from parental leave.</th>
<th>Same as Labor Party.</th>
<th>caring responsibilities. Social structures which disadvantage women must be changed. Some of the aims of Greens policy include that:</th>
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<tr>
<td>Pregnancy Discrimination</td>
<td>The Gillard Government has requested the Australian Human Rights Commission to conduct an inquiry into workplace discrimination against employees taking parental leave when they are pregnant or caring for a baby. Sex Discrimination Commissioner Elizabeth Broderick will oversee a national survey to more accurately assess the prevalence, nature and consequences of discrimination relating to pregnancy at work and return to work after parental leave. The inquiry will convene a series of roundtable forums with industry and employer groups, unions, workers and other relevant organisations before preparing recommendations to reduce discrimination.</td>
<td>The Coalition supports the AHRC inquiry.</td>
<td>• All public policy and legislation to be consistent with Australia’s commitment to the United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the UN Fourth World Conference on Women Beijing Declaration and Platform for Action, and the UN Convention on the Rights of the Child. • Equal representation of women and men in public life. • Equal pay for equal work that acknowledges and values women’s specific interaction with the paid workforce. • Women to have access to safe and confidential health and wellbeing services, including</td>
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<sup>12</sup> There is some State policy concerning State public sector entitlements to breastfeeding protection and leave but nothing Federally. For example, the NSW Department of Premier and Cabinet Policy provides up to two 30 minute paid lactation breaks per day for full time and part time employees.
| Equal Opportunity | Enactment of the FW Act and Workplace Gender Equality Act (WGE Act) | The Coalition did not support the passage of the Bill in the form in which it was presented. According to the Coalition, the Government failed to address the core issues set out in the KPMG report and the responses it has received from the employers and employer groups. The Coalition is concerned that the Bill will result in increased beauracratic red tape.  
Liberal amendments to the WGE Act proposed during the passage of the Bill suggested greater restraint of Ministerial discretion when setting minimum standards and introduction of provisions providing for naming of compliant employers. There was also discussion of the reintroduction of a power of the WGE Agency to waive employer reporting requirements, according to Senator Ronaldson. | reproductive health services.  
• Women to have equal access to appropriate well-resourced education services, from early childhood education through to higher education, which recognise the specific barriers women face in accessing education.  
• Women to have access to safe and secure accommodation through a comprehensive housing policy and the provision of adequate crisis housing.  
• Family-friendly workplaces and public spaces.  
• Community-based affordable, accessible, quality childcare and incentives for on-site childcare facilities in workplaces.  
• Due weight given to the work of those involved in homemaking, child raising, caring for the elderly or disabled and working for |}

13 http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansards%2F9cab25e9-48e4-87b6-0d4134c2c124%2F0072%22  
14 See appendix discussing proposed Liberal amendments. In particular, for the content of proposed amendments see http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Famend%2Fr4765_amend_be3c267f-aeb6-42f0-9574-6ef8b9365835%22 and for Senator Michael Ronaldson’s comments see http://www.michaelronaldson.com.au/index.php?mact=News,cntnt01,print,0&cntnt01articleid=310&cntnt01showtemplate=false&cntnt01returnid=65).
consultation with employees on issues concerning gender equality.

The objects of the WGE Act include promoting and improving gender equality, supporting the removal of barriers to full and equal participation of women in the workforce, promoting the elimination of gender-based discrimination, fostering workplace consultation between employers and employees, improving productivity and competitiveness of Australian business through advancement of gender equality in employment.

community organisations, by including those activities in the calculation of national economic measures.

- An equitable retirement income system that effectively and adequately provides women with financial independence when they retire.
- Further development and support for national anti-violence public education campaigns and programs, including family violence.
- Re-establishment of the federal Office for the Status of Women, including its position as part of the Department of Prime Minister and Cabinet.

Greens workplace relations policy also provides for:

- Equal access to paid work based on ability and irrespective of gender, age, sexual orientation, ethnicity, marital or civil status, family responsibilities, political affiliation, union membership, disability or religion.
- Elimination of the gender pay
The establishment of mechanisms both budgetary and statutory to eliminate the gender pay gap such as industrial tribunals with full powers to make orders to give effect to gender pay equity, on a workforce, industry or workplace basis.

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<th>Equal Pay</th>
<th>Labor supported an application for equal pay for workers in the social and community services (SACS) sector by making a joint submission with the Australian Services Union to Fair Work Australia. The bid was successful meaning workers will get a pay rise of between 19 and 41%.</th>
<th>The Coalition supported the ‘equal pay case’ in the SACS sector and the implementation of ‘supplementation’ to meet the funding implications arising from the decision.</th>
<th>The Greens support the elimination of the gender pay gap (as referred to above).</th>
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<td>Women in Leadership</td>
<td>Labor has supported the launching of Boardlinks, a network designed to get more women on Australian boards. Established the Gender Balance on Australian Government Boards policy, with a 40:40:20 target to be met by 2015. As at 30 June 2012, women comprise 38.4% of Australian Government board members.</td>
<td>In August 2007, the Coalition launched the AppointWomen online database for women who are keen to contribute their skills and knowledge on Australian Government boards. AppointWomen was part of the Coalition’s National Strategy for the Increased Participation of Women on Boards launched in 2004. AppointWomen was designed to support the efforts of Australian Government departments to identify</td>
<td>Christine Milne has publicly supported the introduction of quotas.</td>
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<td>talented women, with diverse skills and experience, who are actively seeking appointment to boards or other decision-making bodies.</td>
<td>Senator Cash was quoted in a November 2012 press release as supporting cultural change within organisations while criticising quotas (with respect to women in leadership), emphasising that implementing quotas cannot change the organisational or structural barriers that currently exist.</td>
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APPENDIX: LIBERAL AMENDMENTS TO WGE ACT


“The coalition's amendments are designed to lessen the discretion that this amendment bill bestows upon the minister and to reintroduce provisions allowing the agency to waive public reporting requirements for relevant employers.”

The amendments proposed by Senator Cash in the Senate are incorporated below.

Substantively, the two primary amendments moved by Liberal Senator Cash in the Senate (and Susan Ley in the House of Representatives) were to restrain Ministerial discretion (section 19) by opposing provisions entitling the Minister to set minimum standards with respect to gender equality indicators and to propose a new provision enabling the public naming of employers who complied with their obligations under the Act.

As summarised by Senator Cash “The Coalition will move a number of amendments in the Committee stage including allowing EOWA to publicly recognise companies who are doing the right thing, to support the Coalition’s generous Paid Parental Leave scheme and to restrain Ministerial discretion in regard to the Gender Equality Indicators, but these were rejected.” (see http://www.liberal.org.au/latest-news/2012/09/13/equal-opportunity-women-workplace-bill-won%E2%80%99t-help-women-penalises-business)

Equal Opportunity for Women in the Workplace Amendment Bill 2012

(Amendments to be moved by Senator Cash on behalf of the Opposition in committee of the whole)

(1) Schedule 1, Part 1, item 46, page 12 (line 8), omit “13C and”.
(2) Schedule 1, Part 1, item 46, page 12 (lines 8 and 9), omit “sections” (wherever occurring), substitute “section”.
(3) Schedule 1, Part 1, item 46, page 12 (lines 10 to 20), section 13C TO BE OPPOSED.
(4) Schedule 1, Part 1, item 46, page 12 (line 31), omit the note to subsection 14(2).
(5) Schedule 1, Part 1, item 48, page 13 (line 21), omit “13C,”.

(6) Schedule 1, Part 1, item 55, page 15 (lines 24 and 25), omit “gender equality indicators,”.

(7) Schedule 1, Part 1, item 55, page 16 (lines 15 to 29), section 19 TO BE OPPOSED.

(8) Schedule 1, Part 1, item 55, page 19 (after line 32), after section 19E, insert:

**19F Agency to make publicly available the names of employers who submit compliant reports**

The Agency shall make publicly available the names of relevant employers who regularly submit reports which comply with this Act.

(9) Schedule 1, Part 1, item 71, page 21 (after line 23), after section 33A, insert:

**33B Minister to repeal a legislative instrument when a new instrument is made**

If making a legislative instrument under this Act which imposes a requirement on employers, the Minister must cause an existing legislative instrument which imposes a requirement on employers to be repealed.