

# Work, Care & Family Policies

## Federal Election Benchmarks 2022

© April 2022

**Published by the Work + Family Policy Roundtable**

<https://www.workandfamilypolicyroundtable.org/>

The Election Benchmarks 2022 reflect the scholarship and research-based deliberations of the members of the Australian Work + Family Policy Roundtable.

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*The 2022 Election benchmarks are dedicated to the memory of Lina Cabaero, a long-term friend of the Work + Family Policy Roundtable and coordinator of Asian Women at Work. Lina was a tireless campaigner for the recognition of the rights of migrant women to decent work.*



# Work, Care & Family Policies

Federal Election Benchmarks  
2022





**T**HE *Australian Work + Family Policy Roundtable* is a research network of 31 academics from 18 universities and research institutions with expertise on work, care and family policy. The goal of the Roundtable is to propose, comment upon, collect and disseminate research to inform evidence-based public policy in Australia. Roundtable members include:

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Further information about the W+FPR is available at <http://www.workandfamilypolicyroundtable.org>

### Public policy for better work, care and family outcomes.

The Work + Family Policy Roundtable held its first meeting in 2005 and since then has actively participated in public debate about work, care and family policy in Australia. In the lead up to the 2022 Federal election, the Roundtable proposes a set of research-informed Policy Benchmarks against which election proposals for improving work, care and family outcomes in Australia can be assessed. These Benchmarks arise out of our collective research expertise and discussions at workshops held in October 2020 and March 2022. This is our sixth set of Federal Election Benchmarks.

The Roundtable believes work, care and family policy proposals should be guided by sound policy principles which:

- Recognise that good management of the work-life interface is a key characteristic of good labour law and social policy;
- Adopt a life-cycle approach to facilitating effective work-family interaction;
- Support both women and men to be paid workers and to share unpaid work and care;
- Protect the well-being of children, people with disabilities and frail older people who require care;
- Promote social justice and the fair distribution of social risk;
- Ensure gender equality, including pay equity;
- Treat individuals fairly, regardless of their household circumstances;
- Ensure sustainable workplaces and workers (e.g. through 'do-able', quality jobs and appropriate staffing levels);
- Ensure predictable hours, earnings and job security;
- Ensure flexible working rights are available in practice, not just in policy, to all workers through effective regulation, education and enforcement;
- Facilitate employee voice and influence over work arrangements;
- Recognise and support the ongoing need for income support where earnings capacities are limited by care responsibilities or other social contributions;
- Recognise the particular cultural and social needs of groups who have been excluded and discriminated against, such as Indigenous peoples and newly arrived migrants and refugees, who may require diverse responses to participate effectively; and
- Adopt policy and action based on rigorous, independent evidence.

## Introduction

**W**ORK, CARE and family life have been severely disrupted by more than two years of pandemic, fire and flood crises. The economy is recovering but our care systems are seriously damaged and in desperate need of renovation. The work/care crunch of the pre-pandemic years intensified during the pandemic, especially for women with young children (Craig and Churchill 2021, Macdonald et al 2021) leaving many feeling ‘whiplashed and weary’ (Hill and Cooper 2021). Broken care systems are making it difficult for families to reconstruct suitable work/care routines, and the care workforce and other essential workers are exhausted and depleted. Many are leaving their jobs in search of better pay and conditions (Peters and Marnie 2022; ACTU 2022).

Alongside the pandemic crises in work and care, Australia is facing a pandemic of disrespect for women and for the care work they do. This is exemplified in the activism of Grace Tame, Brittany Higgins, Chanel Contos, and the findings of the Respect@Work Report (AHRC 2020a), the Royal Commission into Aged Care Quality and Safety, The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and the Wiyi Yani U Thangani (Women’s Voices): Securing Our Rights, Securing Our Future (AHRC 2020b).

A new social contract that puts respect and gender equality at the centre of public policy is now urgently needed (ILO 2022). In 2020, in response to the COVID pandemic, the Roundtable called for a new social contract (W+FPR 2020) that recognises and supports the interconnections of work and care across society and the economy to deliver the decent work and care systems we need to build an inclusive and equitable recovery. This would mean the work of all women in the paid economy and the care economy is properly valued, and that the desires of young people for more equal sharing of family care and paid work are supported (Hill et al 2019).

Only radical reform of our work and care policy architecture can provide the decent work and decent care required by all, whatever their age, ethnicity, visa status, class, sexuality, or identity. This is now widely understood across the community with many businesses, civil society, industry, and women’s groups advocating for a suite of transformative work/care policies, including universal affordable or free early childhood education and care, more generous equitable paid parental leave, and professional wages for the care workforce (The Parenthood 2021, BCA 2022, CEW 2022, Thrive by Five 2017). There is also a global push for change with countries such as Canada and the USA leading efforts to elevate and craft new national care systems as the foundation for a productive and inclusive economic recovery (Department of Finance Canada 2021; Whitehouse 2021a; Whitehouse 2021b). For many years Australia has spent less than the OECD average on Early Childhood Education and Care (ECEC) and long-term care, leaving communities exposed to recurrent crises (OECD 2020; OECD 2021; Gromada and Richardson 2021). We must do better. Where care services are inadequate, women are locked out of the labour market, vulnerable to economic insecurity and poverty in old age (Mercy Foundation 2018).

New policies for decent work and decent care are needed to support worker-carers. The old male breadwinner model is outdated and does not reflect the contemporary labour market in which women make up 48 percent of the total workforce (ABS 2022a) and in which young men increasingly aspire to provide care for family (Hill et al 2019). Decent work includes adequate pay, stable and secure working time and paid leave provisions – such as paid parental leave, carers’ leave, personal leave, domestic violence leave and other forms of paid leave from work – as well as income support that allows for a dignified and poverty-free life during times of unemployment and in retirement. Decent care includes high-quality, adequately resourced child, elder, and disability formal care systems that align with provisions for unpaid informal family care and are delivered by a professionally paid workforce. It is crucial that policies at the interface of decent work and decent care recognise women as individuals who need and deserve equal pay or remuneration in the labour market generally, and in doing care work.

Care infrastructure must be seen for the public good it delivers and be backed by public funding (Macdonald and Charlesworth 2021). Sustained investment in high quality care infrastructure provided by a professionally recognised and paid care workforce, supported by robust regulatory and quality assurance systems will deliver Australia's commitments on Sustainable Development Goal 5 on gender equality, and Sustainable Development Goal 8 on inclusive and sustainable economic growth, employment and decent work. This is particularly critical in the context of climate change which presents growing challenges to our economy and society with increasing demands being placed on those doing the unpaid work of care, repair and adaptation.

In these Federal Election Benchmarks 2022, we provide a set of policy recommendations that put respect, work, care and equality at the centre of public life to support a strong and inclusive recovery and build the foundation of a resilient economy. Our Benchmarks provide research-informed policy recommendations in five domains that recognise and support the interconnections of work and care across society and the economy.

## Five Policy Themes

- Decent work
- High-quality care infrastructure and a sustainable care workforce
- Gender pay equality
- Safe and respectful workplaces
- Institutional support for decent work and decent care.

These policy domains are connected and together inform the institutional context within which households make decisions about work and care. Research evidence shows that an integrated approach to work, care and family policy will create the smooth and secure transitions between work and care over the life course that is required to build gender equality and positive outcomes for families, community and the economy.

## Summary of Recommendations

### Decent work

1. The Federal government establish a stronger foundation for decent work that is widely accessible to all workers and that explicitly recognises the importance of unpaid care responsibilities in workers' lives. This would include a robust floor of universal worker rights across all sectors, through amendments to the Fair Work Act 2009, that protects all workers, no matter their contract status, including:
  - A right to a living wage and secure, predictable income;
  - Improving working time security in feminised sectors through a minimum floor of secure weekly working hours and continuous daily hours of work;
  - An enforced cap on long working hours to increase men's opportunities for shared care;
  - Paid time for training; and
  - Revitalising award skills and classification structures to reflect the value of the work carried out by workers in feminised sectors (e.g. retail, education & care) and to provide career progression in good jobs.
2. The Federal government amend the National Employment Standards to create a paid leave system that is portable and adequately reflects the diversity of care needs for all workers across the life cycle, including casual, contract and gig workers including through:
  - A right to paid leave including carers leave, personal leave, domestic violence leave and palliative care leave; and
  - Extending the duration of both paid and unpaid carers and personal leave.
3. The Federal government extend the current parental leave scheme and increase incentives for more gender-equal sharing of care between parents, including:
  - Extending the duration of the national parental leave pay scheme to 26 weeks, making it available to both parents to share over the first two years of a child's life;
  - Providing an additional 6 week period on top of the 26 weeks, made available on a 'use it or lose it' basis, to fathers and partners to incentivise shared-care. Single parents would automatically have access to this additional period of leave; and
  - Providing superannuation on all paid parental leave.
4. The Federal government provide a fair and equitable social protection system for all that respects dignity and autonomy and provides adequate income support, including through a permanent increase to JobSeeker and other income support payments.

### High-quality care infrastructure for decent work and a sustainable workforce

1. The Federal government build a national system of publicly-funded, free early childhood education and care. This universal system to be available for all children regardless of parents' workforce participation, where they live or their socio-economic status.
2. The Federal government extend public funding to cover the full cost of high-quality aged care and the NDIS disability care and support services, including professional wages for frontline workers. Public funds should be used for quality service provision, not profits, and should be appropriately indexed.
3. The Federal government invest in sustainable and decent care jobs. Care workers should be directly employed by service providers with decent wages and conditions, which develop, recognise and reward skills used via training, career pathways, permanent and secure jobs, and industry-based collective bargaining.
4. The Federal government develop and fund new models of integrated respite care for worker-carers.

### Gender Pay Equality

1. The Federal Government establish equal remuneration as an explicit objective of the *Fair Work Act 2009*. This objective should enable the assessment of remuneration and work value and apply to all forms of wage setting, including national wage reviews, modern award reviews and variations, enterprise bargaining approvals and low paid bargaining stream cases, and other industrial provisions that cover engagement in and payment for paid work. The implementation of the objective should be explicitly monitored and evaluated through a newly created Equal Remuneration Unit staffed by suitably qualified professionals.
2. The equal remuneration provisions of the Fair Work Act 2009 be amended so that the Fair Work Commission can hear applications that address gender-based undervaluation. Where gender-based undervaluation is demonstrated, the Commission be empowered to set new rates of pay that properly reflect the value of the work.
3. The equal remuneration provisions should be supported by an explicit equal remuneration principle that excludes any requirement for comparisons of feminised and masculinised work.
4. The Federal government ensure better alignment between the Fair Work Act and other legislation seeking to address gendered gaps in pay. Labour law measures should be complemented by amendments to the *Workplace Gender Equality Act 2012* to extend coverage to government and smaller employers, require collection of intersectional data, allow organisational data on pay gaps to be published and require organisational action to address these gaps. Contractual pay secrecy clauses should also be made illegal.



### Safe and respectful workplaces

1. The Federal government implement all remaining recommendations of the Respect@Work report in full and without further delay, in particular the recommendations to introduce an enforceable positive duty and own motion investigations.
2. The Federal government ratify ILO Convention 190 on Violence and Harassment in the World of Work and put in place the necessary regulation and policy measures to prevent and address violence and harassment, including gender-based violence, in the world of work.
3. State and federal governments ensure that work health and safety (WHS) laws are applied and enforced to address gender-based violence, mandating prevention and complaint mechanisms to address it, consistent with ILO C190's inclusive, integrated and gender-responsive approach.
4. Australian agencies that promote safe, respectful and gender equitable workplaces such as the Workplace Gender Equality Agency, the Australian Human Rights Commission and WHS regulators be adequately resourced and empowered to take positive action to prevent gender-based violence and harassment and work collaboratively to develop evidence-informed tools and guidelines to enable companies, including small businesses, to comply with relevant regulation and policies.
5. Australian human rights commissions publish detailed, de-identified data on the types and nature of complaints they receive and the outcomes of any conciliation or complaint processes.

### Institutional support for decent work and decent care

1. The Federal government introduce a well-resourced national gender equality policy as a platform for a new social contract in which everyone has a right to work, to care and be cared for, be treated with respect, and able to look forward to a dignified retirement.
2. The Federal government establish a national Agency for Work, Care and Community responsible for the overarching design and implementation of equitable work, care and family policies. This would include adequate resourcing for systematic research and evaluation of work, care and family policy challenges facing Australia.
3. The Federal government embed responsibility for gender responsive budgeting within the Commonwealth Treasury.
4. The Federal government provide adequate funding to maintain and develop existing and future data sets and research capacity to investigate changes in work and care in diverse Australian households. This includes immediate reinstatement of Australia's five yearly Time Use Survey and extension of the data collection and analysis capacity of the Workplace Gender Equality Agency; monitoring and reporting on the uptake of parental leave and flexible work by men; and monitoring of uptake and quality of childcare through formal and informal channels.
5. The Australian Bureau of Statistics review its ANZSIC and ANZSCO classification structures to ensure that care services are sufficiently and accurately disaggregated and described and that skill designations for frontline care occupational classifications reflect the increasing complexity and skill level of the work that is undertaken.

# 1: Decent work that supports decent care

**D**ECENT WORK that provides job security, predictable working time arrangements, adequate remuneration, and access to paid leave, will deliver economic security and wellbeing for workers and their families. Decent work supports worker-carers to sustainably balance their paid work with their unpaid care responsibilities and can contribute to a more gender-equal distribution of work and care. However, gaps in access to decent work reinforce gender inequalities, create barriers to economic security for worker-carers and make it difficult to reconcile paid work with unpaid care.

A growing proportion of the Australian workforce is in insecure work, including those who have no paid leave, or are employed in fixed-term and on-demand jobs with little predictability of income or working time (Campbell et al 2019). National Employment Standards do not provide basic protections to casual workers or those who are not employees, making it difficult for these workers to build secure and predictable work/care arrangements (Cortis et al 2021a). This has a detrimental effect on the economic security, careers, and health and wellbeing of workers and their family members with care needs.

Women are much more likely than men to have limited access to secure and decent work, being more than twice as likely as men to be in part-time work and almost twice as likely to be employed on a part-time and/or casual basis (ABS 2022b). In Australia the gendered polarisation of working time with long hours mainly worked by men, reduces opportunities for men to participate in unpaid care/family life and their partners to engage in secure paid work. Women are also more likely to be working in sectors where there is widespread insecure or poorly remunerated work with unpredictable hours and limited access to paid leave, such as the highly feminised care and retail sectors (Macdonald & Charlesworth 2021; Cortis et al 2021a). In contrast, men are more likely to be working in secure, full-time work with higher wages (ABS 2020). Even for those in more secure work, the quantum and design of paid and unpaid leave often does not align with the actual care needs of worker-carers across the life-course and are not designed to encourage men to participate in unpaid care (Baird et al 2021).

**Paid leave is critical for decent work.** Leave is not just about time to care but also ensuring that workers who provide care are not financially disadvantaged and have sufficient leave to care for themselves when they are sick. The Productivity Commission is currently considering an extension to unpaid carers leave to better align with worker-carers' needs. However, the proposal only focuses on the care of ageing relatives living at home, care for other groups, and care for older people living in residential aged care facilities or in hospice/hospital settings. The scope of the review needs to be expanded to include a broad range of paid leave, including personal, carers and palliative care leave, and all care needs.

The current **Parental Leave Pay** scheme is also in need of renovation, being too short in duration and poorly integrated into Australia's childcare system. This leaves parents with difficult gaps in care when returning to work. Changes announced in the 2022 Budget weaken the national scheme, removing the two weeks of leave reserved for fathers and partners to make the full 20 weeks of paid leave available to either parent over a two-year period. Global evidence on the positive impact of dedicated leave periods for fathers on shared family care suggests this change will do little to increase take up by men. Incentives (i.e. leave available on a use it or lose it basis) are required to encourage widespread take up of parental leave by men (Baird et al 2021), particularly where the payment rate is below wage replacement (Ray et al 2010). A more generous national system of paid parental leave is urgently required to promote shared family care and better support single parents.

Decent work is also supported by **robust social protection measures** that act as a buffer during periods out of the workforce. Temporary social protection provided during the first wave of the COVID-19 pandemic included additional income support that made a material difference to many worker-carers' lives. As a condition of decent work all worker-carers require a right to a fair and equitable social protection system that respects dignity and autonomy and provides adequate income support and a dignified retirement.

## We recommend

1. The Federal government establish a stronger foundation for decent work that is widely accessible to all workers and that explicitly recognises the importance of unpaid care responsibilities in workers' lives. This would include a robust floor of universal worker rights across all sectors, through amendments to the Fair Work Act 2009, that protects all workers, no matter their contract status, including:
  - A right to a living wage and secure, predictable income;
  - Improving working time security in feminised sectors through a minimum floor of secure weekly working hours and continuous daily hours of work;
  - An enforced cap on long working hours to increase men's opportunities for shared care;
  - Paid time for training; and
  - Revitalising award skills and classification structures to reflect the value of the work carried out by workers in feminised sectors (e.g. retail, education & care) and to provide career progression in good jobs.
2. The Federal government amend the National Employment Standards to create a paid leave system that is portable and adequately reflects the diversity of care needs for all workers across the life cycle, including casual, contract and gig workers including through:
  - A right to paid leave including carers leave, personal leave, domestic violence leave and palliative care leave; and
  - Extending the duration of both paid and unpaid carers and personal leave.
3. The Federal government extend the current parental leave scheme and increase incentives for more gender-equal sharing of care between parents, including:
  - Extending the duration of the national parental leave pay scheme to 26 weeks, making it available to both parents to share over the first two years of a child's life;
  - Providing an additional 6 week period on top of the 26 weeks, made available on a 'use it or lose it' basis, to fathers and partners to incentivise shared-care. Single parents would automatically have access to this additional period of leave; and
  - Providing superannuation on all paid parental leave.
4. The Federal government provide a fair and equitable social protection system for all that respects dignity and autonomy and provides adequate income support, including through a permanent increase to JobSeeker and other income support payments.

## 2. High-quality care infrastructure for decent work and a sustainable workforce

**T**HE PANDEMIC exposed deep vulnerabilities in the funding, governance and regulation of Australia's care infrastructure, including the care workforce. Insecure work and low wages for care workers across the aged, disability and ECEC sectors have produced serious workforce sustainability problems. The pandemic-induced crises in our care systems are due to longstanding underinvestment. For decades, multiple government inquiries have highlighted the urgent need for new public funding to deliver accessible, affordable, high-quality and safe care services delivered by a properly paid professional workforce. However, under-resourced, market-based models of care predicated on insecure employment, including gig economy platforms, have proliferated. These models leave those using care services with poor quality care, workers with inadequate protections, and future workforce supply under pressure (Meagher et al 2019).

Historically, the full costs of providing quality care services have been hidden and expectations about appropriate service costs have been lowered by gender-based undervaluation, competitive funding models and reliance on women's unpaid work and the charity sector to supplement shortfalls in government funding (Cortis et al 2021b). Services are under increasing pressure from rising demand and rising costs, even as government funding does not cover the actual costs of community service delivery, nor enable organisations to meet demand or employ staff securely and at rates appropriate to their skills (Cortis et al 2021b).

Problems of access and affordability continue to plague **early childhood education and care (ECEC)** and limit parents' ability to manage paid work and care as they desire. Australia has one of the most expensive ECEC systems globally (Gromada, & Richardson, 2021), with services unaffordable for almost 40 per cent of families (Noble and Hurley, 2021). Recent changes to the Child Care Subsidy (CCS), including lifting of the annual cap and increasing CCS rates for families with multiple children, has made only incremental improvements in affordability for some middle-income families and does not address systemic barriers for families whose parents do not meet the work activity test (Bray et al 2021). ECEC is particularly inaccessible for children of parents who work in jobs with non-standard or variable hours (Cortis et al 2021a). Accessibility and quality are further hampered by the market-based model that incentivises service delivery in urban centres and higher socioeconomic areas at the expense of less profitable locations (Hurley et al, 2022). Thirteen per cent of services are currently rated as not meeting minimum standards (ACECQA 2022).

The collapse of ECEC services during the pandemic illustrated the fragility of the market model. This experience, together with a growing body of international evidence, suggests that universal access to high quality ECEC requires direct investment in the supply of services delivered by government or not-for-profit providers. Rather than tinkering at the edges, a universal system that prioritises children's rights to high-quality early learning and care is urgently required. With adequate investment and increased accountability for the use of public funds, this system would deliver professional wages for trained ECEC staff and in turn support parents' workforce participation.

The pandemic has also exacerbated systemic failures in the provision of **aged care and disability care and support**. Even so, the federal government has failed to adequately respond to the recommendations of the Aged Care Royal Commission. In particular, Royal Commission workforce recommendations have not been taken up, including the urgent need for publicly funded care workers to be directly employed by service providers. This would immediately improve job quality and address problems associated with casualisation and gig work, including inconsistent care, and poor access to paid training – all of which undermine the delivery of high-quality care.

In the market-based, poorly regulated **National Disability Insurance Scheme (NDIS)**, risks to client and worker safety are endemic (Cortis and van Toorn, 2022), allowing some provider organisations to pursue financial priorities while workers remain poorly trained and supported (Macdonald 2021). It is also important to note that workers cannot be easily interchanged between disability, aged care and other systems, but need to be trained and equipped with specialised skills appropriate to ensure quality in specific care contexts (Macdonald and Douglas 2022).

The pandemic has highlighted the importance of **respite care** for carers and family. There is very little access to adequate respite (Hamilton et al, forthcoming) to support carers to take short breaks for health and wellbeing, or provide the time to participate in paid work. A key support for worker-carers lies in the development of a new stream of respite care based on an integrated model of replacement care for people with disability, people with chronic illness and older people.

## We recommend

1. **The Federal government build a national system of publicly-funded, free early childhood education and care. This universal system to be available for all children regardless of parents' workforce participation, where they live or their socio-economic status.**
2. **The Federal government extend public funding to cover the full cost of high-quality aged care and the NDIS disability care and support services, including professional wages for frontline workers. Public funds should be used for quality service provision, not profits, and should be appropriately indexed.**
3. **The Federal government invest in sustainable and decent care jobs. Care workers should be directly employed by service providers with decent wages and conditions, which develop, recognise and reward skills used via training, career pathways, permanent and secure jobs, and industry-based collective bargaining.**
4. **The Federal government develop and fund new models of integrated respite care for worker-carers.**

### 3. Gender pay equality

**T**HE **gender pay gap (GPG)** is a persistent and under-addressed feature of the Australian labour market. Progress remains incremental, uneven and slow. Australia's performance is modest by OECD standards (OECD 2020) and does not reflect the significant educational attainment of Australian women. In 2001, the GPG for full-time ordinary earnings was 15.4% - twenty years later in November 2021 it was 13.8% (equal to a \$255.30 per week gap). The GPG is wider for full-time total earnings (16.4%) and grows to 30.6% for average total earnings (ABS 2022c). Wage gaps are evident in hourly, weekly and annual wages (KPMG 2019). The GPG has both immediate and long-term impacts, with women suffering in older age because of significantly lower retirement savings (Feng et al 2019).

**The persistence of the GPG is the cumulative outcome of a gendered social contract** that significantly influences women's engagement with paid work and working time. This 'contract' impacts the proper valuation and recognition of feminised work. Women undertake more unpaid care work than men each week on average (Craig and Churchill 2021), and consequently fewer paid work hours (ABS 2021a). These differences in paid working hours are driven by strong gendered societal norms about work and care. Labour market and industrial relations policies reinforce this gendered difference in unpaid care work and paid work hours, marginalising those who care and rendering them more economically insecure (Lane et al 2020). Those who bear caring responsibilities are compelled to accept precarious jobs with fragmented working hours, less security and lower pay.

**Women's labour market contributions are undervalued.** The GPG cannot be explained by differences in the education credentials held by women and men (KPMG 2019), noting the equivalence in non-school qualifications between women and men, and the significantly higher level of bachelor and higher degree qualifications held by women (ABS 2021b). Other factors explain the ongoing GPG. Feminised work is undervalued and Australian labour law mechanisms for setting remuneration have been slow to remedy this or recognise the increased credentials of women. In the last 20 years there has only been one successful application for federal equal remuneration orders, reflecting key deficiencies in the construction and interpretation of the Fair Work Act's equal remuneration provisions (Smith and Whitehouse 2020). Additionally, industrial awards and agreements are made without effective checks on how the pay and hours provisions reflect and reinforce a gender disparity in pay and conditions.

The **lack of pay transparency** distorts the efficient and effective operation of the labour market and obscures the problem of the GPG, reducing the pressure on organisations to address it. Pay secrecy clauses in contracts and enterprise agreements further inhibit transparency and action on the GPG. In addition, the *Workplace Gender Equality Act 2012* (Cth) prevents the Workplace Gender Equality Agency from disclosing GPG data even from those employers obliged to report on their GPG under the Act, reinforcing pay secrecy. This Act also compares poorly internationally because it only applies to larger private sector employers, fails to collect any intersectional data that covers a diversity of groups of women and does not require action to address organisational pay gaps (Glennie et al 2021).

## We recommend

1. The Federal Government establish equal remuneration as an explicit objective of the *Fair Work Act 2009*. This objective should enable the assessment of remuneration and work value and apply to all forms of wage setting, including national wage reviews, modern award reviews and variations, enterprise bargaining approvals and low paid bargaining stream cases, and other industrial provisions that cover engagement in and payment for paid work. The implementation of the objective should be explicitly monitored and evaluated through a newly created Equal Remuneration Unit staffed by suitably qualified professionals.
2. The equal remuneration provisions of the *Fair Work Act 2009* be amended so that the Fair Work Commission can hear applications that address gender-based undervaluation. Where gender-based undervaluation is demonstrated, the Commission be empowered to set new rates of pay that properly reflect the value of the work.
3. The equal remuneration provisions should be supported by an explicit equal remuneration principle that excludes any requirement for comparisons of feminised and masculinised work.
4. The Federal government ensure better alignment between the Fair Work Act and other legislation seeking to address gendered gaps in pay. Labour law measures should be complemented by amendments to the *Workplace Gender Equality Act 2012* to extend coverage to government and smaller employers, require collection of intersectional data, allow organisational data on pay gaps to be published and require organisational action to address these gaps. Contractual pay secrecy clauses should also be made illegal.

## 4. Safe and respectful workplaces

**S**AFE, RESPECTFUL and gender equitable workplaces require a fundamental commitment from government and a whole of government approach. The #Metoo movement and advocacy by younger feminists have raised awareness of the scale of violence and harassment in many institutions, including in the Australian parliament. Revelations of pervasive abuse and neglect in aged and disability services and of gender-based violence against care workers, especially those who work in private homes (Charlesworth et al 2020), further underscore the specific need for safe workplaces in these sectors. The harm that is caused by violence and harassment means that safety and gender equality are inextricably linked, requiring efforts to ensure workplaces are both safer *and* more gender equal. The 2019 ILO Convention 190 *Eliminating Violence and Harassment in the World of Work*, recognises the right of everyone in the world of work to be free from harassment and violence, including gender-based violence, directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, such as sexual harassment. The Convention also recognises that workplace safety is the foundation of equality, decent work, social justice and the wellbeing of societies.

The Australian Human Rights Commission's Respect@ Work Report (2020) made clear that **existing laws are insufficient to protect (primarily) women from sexual harassment** and recommended that a positive duty be placed on employers to promote equality as well as safety. Yet this and many other of its recommended reforms remain unaddressed (Power to Prevent Coalition 2022). Currently, those who experience harassment and gender-based violence must seek remedies in a system that is only able to deal with reactive complaints brought forward by individuals. There is little system transparency with scant information collected and published about the nature and outcomes of formal complaints. This limits opportunities to change industry and organisational structures and build broader systemic solutions that promote gender equality and dignity at work (McDonald & Charlesworth 2013).

There are now growing calls in Australia for workplaces to share the responsibility of ensuring safe and respectful workplaces through: worker health and safety (WHS) regulation that acknowledges gendered violence as a serious breach of workplace rights and an occupational risk (Power to Prevent Coalition 2022); and a complementary positive duty in the Sex Discrimination Act requiring attention to inequality (AHRC 2020a). **Systemic change must also include 'intersectional' approaches** that acknowledge the disproportionate impact of harassment and gender-based violence on First Nations women, migrant and refugee women, single mothers, gender diverse people, women with disability, younger women, older women, and low paid and insecurely employed women.



## We recommend

1. The Federal government implement all remaining recommendations of the Respect@Work report in full and without further delay, in particular the recommendations to introduce an enforceable positive duty and own motion investigations.
2. The Federal government ratify ILO Convention 190 on Violence and Harassment in the World of Work and put in place the necessary regulation and policy measures to prevent and address violence and harassment, including gender-based violence, in the world of work.
3. State and federal governments ensure that work health and safety (WHS) laws are applied and enforced to address gender-based violence, mandating prevention and complaint mechanisms to address it, consistent with ILO C190's inclusive, integrated and gender-responsive approach.
4. Australian agencies that promote safe, respectful and gender equitable workplaces such as the Workplace Gender Equality Agency, the Australian Human Rights Commission and WHS regulators be adequately resourced and empowered to take positive action to prevent gender-based violence and harassment and work collaboratively to develop evidence-informed tools and guidelines to enable companies, including small businesses, to comply with relevant regulation and policies.
5. Australian human rights commissions publish detailed, de-identified data on the types and nature of complaints they receive and the outcomes of any conciliation or complaint processes.

## 5. Institutional support for decent work and decent care

**P**UBLIC INVESTMENT in planning, delivering, evaluating and regulating care services is essential for the development of **comprehensive and equitable work, care and family policy in Australia**. Such investment is also essential to the future living standards of Australians, economic productivity and social inclusion. A whole of government approach backed by an adequate revenue base is essential to pay for this critical and foundational work and care infrastructure.

The provision of decent work and decent care requires new macro national policy infrastructure to embed the new social contract the pandemic experience has demonstrated is essential for future productivity and wellbeing. **A national gender equality policy is needed to support gender mainstreaming across government, including gender responsive budgeting measures** (Freidenvall and Sawer 2021), supported by a dedicated government agency and resourcing. Around half of all OECD economies have adopted some version of gender budgeting (Downes et al 2016), while Australia lags, having disbanded earlier leadership in this area. Much of Australia's existing gender equality infrastructure is poorly resourced and the 2022 Budget imposes funding cuts to the Australian Human Rights Commission.

**Tax and transfer settings must also evolve to reflect the contemporary economy and the needs of worker-carers more fairly** (Phillips and Webster 2022). This includes recognising and valuing women as individuals in the labour market and domestic sphere. Current policy settings systematically undervalue women's time and work, as they are obscured by the household or family "unit" used in most data and analysis. Current public policy settings also fail to recognise the cost and value (in time and money) of care for children and other dependents. The result is that women's lifetime earnings and retirement savings are, on average, much less than men's (Austen and Mavisakalyan 2018), making them vulnerable to economic dependency and poverty in older age.

**Failure to measure women's work, care and time accurately also limits government capacity to plan for future needs and support intergenerational wellbeing** (Stewart 2021). Current paid parental leave, employer-funded care and parental leave, child care and family payment policies are poorly coordinated and generate unequal effects that undermine economic prosperity and social cohesion, while also delivering poor outcomes for children and worker-carers. Gender responsive budgeting enables identification, analysis, and policy formulation to address these systematic unequal effects and support gender equality, decent work and care across the Australian population.

**Up-to-date and comprehensive data are essential for the development of an integrated, research-informed approach to work, care and family policy.** The importance of good data for policy design, implementation and evaluation cannot be overestimated. Excellent research through piloting, continuous evaluation, and an ongoing program of policy development are critical to cost-effective change that supports all Australian households to work and care well. Time-use data and pay gap data are critical for understanding the ways in which unpaid care and paid work are distributed and rewarded across diverse socio-economic settings. Gender reporting in the private sector is also necessary to ensure transparency and accountability.

The Australian Bureau of Statistics occupational (ANZSCO) and industry (ANZSIC) classifications are increasingly inadequate in accounting for the rapidly growing frontline care workforce in aged care, disability support and ECEC. In particular, data on home care for the aged, disability support, and the ECEC sectors are not available, with these services included in the aggregated grouping of 'other social assistance'. Lack of disaggregated data makes it difficult for policy makers to accurately track the characteristics of employment and of the diverse workers in these sectors. This directly constrains the development of government policy, planning and future strategies in the care sectors. The ANZSCO *occupational* classifications designate the frontline occupations of 'child carer', 'aged and disabled carer', and 'personal care assistant' as 'low-skilled' occupations (ANZSCO Level 4). This inadequate assessment of the skills required and used in these occupations has a direct flow-on to migration policy. Current migration policy settings, based on ANZSCO definitions of skill, limit future transition to permanent visa status for an increasing number of temporary visa holders in frontline care work (Howe et al 2019).

## We recommend

1. **The Federal government introduce a well-resourced national gender equality policy as a platform for a new social contract in which everyone has a right to work, to care and be cared for, be treated with respect, and able to look forward to a dignified retirement.**
2. **The Federal government establish a national Agency for Work, Care and Community responsible for the overarching design and implementation of equitable work, care and family policies. This would include adequate resourcing for systematic research and evaluation of work, care and family policy challenges facing Australia.**
3. **The Federal government embed responsibility for gender responsive budgeting within the Commonwealth Treasury.**
4. **The Federal government provide adequate funding to maintain and develop existing and future data sets and research capacity to investigate changes in work and care in diverse Australian households. This includes immediate reinstatement of Australia's five yearly Time Use Survey and extension of the data collection and analysis capacity of the Workplace Gender Equality Agency; monitoring and reporting on the uptake of parental leave and flexible work by men; and monitoring of uptake and quality of childcare through formal and informal channels.**
5. **The Australian Bureau of Statistics review its ANZSIC and ANZSCO classification structures to ensure that care services are sufficiently and accurately disaggregated and described and that skill designations for frontline care occupational classifications reflect the increasing complexity and skill level of the work that is undertaken.**

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