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**Submission to the Senate Select Committee on Work and Care, 2022.**

**From: The Australian Work + Family Policy Roundtable**

Select Committee on Work and Care  
PO Box 6100  
Parliament House  
Canberra ACT 2600

**The Work and Family Policy Roundtable (W+FPR) is pleased to make this submission to the Senate Select Committee on Work and Care.**

The W+FPR is a network of 35 academics from 18 universities and research institutions with expertise on work, care and family policy. The goal of the W+FPR is to propose, comment upon, collect and disseminate research to inform good evidence-based public policy in Australia. Our membership and the policy principles that inform our work are set out in Appendix 1 to this submission.

This submission begins by **recommending the [2022 W+FPR Federal Election Benchmarks](#), the [2020 Work+Care in a Gender Inclusive Recovery: A Bold Policy Agenda for a New Social Contract](#), and the [2019 W+FPR Federal Election Benchmarks](#) to the Committee.** These three documents, attached to our submission in Appendix 1, provide the Committee with an expert summary of the current state of scholarship on key work and care policies. They all draw on the collective expertise of W+FPR members and other Australian and international scholarship and make explicit recommendations for improving Australia's work and care regime. Together, these three documents provide an account of the inadequacy of the work/care regime pre-pandemic, the lessons that must be drawn from the pandemic experience for better work and care, and the current limitations of our work/care policy architecture.

The research evidence on dimensions and dynamics of work/care inequalities in Australia is clear. Now is the time for concrete action.<sup>1</sup> Policy and regulatory settings need to be urgently recalibrated and resourced to build sustainable work, sustainable care and a sustainable care workforce. **We commend these three documents to the Committee as the primary contribution of the Roundtable to the Inquiry (Appendix 1).**

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<sup>1</sup> Hill, E (2022) Still don't send me flowers - just address the unfinished business for mothers, <https://www.smh.com.au/national/still-don-t-send-me-flowers-just-address-the-unfinished-business-for-mothers-20220505-p5aiyq.html>

In addition to the three documents highlighted above, our submission includes three overarching recommendations on the approach of the Inquiry and a collection of additional resources. **The first recommendation of the Work + Family Policy Roundtable is that the Committee consider the work/care nexus from three perspectives – workers, carers (paid and unpaid) and the people and families to whom care and support is provided.** Work and care policy is most commonly considered from the point of view of the worker who needs support to manage their care responsibilities in order to participate in paid work. This is critical and will require the Committee to consider public policy and regulatory interventions to improve the institutional context within which workers are able to meet their unpaid care responsibilities. However, less attention has been given in the debate to the perspective of unpaid carers and the types of institutional supports that allow them to fully engage in or access the paid employment they would like and that can provide them with economic security. There has also been limited attention paid to the provision of adequate and dignified income support that likewise, delivers health and economic security for both workers and unpaid carers. In the care economy, the well-being, dignity, and autonomy of those who access both unpaid and paid care and support services - including children, people with disability and older adults, is also dependent on the quality of the care provided. In paid care services, care quality is directly compromised by poor wages and working conditions and by what can be best described as a ‘lean just-in-time’ model of work organisation used by most care sector employers. All three dimensions of the work/care nexus must be addressed in the Inquiry.

Attention to the conditions of the paid care workforce is critical here and our **second overarching recommendation is that the Committee consider strategies to sustainably fund and support a highly skilled properly paid care workforce.** The pandemic has laid bare the stresses and strains placed on our broken care workforce and the lack of decent pay and conditions for these workers. Action taken in response has delivered an increase to the national minimum wage and the work value case for higher wages for aged care workers is currently being considered by the Fair Work Commission (FWC). The government’s commitment to fund any increase awarded by the FWC is welcome. However, early childhood educators are also in need of higher remuneration in recognition of the skilled nature of the work they perform and the important role they play in children’s lives and development. Systemic problems with the undervaluation of feminised sectors and wage discrimination across all sectors of the labour market highlight that our industrial relations systems do not deliver adequate outcomes for women and need to be reformed. The current government is making some significant changes, but more is required. Australia urgently needs an industrial relations system that delivers for all workers no matter what their employment status, sector or gender.

**The Roundtable’s third overarching recommendation is that the Committee take a disaggregated, intersectional approach to the impact of work/care policy on different worker and carer population groups.** The high level and general approach most commonly taken to the design of work and care policy has not only produced often unsatisfactory outcomes for the majority, but also left the needs of many vulnerable workers and carers unmet. This includes workers in insecure and casual work, migrant workers and those on temporary visas, older workers, sole parent workers, workers who have disability, frontline and shift workers, indigenous workers and older and young unpaid carers and carers who have disability. We recommend the Committee explicitly address the work and care experiences and needs of these specific groups to better understand who works, who cares and under what employment, visa and family type conditions they do so.

In addition to these three overarching recommendations, and those made in the three W+FPR documents listed above, we highlight key areas of concern and relevant research undertaken by our members and others. In each of these areas we have noted, in bold, the relevant Inquiry Terms of Reference (ToR) addressed. We include relevant research on migrant workers, sole parents and gender pay equality and other issues not explicitly mentioned in the Inquiry ToRs.

We acknowledge and endorse submissions made by Roundtable members, including A/Prof Natasha Cortis, Prof Alison Preston and Dr Fiona Macdonald.

## 1. Decent Work

Decent work lies at the heart of a robust and equitable work/care regime. This is work that provides job security, predictable working time arrangements, paid leaves and a living wage – all conditions that make it possible for workers to manage their work and care responsibilities. But as set out in more detail in the Roundtable documents noted above, secure, predictable and properly paid work remains a significant challenge for many - particularly those worker-carers employed part-time, many of whom work casually. A vivid case study of the Australian retail industry led by Roundtable member A/Prof Natasha Cortis highlights the day-to-day challenges of managing work and care in low-paid feminised sectors where decent work is often not available. The study provides a detailed examination of care responsibilities among retail, online retail, warehousing and fast-food workers, and the challenges they face as they manage work, family, childcare, school and ageing parents. In retail and in other low-paid feminised industries there is a clear case for policy and regulatory change to improve working time arrangements so workers have control over working hours and access to predictable shifts around which they can organise care and other aspects of their lives.

See:

- Cortis, N., Blaxland, M., and Charlesworth, S. (2021). *Challenges of work, family and care for Australia's retail, online retail, warehousing and fast food workers*. Sydney: Social Policy Research Centre, UNSW Sydney.  
<http://unsworks.unsw.edu.au/fapi/datastream/unsworks:77843/bin5df0551d-5d63-41be-993e-f098287c1b1c?view=true&xy=01>

Australia has one of the most gendered and polarised working time regimes in the OECD. The strongest predictor of the widespread problem of work/family conflict and its mental health consequences is long work hours. In 2021, two out of five (40%) employed Australians worked more than the National Employment Standard on maximum hours: a 38 hour week. The majority of long hours workers are men, with one in ten employed men working more than 50 hours a week. In contrast, women predominate in the low hour and poor quality jobs. This disparity in working time underpins disparities in opportunity and income security because such long hours are impossible to combine with care, placing long hour jobs out of the reach of most Australian women. Long hours worked by partners also makes it hard for women in couple households to engage in full-time or longer hours part-time work, with gendered ramifications for over the life course. We urge the Committee to consider effective approaches to capping long work hours.

See:

- Dinh, H., Cooklin, A.R., Leach, L.S., Westrupp, E.M., Nicholson, J.M., & Strazdins, L. (2017). Parents' transitions into and out of work-family conflict and children's mental health: Longitudinal influence via family functioning. *Social Science and Medicine*, 194, 42-50.
- Dinh, H., Strazdins, L., & Welsh, J. (2017). Hour-glass ceilings: Work-hour thresholds, gendered health inequities. *Social Science and Medicine*, 176, 42-51.

We also want to highlight the very specific challenges around decent work for migrant care workers – a group not adequately included in research and policy. Many migrants, who have far higher levels of qualifications than their Australian-born counterparts, are funnelled into low-paid care work where they make up an increasing proportion of the workforce both in Early Childhood Education and Care and aged care. Migration settings, which assess 'skill' based on the gendered Australian Bureau of Statistics ANZSCO occupational skills classifications, have made it very difficult for those who arrive on

temporary visas and who work in so called 'low-skilled' frontline care jobs to transition to permanency. Temporary status is linked directly to vulnerability to exploitation by employers. Migrant aged care workers, especially those from non-English speaking countries are also more likely to be in casual jobs and underemployed than their Australian-born counterparts. It is crucial that we ensure that migrant care workers are not relegated to more insecure work.

See:

- Hamilton, M., Hill, E., Adamson, E., 2021. A 'career shift'? Bounded agency in migrant employment pathways in the aged care and early childhood education and care sectors in Australia. *Journal of Ethnic and Migration Studies*, 47(13), 3059-3079.
- Charlesworth, S. and Malone, J., 2022. The Production of Employment Conditions for Migrant Care Workers: Cross National Perspectives. *Social Policy and Society*, pp.1-14 DOI: 10.1017/S1474746422000100
- Charlesworth S and Isherwood L (2021) 'Migrant Aged Care Workers in Australia: Do They Have Poorer Quality Jobs than their Locally Born Counterparts?', *Ageing & Society* 41(12), pp 2702–2722
- Howe J, Charlesworth S and Brennan D (2019) 'Migration Pathways for Frontline Care Workers in Australia and New Zealand: Front Doors, Side Doors, Back Doors and Trapdoors', *University of NSW Law Journal* 42(1), pp 211–241.
- Eastman C, Charlesworth S and Hill E (2018) [FACT SHEET 1: Migrant Workers in Frontline Care](#), Sydney: Social Policy Research Centre UNSW.
- Adamson E, Brennan D, Cortis N and Charlesworth S (2017) 'Markets, Migration and Care in Australia', *Australian Journal of Social Issues* 4, pp 78–98
- Brennan D, Charlesworth S, Adamson E and Cortis N (2017) 'Migration, Care and Employment Regulation in Australia: Lockstep or Out of Step?', in S Michel and I Peng (eds), *Gender, Migration and the Work of Care: A Multi-Scalar Approach to the Pacific Rim*, London: Palgrave Macmillan, pp 143–165

## 2. The care workforce

Typically low-paid and often employed in conditions that do not reflect the benchmarks of decent work, the care workforce poses a particular challenge to Australia's current work/care regime. Our Federal Election Benchmarks 2019 and 2022 highlight many of these issues, not only for frontline aged care workers, but also for disability support workers and early childhood educators. Good quality care and support depends on the care workforce having access to decent wages, predictable and secure working time arrangements career progression. For children, for example, good care quality has lifelong impacts upon a child's education, social and economic outcomes. Well-paid and qualified early childhood educators are crucial for not only children's optimal lifelong outcomes, but also for the parents who engage in paid work and need to know their child is well cared for. Dignified care for the elderly is also reliant on the conditions of decent work for aged care workers. We would like to draw the Committee's attention to the research of Roundtable members, Dr Fiona Macdonald and Prof Sara Charlesworth, that document the lack of decent work in the aged care sector including job and working time fragmentation that leaves workers paid below their minimum entitlement (Macdonald et al 2018 and video).

The government is currently considering the introduction of sectoral or multi-employer bargaining. Changes to the Fair Work Act to shift from reliance on enterprise bargaining to improve wages and conditions would be beneficial for low paid workers in the care economy. However, given that any agreements would sit on top of the relevant award provisions it is vital that those awards, including skill classifications and pay structures as well as crucial working time arrangements, provide a robust

platform from which to bargain. In addition, awards in many feminised sectors including not only in the care sectors but also in retail are hollowed out. Most have very rudimentary and compressed skills classifications, on which wages are based. Skill descriptors do not capture the work performed nor the skills required to do this work. In many cases there are only cents difference in the pay rates in progression up classification structures. Sectoral or multi-employer bargaining needs to be built on a robust award base in order to have the best chance of improving wages and conditions for these workers.

See:

- Video, A day in the life of a care and support worker: <https://cpow.org.au/dayinthelife/>
- Macdonald, F, Bentham, E and Malone, J (2018) 'Wage, theft, underpayment and unpaid work in marketised social care', *Economic and Labour Relations Review*, 29(1): 80-96. <https://doi.org/10.1177%2F1035304618758252>.
- Macdonald, F, Charlesworth, S, and Brigden, C (2018) 'Access to collective bargaining for low-paid workers'. In Forsyth, A, Creighton, R & McCrystal, S (eds) *Collective Bargaining under the Fair Work Act*, Sydney: Federation Press, pp. 206-227. <https://federationpress.com.au/product/collective-bargaining-under-the-fair-work-act/>.

### 3. High quality care infrastructure

Early childhood education and care: Australia's early childhood education and care (ECEC) policy must be reframed in order to deliver the triple dividend of supporting labour force participation, sustaining decent, fairly remunerated employment, and investing in the next generation (**ToR d**). The Roundtable strongly recommends that the federal government build a national system of publicly funded, free early childhood education and care. This universal system should be available for all children regardless of their parents' workforce participation, where they live or their socioeconomic status. Under the current system, accessibility and quality is hampered by the market-based model that incentivises service delivery in urban areas and the higher socioeconomic areas at the expense of less profitable locations, leading to child care 'deserts' in lower socio economic areas and in regional locations. The current market-based system is one of the most expensive in the world, yet services are poorly distributed, many do not reach minimum standards and the sector faces labour shortages, unfilled vacancies and difficulties in recruitment. The near collapse of the ECEC sector during the pandemic further highlighted the weakness of this model. The current focus on 'cheaper childcare' alone is demonstrably inadequate. Further, ECEC is particularly inaccessible for children of parents who work in jobs with nonstandard or variable hours.

Children's needs, interests and rights must be placed at the centre of policymaking to optimise their lifelong outcomes and there needs to be a shift towards supply side *investment* in high quality ECEC rather than reliance upon the market. Canada provides the Committee with an important example of a national effort to develop quality, inclusive ECEC to underpin inclusive economic recovery. Canada is relying increasingly on public and not-for-profit provision to ensure quality and equity and to ensure value for money.

See:

- Adamson, E. and Brennan, D. (2022) Early Childhood Education and Care Policy (Chapter 15, pp225-236). *Handbook for Children*. In: R. Grace, C. Woodrow and Families and Communities, 6th Edition. Oxford: Oxford University Press.
- Cortis N, Blaxland M, and Charlesworth S (2021) *Challenges of Work, Family and Care for Australia's Retail, Online Retail, Warehousing and Fast Food Workers*, Sydney: Social Policy Research Centre, UNSW Sydney.

- Friendly, M., Beach, J., Mohamed, S., Rothman, L., Vickerson, R., Young, C.A, (2020). Moving from private to public processes to create child care in Canada, Toronto: Childcare Resource and Research Unit.
- Hurley, P., Matthews, H. and Pennicuik, S., 2022. Deserts and oases: how accessible is childcare in Australia? Mitchell Institute, Victoria University
- Pascoe, S. and Brennan, D. (2018) Lifting our Game. Report of the Review to Achieve Educational Excellence in Australian Schools.
- Gromada, A. and Richardson, D. (2021) Where do rich countries stand on childcare? Florence: UNICEF Office of Research – Innocenti. URL: <https://unicef-irc.org/publications/pdf/where-do-rich-countries-stand-on-childcare.pdf>

Paid Parental Leave: Australia's national Parental Leave Pay scheme does not provide enough time, income replacement or incentives for a genuinely shared model of care. The absence of superannuation paid on the national scheme further limits the economic security of parents, particularly mothers. Boosting Australia's investment in shared parental care of a new baby will drive gender equality in the distribution of work and care with long term positive impacts on women's economic security, and family wellbeing. The best international evidence shows that a paid parental leave system that delivers positive outcomes for mothers, fathers, babies, families, workplaces, society and the economy must include (1) adequate time for mothers to recover from birth and care for a newborn, including establishing breastfeeding where desired (2) dedicated time for fathers and other parents to contribute to the care of the new baby, (3) income replacement and provision of other payments (eg. superannuation) that provide economic security at a time of intensive care responsibilities.

Extending the national scheme to at least 26 weeks would provide more working women with access to the period of leave internationally considered to be best for both labour market attachment and maternal and child health. Increasing the rate of payment, and including the superannuation guarantee, will improve the extent to which the scheme mitigates the negative impact of leave on women's income and retirement savings. It would also increase the probability of take up by men who are more likely to use parental leaves when the rate is closer to wage replacement level. Incentivising employers to supplement parental leave pay is also critical to both parents utilising parental leave. An increase in the income replacement rate would support successful implementation of a longer period of Dad and Partner Pay (currently 2 weeks) and better incentivise shared care between both parents. This, combined with ring-fenced 'use it or lose it' leave for fathers/partners, is the design of leading international schemes now operating in Iceland, Norway, Sweden, Denmark, Finland and Germany.

The Roundtable recommends the full period of PLP be extended immediately to at least 32 weeks, including 26 weeks available for parents to share, plus an additional 6 weeks available on a 'use it or lose it basis' for partners. Sole parents would have automatic access to the full 32 weeks. There is also the possibility of adding a bonus period of leave for households that share the care. This policy architecture should then be extended, as soon as possible, to provide a total of 52 weeks of parental leave pay for parents of new babies. This could include 3 months for the mother, 3 months for the father/partner, and 6 months to share. A national scheme that incentivises shared parental care will maximise the provision of decent paid parental leave for all working parents.

See:

- Baird, M; Hamilton, M; Constantin, A (2021) Gender equality and paid parental leave in Australia – A decade of giant leaps or baby steps? Journal of Industrial Relations. <https://doi.org/10.1177/00221856211008219>

The problems of privatisation and marketisation of care services. Our formal care systems are critical social investments. Yet, care policies favouring markets and the private provision of care are producing inequitable outcomes and impacting negatively on care workforces. In aged care for example, over the last 25 years, policies of both Coalition and Labor governments have relied increasingly on market instruments—competition, user choice and private provision—to address older people’s needs for support (Meagher 2021). Reliance on markets for care provision is deepening socio-economic inequalities as some communities are unable to access affordable, quality care, and placing additional negative pressures on wages and working conditions of the feminised and undervalued frontline care workforces.

In both disability support and aged care there are many not-for-profits struggling to remain viable. At the same time providers that run for-profit services now dominate in ECEC and some areas of aged care, with some highly financialised. For-profit gig care platforms, with very lean business models now operate in the individual consumer markets in the NDIS and aged care home care, placing considerable pressure on workers’ pay and conditions. Marketised care services do not deliver equal access or services and we recommend the Committee consider alternative funding models for social care and conditions of funding such as direct employment, recommended by the Royal Commission into Aged Care Quality and Safety. Marketised care models create unacceptable risk for vulnerable workers and clients (Macdonald 2021a, 2021b). As the primary funder the state has an opportunity to leverage its role as employment regulator, bargaining actor and as market manager and care regulator to improve the conditions care work for workers and service users (Macdonald & Charlesworth 2021).

In aged care and disability support, in particular, individualised funding models emphasise choice for service users and their families. While many people with disability have experienced benefits from ‘consumer choice’ funding models, the benefits of market reforms are unevenly distributed with already disadvantaged groups much less likely to experience choice and empowerment (see Davy & Dickinson, forthcoming; Davy & Green, 2022). Market systems are often failing clients in rural, regional areas, for example, pointing to the need for much greater intervention and investment from government. Support is needed for people with disability to work with support workers and their unions to find solutions to these problems. Public systems of person-centred support cannot rely on the market and individualised employment relationships to deliver fair and equitable outcomes.

See:

- Davy, L. & Dickinson, H. (in press). ‘Covid-19 and the Economy of Care: Disability and Aged Care Services into the Future’ in (eds T. D. Muzio & M. Dow) Covid-19 and the Global Political Economy, Routledge.
- Davy, L. & Green, C. (2022). ‘The Right to Autonomy and the Conditions that Secure It: The Relationship Between the UNCRPD and Market-Based Policy Reform’ in (eds. F. Felder, L. Davy & R. Kayess), Disability Law and Human Rights, Palgrave.
- Meagher, G (2021) A Genealogy of aged care, Arena Quarterly, No. 6, June, [pphttps://arena.org.au/a-genealogy-of-aged-care/](https://arena.org.au/a-genealogy-of-aged-care/)
- Macdonald, F & Charlesworth, S (2021) ‘Regulating for gender-equitable decent work in social and community services: Bringing the state back in’. Journal of Industrial Relations, 63(4):477-500. <https://doi.org/10.1177/0022185621996782>.
- Macdonald, F (2021a) Individualising Risk: Paid Care Work in the New Gig Economy, Cham: Palgrave Macmillan. <https://www.palgrave.com/gp/book/9789813363656>.
- Macdonald, F (2021b) ‘Personalised risk’ in paid care work and the impacts of “gig economy” care platforms and other market-based organisations’, International Journal of Care and Caring, 5(1): 9-25. <https://bristoluniversitypressdigital.com/view/journals/ijcc/5/1/article-p9.xml>



Carers: Investment in high-quality care infrastructure and services is critical for those requiring care and those responsible for managing care for family and friends (**ToRb**). In this respect we highlight the thorough and comprehensive report on *Investing in Care: Recognising and Valuing those who Care* completed by the Australian Human Rights Commission, in conjunction with the Social Policy Research Centre at the University of NSW and published in 2013. Two members of the Roundtable, A/Prof Myra Hamilton and Prof Emerita Bettina Cass were part of the research team. Although this research is almost 10 years old, the conceptual and policy issues about the intersections of paid work and care remain pertinent and significant. The research found that investing in care can generate significant social and economic benefits, including improving gender equality, women's workforce participation and financial security. The options for reform advocated by the report cover a range of possible mechanisms to better support carers access to and participation in paid work. They include legislative mechanisms, improved flexible work arrangements, carer support payments, additional leave arrangements, services for carers, workplace initiatives and mechanisms within the retirement income and savings system including taxation, superannuation and adequate income support. Few of these mechanisms are in place today.

More recent research by Roundtable members led by A/Prof Myra Hamilton, highlights the low participation of carers in the labour force. In Australia, labour market participation rates among informal carers remain low, particularly among primary carers. In 2018, fewer than 53 per cent of male and 56 per cent of female primary carers were employed, compared with more than 81 and 73 per cent of male and female non-carers respectively. Participation in *full time* work is even lower; only 20 per cent of female primary carers and less than 27 per cent of male primary carers were engaged in full-time employment across age groups (ABS, 2018).

As the population ages and the need for aged and disability care increases, the strains on the system become more apparent. Many carers are already at breaking point. Improving the circumstances of carers requires a recalibration of Australia's policy infrastructure, including the strengthening of formal aged and disability care services and better support for carers inside and outside of workplaces.

Currently, disability and aged care systems are designed in ways that place undue pressure on family carers to fill gaps and navigate complex and inadequate service landscapes, limiting opportunities for carers to engage in paid employment. Paid disability and aged care work must be better recognised and resourced as an essential and productive activity to improve the working conditions of paid care workers, and the quality, access and affordability of care services for people with disability and older people. The fragmented care markets generated by the current funding structures not only reduce the conditions of paid care workers and the quality and accessibility of formal care but create additional pressure on informal carers. Funding structures that provide more resources to aged and disability care and enable less fragmented forms of care would reduce pressure on informal carers and increase opportunities for combining unpaid care with work.

In addition to the formal disability and aged care systems, an improved and integrated policy architecture for carers must focus more heavily on support for carers to maintain work and build careers. Currently, support for carers to participate in paid work is limited and patchy. This requires better resourcing and access to replacement care, in contrast to the continued focus of respite care on 'short breaks' that are inadequate for supporting carers to participate in paid work in an ongoing way. It also requires integrated support across the aged, disability and carer service systems and a recognition of the importance of palliative care to all systems.

Greater support is also required to improve the employment participation and economic security of carers inside and outside of paid work. If worker-carers are to enjoy a better quality of working life over the life course, a right to care needs to be enshrined in employment regulation and institutional arrangements. A right to care would require a strong scaffolding of paid leaves and *non-negotiable* working time rights which are accessible by all worker-carers whatever their employment status.



See:

- Australian Bureau of Statistics [ABS] (2018) *Disability, Ageing and Carers, Australia: Summary of Findings*, 2018
- Australian Human Rights Commission (2013) *Investing in care: Recognising and valuing those who care*, Volume 1 Research Report, Australian Human Rights Commission, Sydney.
- Hamilton M, Charlesworth S and Macdonald F (forthcoming) 'A policy blind spot: Informal carers of older people and people with disability or chronic illness' in Hill E, Baird M and Colussi S (eds) *Make or Break: A Life course Approach to Work, Care & family Policy in Australia* Sydney University Press.
- Huppatz, K, Sang, K, and Napier, J. (2019) "If You Put Pressure on Yourself to Produce Then That's Your Responsibility": Parents' Experiences of Maternity Leave and Flexible Work in the Neoliberal University' *Gender, Work & Organization*, 26 (6): 772-788.

Sole Parents. The punitive and inadequate policy settings that shape the work and care opportunities for sole parents – the overwhelming majority of whom are women, need to be urgently addressed. Inadequate parenting payments provided once a child starts school, alongside low levels of other income support, and punitive programs and conditions such as ParentsNext must be addressed as part of a better work and care regime for sole parents. There is also the pervasive problem of child-support non-compliance and liability minimisation, and the pernicious reduction of family tax benefits despite child support not being received. Improved policy settings for sole parents are required to combat child poverty, improve child wellbeing, assist people to escape or manage the impacts of domestic violence, and support women's economic security.

See:

- Cook, K. 2022. State tactics of welfare benefit minimisation: the power of governing documents. *Critical Social Policy*, 42(2):241-264.
- Goldblatt, B. 2021. Equal access to social and economic rights in Australia – the troubling case of ParentsNext' *Australian Journal of Human Rights* Vol. 27, No. 3, 597–603.
- Goldblatt, B. 2017. Claiming women's social and economic rights in Australia. *Australian Journal of Human Rights* (23:2), 261 – 283.

#### **4. Work and care over the life-course & impact on retirement income**

The past three decades have seen a significant increase in the employment/participation (EP) ratio of women (i.e., the per cent of women of working age who are in employment - as opposed to in the labour force, where the latter includes those unemployed as well) and, as a result, a narrowing in the EP gender gap (including both full time and part-time workers) from 41% in 1992 to 14.4% by 2021. This is reflected across all age groups, and particularly amongst those of child-bearing years and amongst older women. While this is good news, stark gender differences remain in the patterns and forms of employment with women continuing to dominate part-time and casual work (68% in 2021). This is primarily due to care responsibilities: Of all those in employment, women with pre-school children are 21.1 percentage points more likely to work part-time than women without pre-school children (Preston 2022:16). And as women over 50 also increase their participation in paid work those with care responsibilities for aging, ill or disabled family or partners also face challenges around job security, financial security and wellbeing with different experiences across household income-level and type (Austen et al 2015, 2018).

A study using 18 waves of HILDA data examined how paid and unpaid work roles affect the intra-household distribution of wellbeing in mixed-sex, working-age couple households. It found that men

take on larger paid work roles and women the unpaid roles. If the money that comes into the household (from his pay packet) is equally shared, the intra-household distribution of wellbeing should, on average, also be equally distributed. However, the study found that women's level of subjective wellbeing (measured by their satisfaction with household finances) was, on average, lower than their partners'. The implication is that unpaid roles tend to limit women's access to/control over household finances, and that this is detrimental to their wellbeing (Kalsi et al 2022)(**ToR b**).

Gendered patterns of care and employment participation remain a central feature of Australian labour market with long term implications for women's retirement income and economic security in older age (**ToR a**). Gendered patterns of disruption to work and care, alongside changes to superannuation access saw the gender gap in superannuation savings widen during the pandemic years (Preston 2022) (**ToR f**). Parenthood is associated with higher long-term earnings for men but has a strong negative association with women's earnings. The large gender gaps in retirement wealth reflect in large part the economic costs arising from the gendered division of roles associated with parenthood in many Australian households (Austen & Mavisakalyan 2018) (**ToRb**).

See:

- Austen S., Ong R. 2013. "The Effects of Ill Health and Informal Care Roles on the Employment Retention of Mid-Life Women: Does the Workplace Matter?" *Journal of Industrial Relations*. 55:663-680. (ToR a&b)
- Austen, S., Jefferson, T., Ong, R., Sharp, R. and Lewin, G. 2015. "Can I Afford to Leave?: How Family Care Needs Affect Women's Employment Decisions in the Presence of Financial Strain" *Journal of Industrial Relations*. DOI: 10.1177/0022185615590906 (ToR a & b)
- Austen, S., and Mavisakalyan, A., 2018. "Gender Gaps in Long-Term Earnings and Retirement Wealth: The Effects of Education and Parenthood." *Journal of Industrial Relations*. <https://doi.org/10.1177/0022185618767474>
- Birch, A. and A. Preston (2021), 'Women, COVID-19 and Superannuation', *Australian Journal of Labour Economics*, 24(2): 175-198.
- Kalsi, Jaslin, Austen, S, and Mavisakalyan, A (2022), 'Employment and the Distribution of Intra-Household Financial Satisfaction', *The Economic and Labour Relations Review*, Vol. 33(2) 329–350
- Preston A 2022 Raiding super early has already left women worse off. Let's not repeat the mistake for home deposits, *The Conversation*, May 19, 2022.
- Preston, A. (2022). Gender role attitudes and labour market outcomes of women in Australia. <https://econpapers.repec.org/paper/uwawpaper/22-10.htm>
- Peetz, D., A. Preston, S. Walsworth and J. Weststar (2022), 'COVID-19 and the Caring Penalty in Academia: Understanding the Effect of Children on Academic Publications'. Mimeo.

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

Migration settings: We welcome the Labor government's commitment to shift migration settings to support permanent rather than temporary migration. However, we draw the Committee's attention to the need to implement appropriate work/care policy settings for permanent and temporary migrant workers. This includes support for transnational family life and care practices for established migrant Australians, through access to grandparent support and for Pacific Australia Labour Mobility (PALM) scheme workers who (as yet) have no options for family accompaniment (**TOR d**).

- Hamilton, M., Hill, E., Kintominas, A. (2022). Moral Geographies of Care across Borders: The Experience of Migrant Grandparents in Australia. *Social Politics: international studies in gender, state, and society*, Volume 29, Issue 2, Summer 2022, Pages 379–404.

- Withers, M. 2022. 'Pacific Migrant Workers and the Social Costs of Family Separation', Devpolicy Blog.
- Withers, M. 2022. 'Rapid analysis of family separation issues and responses in the PALM scheme – final report'. DFAT.

In the current context of a renewed age care sector push for Pasifika workers, the need to embed opportunities for transnational care within the working conditions and workplace policies of PALM workers requires urgent attention (**TOR e**). Failure to attend to the transnational care needs and practices of migrant workers poses a real risk that Australian development policies will create care deficits in labour sending countries that deliver unequal and gendered work and care outcomes within the PALM scheme (in Australia and in the Pacific) (**TOR g**).

- Hill E., Withers, M. & Jayasuriya, R. 2018. 'The Pacific Labour Scheme and Transnational Family Life: Policy Brief'.
- Withers, M. 2022. The Costs of Caring: Gender Inequalities in the Pacific Labour Scheme. *Disruptive Asia*, Volume 5. <https://disruptiveasia.asiasociety.org/pacific-labour-scheme-women-equality>

Tax & Transfer system: The design of Australia's tax and transfer system has a strong gendered impact on families, directly shaping household decision-making about who works and who cares. Financial incentives baked into the system of tax and transfers provide embed the one (male)-and-a-half (female) household earner model so dominant in Australia. This has significant consequences for women's economic security over the life course, including their reliance on social security payments, and income support in older age. Increasingly, Jobseeker is providing critical income support for women with care responsibilities with a growing proportion of recipients being sole parents and older women not yet eligible for the age pension or for disability pension and who may be doing informal care work.

See:

- [Parliamentary Budget Office \(2020\) Jobseeker](#) Good gender analysis of who is now receiving it; the work Jobseeker is doing.
- Treasury (2020) [Retirement Income Review](#) Some useful gender-disaggregated data.
- Dixon, J. 2020. [A comparison of the economic impacts of income tax cuts and childcare spending](#), Australia Institute.

Gender Responsive Budgeting: The new government's commitment to Gender Responsive Budgeting will provide essential support for the design and implementation of equitable and sustainable work/care policy architecture. This whole of government approach to the design of the Federal budget will maintain focus, adequate resourcing and ensure policy development that appropriately supports good work and care outcomes for all Australians across the life course and address issues of intergenerational equity, fertility and unpaid care.

See:

- Sawer, M. & Stewart, M. 2020 'Gender Budgeting' in Sawer, M, Jenkins, F and Downing, K (eds) *How Gender Can Transform the Social Sciences: Innovation and Impact* (Palgrave Macmillan: Switzerland), 117-126.
- Stewart, M. 2021 [Tax & the Fertility Freefall: Children, Care & the Intergenerational Report](#) (14 July 2021)

## 6. Gender pay equality

Changes to the Fair Work Act are required to enable the development and strengthening of industry awards and to strengthen the claims of women to gender pay equity (**ToR c**). The strengthening of industry awards includes adequate pay, secure working time and paid leave provisions - such as paid parental leave, carers' leave, paid domestic violence leave and other forms of leave from work - that support women and men's equal right to combine family and community care responsibilities with stable and secure employment.

The development of industry awards must recognise that the persistence of the gender pay gap (GPG) in the Australian labour market is the cumulative outcome of a gendered social contract that significantly influences women's engagement with paid work and working time. Wage gaps are evident in hourly, weekly and annual wages (KPMG 2022). 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).

This gendered contract impacts the proper valuation and recognition of feminised work. Industry awards must be revitalised to 'unpack' skills classifications for frontline care workers to both recognise and remunerate the skills workers currently use and to provide a clear career path with meaningful wage increases as workers progress (Charlesworth and Smith 2018). This will create opportunities for career progression. Presently, industrial awards and agreements are made without effective and sufficient checks on how the pay and hours provisions reflect and reinforce a gender disparity in pay and conditions. Awards and agreements must not contain discriminatory terms, but no adequate mechanism exists to identify terms that discriminate and remove them. As the main service funder, the federal government must commit to policy and funding arrangements that end the structural pay inequity in care and support work.

Feminised work is undervalued and Australian labour law mechanisms for setting remuneration and addressing equal remuneration have been slow to remedy this or recognise the increased credentials of women. In the last twenty 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).

We recommend that the new government's proposal for gender pay equity to be an object of the Fair Work Act be constructed so as to have wide application across the various functions of the Fair Work Commission. It is also crucial that the proposed gender pay equity principle be constructed to: be capable of addressing gender-based inequity in remuneration; ensure that minimum award wage rates properly reflect the value of the work; take account of inequities in bargaining; provide sustainable remedies; explicitly use the construct of undervaluation; provide indicative dimensions of undervaluation and not require the use of comparator-based assessments; support the Commission and the parties' addressing of gender pay equity; and, be contained in a schedule to the legislation and explicitly referenced in relevant (and amended) parts of the Act.

Gender pay inequality (and the barriers to quality work for worker carers noted above), reflects sex discrimination in work. The *Respect@Work Report* recommends the introduction of a positive duty on employers to take reasonable and proportionate steps to prevent sex discrimination and sexual harassment in work. This government has agreed to implement all of the *Respect@Work* recommendations and any proposed legislation should be assessed for its capacity to require and enable employers to identify and address the lack of equal access to decent pay and conditions for worker-carers.

See:

- Charlesworth S and Smith M (2018) 'Gender Pay Equity', in A Stewart, J Stanford and T Hardy (eds), *The Wages Crisis in Australia: What It Is and What To Do about It*, Adelaide: Adelaide University Press, pp 85–101
- Feng J, Gerrans P, Moulang, C, Whiteside N and Strydom, M (2019) Why women have lower retirement savings: the Australian case, *Feminist Economics*, vol. 25, no. 1, pp.145-173.
- KPMG (2022) She's price(d)less. The economics of the gender pay gap (Detailed Report). Prepared with Diversity Council Australia (DCA) and the Workplace Gender Equality Agency (WGEA).
- Smith M and Whitehouse G (2020) Wage-setting and gender pay equality in Australia: Advances, retreats and future prospects, *Journal of Industrial Relations*, vol. 62, no. 4, pp. 533-559.

## 7. Women work and care during COVID

The pandemic highlighted the many inadequacies of our work/care architecture and saw many of our already stretched care services pushed to the brink. The urgent need for reform is now widely acknowledged, with broad consensus across state and federal governments, business, unions and other civil society organisations. Many Roundtable members have undertaken extensive research over the past two years on the pandemic impact on work and care, and on government and employer responses. While women bore the brunt of the pandemic experience, research consistently finds Australian women are highly engaged by paid employment but also want to have and care for family. Post-pandemic, women want the good jobs, good flexible working options and good care that will allow them to work and care in a sustainable way (Cooper and Hill 2022). They are tired of waiting. The time for change is now.

See:

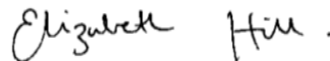
- Carson, A., Ruppanner, L., & Ratcliff, S. (2021). The worsening of Australian women's experiences under COVID-19: a crisis for Victoria's future. Latrobe University Available at: [https://opal.latrobe.edu.au/articles/report/The\\_worsening\\_of\\_Australian\\_women\\_s\\_experiences\\_under\\_COVID-19\\_a\\_crisis\\_for\\_Victoria\\_s\\_future/13565480](https://opal.latrobe.edu.au/articles/report/The_worsening_of_Australian_women_s_experiences_under_COVID-19_a_crisis_for_Victoria_s_future/13565480)
- Cooper R., and E. Hill (2022) 'What do women want from work post-pandemic: A qualitative study of women in Western Sydney', Gender Equality in Working Life Research Initiative. The University of Sydney. DOI 10.25910/8541-2m521
- Craig L (2020) Coronavirus, domestic labour and care: Gendered roles locked down *Journal of Sociology* <https://doi.org/10.1177/1440783320942413>
- Craig, L., & Churchill, B. (2021). Dual-earner parent couples' work and care during COVID-19. *Gender, Work & Organization*, 28, 66-79.
- Craig, L. & Churchill, B. (2021). Unpaid Work and Care During COVID-19: Subjective Experiences of Same-Sex Couples and Single Mothers in Australia. *Gender & Society*, 35(2), pp. 233-243. doi:10.1177/08912432211001303
- Craig, L. & Churchill, B. (2020). Working and Caring at Home: Gender Differences in the Effects of Covid-19 on Paid and Unpaid Labor in Australia. *Feminist Economics*, 27(1-2), pp. 17-. doi:10.1080/13545701.2020.1831039
- Foley, M., Cooper, R. (2021). Workplace gender equality in the post-pandemic era: Where to next? *Journal of Industrial Relations*, 63(4), 463-476
- Hill, E. (2020). Reducing gender inequality and boosting the economy: fiscal policy after COVID-19. Labour Market Policy after COVID-19. Committee on Economic Development in Australia (CEDA), September 2020. <https://www.ceda.com.au/ResearchAndPolicies/Research/Workforce-Skills/Labour-market-policy-after-COVID-19>

- Hill, E. & Cooper, R. (2021). 'Covid-19, gender and work, October 2021', Gender Equality in Working Life Research Initiative Insights Series, The University of Sydney. doi:10.25910/xn8z-zp22
- Huppatz, K and Craig, L (2022) 'The Care Crisis: a research priority for the pandemic era and beyond' in Steve Matthewman (Ed) A Research Agenda for COVID-19 and Society, Cheltenham and Northampton: Edward Elgar.
- Macdonald, F., Malone, J. & Charlesworth, S. (2021) Women, Work, Care and COVID. Centre for People, Organisation and Work, RMIT University, Melbourne, <https://cpow.org.au/new-research-report-women-work-care-and-covid/>.
- Matthewman, S and Huppatz, K (2020) 'A Sociology of Covid-19' Journal of Sociology, 56 (4).
- Ruppanner, L., Tan, X., Carson, A., & Ratcliff, S. (2021) Emotional and Financial Health During COVID-19: The Role of Housework, Employment and Childcare in in Australia and the United States. Gender, Work & Organization. <https://onlinelibrary.wiley.com/doi/full/10.1111/gwao.12727>

We commend this submission to the Committee on behalf of Roundtable members and both we and individual members would be happy to provide further oral evidence or respond to queries as required.



Professor Sara Charlesworth  
Co-convenor W+FPR



Associate Professor Elizabeth Hill  
Co-convenor W+FPR

## **Appendix 1**

### **Australian Work + Family Policy Roundtable Members**

- Dr Elizabeth Adamson, UNSW Sydney
- Prof Emerita Siobhan Austen, Curtin University
- Prof Marian Baird, University of Sydney
- Dr Dina Bowman, Brotherhood of St Laurence / University of Melbourne
- Adjunct Dr Michelle Brady, University of Melbourne
- Associate Professor Wendy Boyd, Southern Cross University
- Prof Emerita Deborah Brennan, UNSW Sydney
- Prof Emerita Bettina Cass, University of NSW
- Prof Sara Charlesworth, RMIT University (co-convenor)
- Prof Kay Cook, Swinburne University
- Dr Amanda Cooklin, La Trobe University
- Prof Rae Cooper, The University of Sydney
- A/Prof Natasha Cortis, UNSW Sydney
- Adjunct Prof Eva Cox, Jumbunna Indigenous House of Learning (UTS)
- Prof Lyn Craig, University of Melbourne
- Dr Laura Davy, Australian National University
- Prof Emerita Suzanne Franzway, University of South Australia
- Prof Beth Goldblatt, University of Technology Sydney
- A/Prof Myra Hamilton, University of Sydney
- Alexandra Heron, University of Sydney
- A/Prof Elizabeth Hill, University of Sydney (co-convenor)
- A/Prof Kate Huppatz, Western Sydney University
- Professor Therese Jefferson, Curtin University
- Angela Kintominas, UNSW Sydney
- Adjunct Fellow Dr Fiona Macdonald, RMIT University/Centre for Future Work
- Prof Paula McDonald, Queensland University of Technology
- Adjunct A/Prof Jill Murray, Monash University
- Prof Alison Preston, University of Western Australia
- Prof Leah Ruppanner, University of Melbourne
- A/Prof Belinda Smith, University of Sydney
- A/Prof Meg Smith, Western Sydney University
- Prof Miranda Stewart, University of Melbourne
- Prof Lyndall Strazdins, Australian National University
- Prof Emerita Gillian Whitehouse, University of Queensland
- Dr Matt Withers, Australian National University



## **W+FPR Policy Principles**

The aim of the Australian Work + Family Policy Roundtable is to propose, comment upon, collect and disseminate relevant policy research in order to inform good, evidence-based public policy in Australia.

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.

Informed by these principles, the W+FPR will advance public debate and policy initiatives that promote a secure and living wage for workers; reasonable work hours and working time; appropriate and adequate leave provisions; quality care services; a fair tax and benefits regime and other measures that assist workers and carers to better combine these two spheres of essential human activity.

# Work, Care & Family Policies

## Federal Election Benchmarks 2022



Work + Family  
Policy Roundtable

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

All correspondence should be directed to the Co-convenors of the W+FPR:

- Associate Professor Elizabeth Hill, The University of Sydney, [elizabeth.hill@sydney.edu.au](mailto:elizabeth.hill@sydney.edu.au)
- Professor Sara Charlesworth, RMIT University, [sara.charlesworth@rmit.edu.au](mailto:sara.charlesworth@rmit.edu.au)



*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**



Work + Family  
Policy Roundtable





**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:

- Dr Elizabeth Adamson, University of NSW
- Prof Emerita Siobhan Austen, Curtin University
- Prof Marian Baird, University of Sydney
- Dr Dina Bowman, University of Melbourne/ Brotherhood of St Laurence
- Adjunct Dr Michelle Brady, University of Melbourne
- Associate Professor Wendy Boyd, Southern Cross University
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- A/Prof Belinda Smith, University of Sydney
- A/Prof Meg Smith, Western Sydney University
- Prof Miranda Stewart, University of Melbourne
- Prof Lyndall Strazdins, Australian National University
- Prof Emerita Gillian Whitehouse, University of Queensland

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;
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- 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 percent 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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Work + care in a gender  
inclusive recovery:

**A bold policy agenda for  
a new social contract**



Work + Family  
Policy Roundtable



## **Work + care in a gender inclusive recovery:**

### **A bold policy agenda for a new social contract**

The environmental and pandemic crises of 2020 have upended our lives and sent the economy into turmoil. Millions of Australians are unemployed, unable to access the hours of paid work they need, or unsure whether their small business will survive.

The crisis in care is acute. Many formal care services for the aged, children, and for people with disability that were already strained, collapsed under the pressure of the pandemic. Shuttered schools and working from home arrangements only added to the care crisis as massive amounts of unpaid care labour were devolved to the home, [exacerbating gendered inequalities](#) in the distribution of work and care. The crisis in care and employment has had an immediate and negative impact on gender equality and wellbeing in Australia, raising widespread concern about the shadow pandemics of [domestic violence](#), [mental illness](#) and [substance abuse](#).

Current policy settings for work, care and family are broken. They have provided limited protection against the pressures of the pandemic and are not suitable to support an equitable and gender inclusive recovery.

As Australia charts its way out of the environmental and pandemic crises of 2020, households continue to face numerous and diverse challenges as they negotiate their work, care and family responsibilities. These challenges will intensify as emergency

measures, including income support implemented by state and federal governments, are rolled back. New policy architecture that moves Australia beyond crisis and resets the conditions under which we work and care is urgently needed.

In this document the Australian Work and Family Policy Roundtable provides a bold, research-informed policy agenda for an equitable and gender inclusive recovery and a new social contract that recognises and supports the right for all to give and receive high quality care. We focus on four key policy areas: inclusive employment and social protection; infrastructure for equitable work and care; a sustainable care workforce; and data for evidence-informed policy making.

[The Australian Work + Family Policy Roundtable](#) was established in 2005 and is a research network of 33 academics from 17 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.

### **Care: the foundation of a good society and dynamic economy**

Care is essential to human wellbeing and economic prosperity. High quality care – both paid and unpaid – enables the development of human capabilities, wellbeing and economic productivity. Inadequate investment in care services and supports, uneven coverage of paid leave for workers in casual and precarious employment, and low wages for the essential workers who keep our communities functioning, weaken our economy. Inadequate care infrastructure leaves communities vulnerable and exacerbates inequalities. The environmental and health crises of 2020 highlight that without adequate paid and unpaid care the economy stops.

Care has important social and economic benefits in the short and long-term. It is not a private consumer good for the well-off, or a commodity to be produced for profit. However, many of Australia's essential care services are delivered through private for-profit 'markets' backed by large government subsidies. This model has not served Australians well. Accompanied by limited resources, ineffective regulation and meagre quality standards, as well as inadequate governance arrangements, many services deliver sub-standard care. The pandemic has exposed the false economy of reliance on an under-resourced, precarious and low-wage workforce.

Care is a collective social responsibility. However, the limited social provision of care and inadequate resourcing of formal and informal care, has meant the burden of care has been unfairly distributed with women shouldering the greatest load. Better social provisioning of care services will help alleviate gender and other social inequalities. Policy settings must be reconfigured to invest in the care – paid and unpaid – that sustains individuals over the life course and delivers wellbeing and long-term prosperity for all. We need [a caring economy](#).

[Governments have a vital role](#) to play in providing increased and sustained investment in equitable, high quality care systems that include decent wages and secure employment for the care workforce, and equitable access to paid leave for all workers. Only public investment in high quality care infrastructure, in combination with strong supports for individuals who take on unpaid care work, and appropriate regulatory and governance arrangements, can address the diverse needs of individuals and families on an equitable basis.

The tax and transfer system can play a vital role in delivering sustainable finance for public investment in care infrastructure and

expenditure on care work, and in ensuring equitable and efficient access by individuals to market work. A sustainable and equitable tax and transfer system will apply on the basis of an individual unit and reduce, as far as possible, the [inequitable and inefficient disincentives](#) for women to engage in paid work. Tax reforms should ensure that those with higher incomes continue to contribute a greater share of tax revenues through progressive tax rates, while tax reform to broaden the base of the income tax will enable more equitable taxation of capital income compared to work. This will ensure sustainable revenues while not over-taxing low and moderate wage earners, many of whom are women who work in the care sector.

Investment in high quality care infrastructure will enhance macro-economic stability and grow our economy.

Good quality care services support employment, labour supply and economic security – particularly for women. An expanded, secure and properly paid labour force will help build public finances through the collection of additional tax revenue. The capability of children, youth, worker-carers, older people and people with disabilities to fully participate in society and lead fulfilling lives will be enhanced and supported by investment in essential care infrastructure. This will improve social wellbeing while also delivering the increased productivity and economic growth to enable Australia to grow our way out of the pandemic-induced recession.

### **Work: valuing and supporting care**

The environmental and pandemic crises of 2020 have exposed and amplified widespread labour market inequalities. In particular, COVID-19 has exposed the [structural inequalities](#) within the Australian labour market and the vulnerability of millions of workers, particularly those in service jobs in retail and hospitality.

Conditions of precarious employment, low-wages and insecurity, along with inadequate social protection measures, left millions in the hardest hit industries vulnerable to emergency lockdown measures and ensuing economic insecurity. Lack of adequate income protection, paid sick leave and carers' leave further entrenched worker vulnerability. Those in regular employment with higher wages and paid leave were less exposed to the economic impact of the sudden lockdown, although the rapid shift to working-from-home placed other significant stresses on workers.

The crises have had a disproportionate impact on women's paid and unpaid work, but have fallen most severely on [single mothers](#), women from [migrant](#) backgrounds (especially those on temporary visas), [Aboriginal and Torres Strait Islander women](#), and women with [disability](#). The majority of Australian women work in part-time or insecure jobs, often in highly feminised and low-paid occupations. Precarious forms of employment do not provide adequate support for workers with care responsibilities and many women have struggled to manage the [triple pandemic demands](#) of supervising home-schooling, increased care responsibilities and paid work. This has led to widespread exhaustion and other health issues.

During the COVID-19 crisis, women have experienced [higher rates](#) of unemployment and underemployment than men. They are also disproportionately employed in essential frontline care jobs where they have been exposed to infection. How men and women fare over the long recession ahead is yet to be seen. But even at this stage of the economic downturn, the lack of minimum paid care and sick leave for workers in precarious employment along with inadequate access to affordable care services has seen [women disproportionately withdraw](#) from the labour market. This directly reflects and reinforces gendered inequalities in work and care and

increases the risk of poverty for women as they age.

Men with children [increased their unpaid care load](#), but not as much as women did and current workplace policy settings do not make it easy for households to share care between women and men. Policy architecture that relies on the exploitation of women's labour and time, in the workplace and in the home, and the feminisation of poverty and inequality this gives rise to is inefficient, discriminatory and can no longer be tolerated.

The pandemic has revealed the importance of decent work and adequate social protection, and their role in safeguarding the wellbeing and security of our families, communities and economy. This includes adequate pay, secure working time and paid leave provisions - such as paid parental leave, carers' leave, paid domestic violence leave and other forms of leave from work - that support women and men's equal right to combine family and community care responsibilities with stable and secure employment. Adequate social protection over the life the life course is also crucial. Temporary social protection provided during the peak of the pandemic through additional income support made a material difference to many worker-carers' lives. However, these measures also excluded many of the most vulnerable, including many casual workers and those on temporary visas.

A new social contract that recognises and supports the interconnections of work and care across society and the economy is urgently required. Our aging population, declining fertility and low inbound migration, make a new policy architecture for decent work and decent care essential for an inclusive and gender equal recovery. It is time to look beyond short-term budgets and toward long-term investment in a [caring economy](#) that delivers prosperity, equality, and a better life for all.



Below we outline a bold, research-informed policy agenda in four domains.

## **1: Inclusive employment & social protection**

Women workers, many with care responsibilities, are concentrated in short-hours 'casualised' work, while in couple families [many fathers](#) with young children work longer hours. Without a decent floor of labour protections, the fragmentation of working time inherent in such work will continue to reproduce income and working time insecurity, and a lack of access to careers and decent work across the life course. Women face life-long penalties through gendered intersections of care, social protection and the taxation system. Women are forced to take on the risks of a retirement income system centred on occupational superannuation.

### ***A Bold Agenda***

1. A robust floor of universal worker rights across all sectors that provides:
  - A living wage and working time security;
  - A right to secure, predictable income;
  - A right to paid leave for all workers;
  - Paid time for training;
  - An effective right to equal remuneration;
  - A cap on long working hours that is enforced.
2. Over and above this floor, meaningful and genuine industry bargaining to address industry-specific problems through revitalised industry awards, for example provisions to provide *living hours* through decent shift notice periods, minimum engagements and sufficient guaranteed hours.

3. A right to a fair and equitable social protection system for all that respects dignity and autonomy and provides adequate income support, including a permanent increase to JobSeeker and other income support income payments.

## **2: Infrastructure for equitable work + care**

Australia has failed to invest in good quality care infrastructure, spending below the OECD average on formal care services. The marketisation of care services with light touch government regulation and monitoring means many government-subsided care services have poor governance structures and do not produce good outcomes for service users, workers, or for taxpayers.

One-sided employer-oriented flexibility is the norm in many Australian workplaces. Uncertain and unpredictable hours of work make it hard to use existing formal care services. The COVID pandemic has made it even harder for unpaid carers to access respite and other service supports.

### ***A Bold Agenda***

1. Robust care infrastructure to build a more inclusive, accessible, resilient, and caring society. This includes:
  - Universal free high quality early childhood education and care with robust and transparent quality standards that are publicly audited and enforced;
  - High quality, adequately and securely resourced aged care and disability services;
  - Business models and governance arrangements for all care service providers that are transparent and fit for purpose. Providers must be fully accountable for the expenditure of public money and the provision of high quality accessible services;



- Accessible and responsive respite, end of life/palliative care and other services to support unpaid carers;
- The extension of paid 'care leave' to all workers, including at least 9 months paid parental leave incorporating 3 months [dedicated leave for each parent](#);
- High quality workplace flexibility that works for women and other worker-carers that is mutually beneficial and gives workers voice, control, predictability and working time security.

### 3: A sustainable care workforce

The care workforce including those who work in aged care, disability support and early childhood education and care is growing rapidly. In these sectors the federal government is effectively the lead employer in a supply chain of contracted out services. However, there are shortages of staff in all care sectors given very low wages, casualised conditions, underemployment and fragmented working time schedules. Care and support workers are increasingly employed through contracting arrangements and on gig platforms. Many care services [rely on temporary migrant](#) visas holders who are especially vulnerable to exploitation and discrimination. High attrition and working time fragmentation directly influence the quality of all care service provision and the dignity provided to service users and their families.

Targeted initiatives in the frontline care sectors under the *Fair Work Act 2009* have failed to address low wages, including the [failure of the Act's](#) low-paid bargaining stream to open up multi-employer bargaining in residential aged care, and the Fair Work Commission's rejection of the long-running equal remuneration case for early childhood education and care workers.

#### **A Bold Agenda**

1. Industry awards must be revitalised to 'unpack' skills classifications for frontline care workers to both recognise and remunerate the skills workers currently use and to provide a clear career path with meaningful wage increases as workers progress. This will create opportunities for career progression;
2. As the main service funder, the federal government must commit to policy and funding arrangements that end the structural pay inequity in care and support work.

### 4: Robust data for evidence-informed policy

In Australia there is very little rigorous publicly available policy evaluation undertaken by government particularly as it impacts on workers with caring responsibilities, including migrant and refugee women, women with disabilities, Indigenous women, older and younger women, and LBTQI women. There is also significant under-investment in national surveys that track the prevalence and forms of non-standard work, and its impacts on care, or the uptake of various forms of leave by different groups of worker-carers. This means there is a lack of accountability by government for employment and care policy outcomes as they impact on different groups of workers with care responsibilities.

#### **A Bold Agenda**

1. The Parliamentary Budget Office must increase the gender analysis of government policies through a gender distributional analysis and provide advice to the Joint Committee of Public Accounts and Audit;

2. New policies and programs, including those put in place to ameliorate the impact of COVID-19, must be subjected to a rigorous gender-impact evaluation, particularly in terms of their impact on different groups of women and worker-carers;
3. All government and private sector data collection that tracks workforce characteristics and outcomes must be able to be disaggregated by gender together with other axes of disadvantage such as Indigenous status, birthplace and visa status, age, disability, sexual orientation and gender identity, as well as form of employment and care responsibilities;

4. The ABS must provide data on hourly wage rates for managerial as well as non-managerial employees and identify the gender pay gap for different groups of women.

This agenda will produce a decent society and a better country for all.

## **Australian Work + Family Policy Roundtable Members**

- Dr Elizabeth Adamson, UNSW
- Prof Siobhan Austen, Curtin University
- Prof Marian Baird, University of Sydney
- Dr Dina Bowman, Brotherhood of St Laurence / University of Melbourne
- Adjunct Dr Michelle Brady, University of Melbourne
- A/Prof Wendy Boyd, Southern Cross University
- Emeritus Prof Deborah Brennan, UNSW
- Emeritus Prof Bettina Cass, UNSW
- Prof Sara Charlesworth, RMIT University (co-convenor)
- A/Prof Kay Cook, Swinburne University
- Dr Amanda Cooklin, La Trobe University
- Prof Rae Cooper, The University of Sydney
- A/Prof Natasha Cortis, UNSW
- Adjunct Prof Eva Cox, Jumbunna Indigenous House of Learning (UTS)
- Prof Lyn Craig, University of Melbourne
- A/Prof Marianne Fenech, University of Sydney
- Emeritus Prof Suzanne Franzway, University of South Australia
- Prof Beth Goldblatt, University of Technology Sydney
- A/Prof Myra Hamilton, University of Sydney
- Alexandra Heron, University of Sydney
- A/Prof Elizabeth Hill, University of Sydney (co-convenor)
- Prof Therese Jefferson, Curtin University
- Dr Fiona Macdonald, RMIT University
- Prof Paula McDonald, Queensland University of Technology
- Dr Jill Murray, University of Melbourne
- Adjunct Prof Frances Press, Charles Sturt University
- Prof Alison Preston, University of Western Australia
- A/Prof Leah Ruppanner, University of Melbourne
- A/Prof Belinda Smith, University of Sydney
- A/Prof Meg Smith, Western Sydney University
- Prof Miranda Stewart, University of Melbourne
- Prof Lyndall Strazdins, Australian National University
- Prof Gillian Whitehouse, University of Queensland

## **W+FPR Policy Principles**

The aim of the Australian Work + Family Policy Roundtable is to propose, comment upon, collect and disseminate relevant policy research in order to inform good, evidence-based public policy in Australia.

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.

Informed by these principles, the W+FPR will advance public debate and policy initiatives that promote a secure and living wage for workers; reasonable work hours and working time; appropriate and adequate leave provisions; quality care services; a fair tax and benefits regime and other measures that assist workers and carers to better combine these two spheres of essential human activity.



# Work, Care & Family Policies

## Election Benchmarks 2019

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The Election Benchmarks 2019 reflect the scholarship and research-based deliberations of the members of the Australian Work + Family Policy Roundtable.

All correspondence should be directed to the

Co-convenors of the W+FPR:

- Associate Professor Elizabeth Hill, The University of Sydney, [elizabeth.hill@sydney.edu.au](mailto:elizabeth.hill@sydney.edu.au)
- Professor Sara Charlesworth, RMIT, [sara.charlesworth@rmit.edu.au](mailto:sara.charlesworth@rmit.edu.au)

The 2019 Election benchmarks are dedicated to the memory of Belinda Tkalcevic, a long-term friend of the Work + Family Policy Roundtable and tireless campaigner for the recognition of work and care issues in public policy.



# Work, Care & Family Policies

## Election Benchmarks 2019



Work + Family  
Policy Roundtable



The *Australian Work + Family Policy Roundtable* is a research network of 32 academics from 17 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.

- Dr Elizabeth Adamson, University of NSW
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- Adjunct A/Prof Debra King, Flinders University
- Dr Fiona Macdonald, RMIT University
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- Prof Gillian Whitehouse, University of Queensland

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

### Positive policies 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 2019 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 April 2017 and September 2018. This is our fifth 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;
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- Adopt policy and action based on rigorous, independent evidence.



# Executive Summary

In the lead up to the 2019 federal election, the Roundtable has identified an overarching policy theme of **Time to work and time to care: Making gender equality possible** highlighting three essential policy trajectories: increased investment in high quality integrated care infrastructure; a strong regulatory system fit for purpose; and gender equality. Within this broad theme, seven policy areas are identified as the key contemporary issues facing workers and families in Australia as they attempt to combine work, care and family responsibilities.

## Policy areas

- Paid leave to care
- Decent working time & job security
- Sustainable & high-quality care services
- Good quality jobs for the care workforce
- Gender pay equality
- Safe workplaces
- Institutional support for work and care

These policies are connected and together form the 'policy packages' (Brady et al 2018) within which households make decisions about work and care. Research evidence shows that a work, care and family policy framework that promotes gender equality and good outcomes for households requires an integrated approach that creates smooth and secure transitions between work and care over the life course. Careful articulation between these policy areas is essential.

## Summary of Recommendations

### Time to work and time to care: Making gender equality possible

1. Increased public investment in care infrastructure with a goal of an additional 2% GDP expenditure;
2. Tax reform that prioritises a more progressive tax system and broader tax base; and
3. Robust regulatory and quality assurance systems that support the delivery of high-quality services and decent employment for the care workforce.

### Paid Leave to Care

1. Immediately extending the duration of Parental Leave Pay available to primary carers to 26 weeks and extending partner pay to 4 weeks; and consideration be given to extending both forms of leave paying them at wage replacement levels;
2. Including superannuation in Parental Leave Pay and partner leave payments;
3. Providing casual employees access to paid personal and carers leave;
4. Providing domestic violence leave as paid leave in the National Employment Standards;
5. Introducing paid end-of-life/palliative care leave for a period of 12 weeks; and
6. Improving access to replacement care for carers of a person with a disability, chronic illness, or frailty due to old age.

### Decent Working Time & Job Security

1. Establishing firm working time minima in the National Employment Standards and in all modern awards. These include:
  - a. Restricting maximum weekly hours of work to 38 hours except by mutual agreement;
  - b. A minimum engagement of 4 hours for casual and part-time workers; and
  - c. Requiring written agreement to a regular pattern of hours as well as written agreement to, and adequate notice of, changes to hours for part-time workers;
2. Government must enforce these minima and run an energetic campaign promoting innovative strategies for employers to limit excessive hours and provide predictable carer friendly hours;
3. Ensuring working time regulation provide predictability and facilitate mutually agreed flexibility:
  - a. Casual status must be restricted to genuinely irregular and occasional on-call employment so that paid leave is much more widely available;
  - b. Adequate penalty rates for antisocial hours (weekends, evenings, nights) and for overtime including for part-time employees working beyond their minimum contracted hours, is needed to deter poor rostering practices and properly compensate for the work/life interference associated with unsocial and overtime hours; and
4. Extending the right to request flexible working to all employees upon starting a job, with employees able to appeal on the merits of the employer's refusal to the Fair Work Commission where this request is unreasonably refused. Government must provide information on and promote the use of the right to request as an entitlement for all employees.

### Sustainable & High Quality Care Services

1. An Early Childhood Education and Care (ECEC) system that provides effective access to at least two days per week of subsidised high quality ECEC to all children, regardless of their parents' workforce participation; ensuring user friendly access for disadvantaged groups and those in remote and regional Australia;
2. Restoration of Commonwealth funding for the National Quality Agenda including funding for the Australian Children's Education and Care Quality Authority;
3. A guarantee of continued funding for the National Partnership on Universal Access to early childhood education for four year olds and an extension of this Partnership to three year olds;
4. Improved pay and conditions for all ECEC educators, with movement towards pay parity for early childhood teachers compared with their peers in primary education;
5. Robust regulatory and accountability frameworks that protect the quality of care and the effective and equitable spending of public funds in the aged care and disability sectors;
6. Reform in the aged care sector that is based on co-design principles, occurs at a pace that ensures full evaluation of outcomes, and takes account of the voices of service-users, their families and sector workers;
7. The development of aged care benchmarks that recognise the importance of decent working conditions and time to care in providing good quality care; and
8. An effective and equitable National Disability Insurance Scheme that produces consistent and high quality support outcomes for people with disability and addresses carer needs; including through capacity building, support co-ordination, outreach and independent advocacy for people with disability and for carers.



## The Care Workforce

1. Equal pay for care workers through gender equality reforms in the industrial relations system including in the objects of the Fair Work Act 2009;
2. Improved minimum standards in care awards and collective bargaining reforms that enable sector-wide bargaining for care workers and require the engagement of funding bodies as well as employers;
3. Care workforce strategies that include decent work for care workers as an objective and that are developed, implemented and evaluated in consultation with all parties, including workers and their unions;
4. Adequately funded education, care and support systems that provide for frontline worker training and accreditation and opportunities for development and pathways to higher-paid jobs; and
5. Recognition of and support for the family responsibilities of care workers (and those working in other sectors) coming to Australia as temporary migrants.



## Gender Pay Equality

1. The Australian Government establish equal remuneration as an explicit objective of the Fair Work Act 2009;
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 objectives of the Fair Work Act 2009 that address modern awards and the National Employment Standards (NES) be amended so that awards and the NES are able to provide a broad and inclusive framework capable of providing improved wages and conditions; and
4. The equal remuneration objective in the Fair Work Act 2009 be explicitly monitored through the modern award review process and that systemic inequalities, including differences between male-dominated and female-dominated awards in areas such as the definition of ordinary hours and the payment of penalty rates, and women's lower access to enterprise bargaining, be addressed.



## Safe workplaces

1. National and state-based occupational health and safety laws to explicitly recognise gender-based violence, mandating prevention and complaint mechanisms to address it; and
2. The Australian government support the adoption of the proposed ILO Convention on Violence and Harassment in the World of Work at the 2019 International Labour Conference.



## Institutional support for decent work and decent care

1. Establishing a Federal Agency for Work, Care and Community responsible for the overarching design and implementation of equitable work, care and family policies. This would include systematic research and ongoing evaluation of work, care and family policy challenges facing Australia;
2. Provision of adequate funding to maintain existing data sets and research capacity to investigate changes at work and in Australian households. This includes immediate reinstatement of Australia's Time Use Survey and extension of the data collection and analysis capacity of the Workplace Gender Equality Agency;
3. The National Disability Insurance Agency collect and make publicly available national-level data on the NDIS and its outcomes; and
4. 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 occupational classifications, particularly for frontline care workers, reflect the increasing complexity and skill level of the work that is undertaken.

## Time to work and time to care: Making gender equality possible

**A**USTRALIAN HOUSEHOLDS face numerous challenges as they negotiate their work, care and family responsibilities. Current policy settings will not make this task any easier in the future. National policy settings for work, care and family do not support women and men to participate as equals in the labour market or in the home. Instead women continue to shoulder most of the unpaid domestic and care work, and men the majority of paid work. The highly gendered structure of our labour markets, tax and transfer systems, workplace cultures and social norms mean that while the majority of Australian women are now engaged in paid work, it is often on a part-time basis. This is especially the case for women with dependent children. Since the 1980s the proportion of employed women (aged 30-50) engaged in full time work has remained relatively flat (ABS 2018a). Over the life course these gendered work and care patterns exacerbate women's financial insecurity, especially following relationship breakdown (Cook 2019).

Policy settings for a prosperous, healthy and equal Australia must provide households with time to work and time to care for family and community in a way that suits their circumstances. Australians are very clear about their care preferences: family care is highly desired, but so too are high quality formal care services delivered professionally in both centre-based and in-home settings. To support women, men and families in Australia to work and care in a way that reflects their needs, values and aspirations, we require strong and coherent investment in care infrastructure. This will include:

1. provision of publicly funded care services for children, the elderly, those with disability and those who are ill;
2. formally legislated care policies that allow for informal family and community care – such as paid parental leave, flexible working hours and domestic violence leave; and
3. decent work and wages for our growing care workforce.

Financing high quality care services and the workforce to deliver these services is costly and Australian governments will need to increase expenditure on care infrastructure to provide strong social care services. For example, available comparative OECD data on public expenditure on long term care indicates that Australia spends around 1.0% of GDP compared to an OECD average of 1.8% (CEPAR 2019; OECD 2017). Recent international research estimates that if Australia spent an additional 2% of GDP on care infrastructure, we could deliver a decent and sustainable care system that provides the high-quality services people need alongside decent working conditions for those working in these services (De Henau et al 2016).

Robust national investment in a high quality care economy will support community wellbeing, workforce participation and economic security for all. Care infrastructure has direct economic benefits for women supporting them generate higher incomes and retirement savings through paid work, while also contributing to tax revenue. Properly designed work and care policies will ensure a skilled labour force of working age women can contribute fully to the economy and taxes while also supporting families.

To deliver expanded and decent care infrastructure that meets the demands of an aging population, community expectations about the quality of care, and decent wages for the care workforce will require a strong and resilient tax base. A more progressive tax system and broader tax base is essential to ensure sustainable revenue collection and financing of the care economy.

Expanded public investment in social care will also require robust regulatory and quality assurance systems that ensure the provision of high-quality sustainable services and decent employment conditions. This is critical given the financial and consumer risk embedded in Australia's highly marketized model of social care (Hill & Wade 2018, Davidson 2018, Newberry & Brennan 2013). Current funding models underwrite fragmented and insecure work in frontline care work and many jobs do not provide a direct employment relationship between employee and employer. This leaves many workers with inadequate work conditions and limited protections. The future of work, care and family policy must include fundamental protections for all workers, irrespective of their specific employment status. This is the responsibility of the federal government, which is effectively the lead employer of frontline care workers in a supply chain of contracted out services.

Our Election Benchmarks 2019 provide a detailed set of research-informed policy recommendations in key policy areas that will support Australian households to secure time to work and time to care in ways that encourage gender equality. The demand for gender equality has become increasingly urgent in Australia and around the globe. Policies that provide both men and women with time to work and time to care are essential to promoting a more equitable gender division of labour and to achieving gender equality in employment. In the lead up to the 2019 election all major political parties have gender equality policies as part of their electoral platform. Bold policies for decent work and decent care will deliver gender equality, peace, prosperity and wellbeing for all. There is much to be done.

## We recommend

1. **Increased public investment in care infrastructure with a goal of an additional 2% GDP expenditure;**
2. **Tax reform that prioritises a more progressive tax system and broader tax base; and**
3. **Robust regulatory and quality assurance systems that support the delivery of high-quality services and decent employment for the care workforce.**

## Paid Leave to Care

**P**AID LEAVE POLICIES that deliver job protection and time away from work for those with care responsibilities are essential to building gender equality in the workplace and in the home.

In Australia, apart from childcare responsibilities, more than one in eight workers have significant care responsibilities for people with disability and/or older people (aged 65 years and over) (ABS 2016). The National Employment Standards (NES) establish minimum entitlements for employees to receive four forms of leave to assist with caring responsibilities and the death of a close family member: up to ten days per year of paid personal/carer's leave (available only to permanent employees); up to two days of unpaid carer's leave each time a family/household member requires care; up to two days of paid or unpaid compassionate leave when a family/household member dies or suffers a life threatening illness; and 12 months unpaid parental leave (provided the employee has been employed for at least 12 months and, if casual, has been in regular and systematic employment). The Australian Government also provides Parental Leave Pay (PLP) at the national minimum wage for 18 weeks to workers who meet certain work, income, and residency requirements, and two weeks of Dad and Partner Pay (DaPP), neither of which fall under the NES. Following a decision in 2018 by the Fair Work Commission, access to five days of unpaid domestic violence leave per year is now included in the NES.

These leave provisions are significant although important gaps and limitations remain. Casual employees have no access to *paid* carers and compassionate leave which means around a quarter of employees (Gilfillan, 2018) do not have access to paid leave when they provide care for, or experience critical illness or death of, family/household members. In addition, Australia has no provision for longer periods of leave to provide end-of-life care (AHRC 2013; Maetens et al 2017). In recognition of increasing numbers of people, particularly older people, requiring end-of-life or palliative care at home in the community, countries such as Canada, Belgium, France, Germany and Sweden have introduced periods of at least three months of paid and/or unpaid leave.

As the national parental leave scheme approaches its 10th anniversary it is time to review and extend the scheme so that it meets the needs of contemporary families and workplaces. Parental leave schemes are widely acknowledged as benefitting infants, working parents, employers and the economy at large by maintaining maternal connection to the workforce, providing time to care for newborns and enabling some sharing of care between mothers, fathers and/or other primary carers. In its current form the scheme is accessed by most working mothers, but only about 25 per cent of fathers or partners use DaPP (DSS Annual Report 2017-18). There is considerable room for improvement in the scheme's framework and length. Twenty-six weeks PLP is widely accepted to be the level that is beneficial to women's workforce participation (AHRC 2013) and consistent with the World Health Organisation's recommendations about breastfeeding. The current architecture of paid parental leave in Australia replicates and entrenches traditional gender roles. Thus, after a period of leave reserved for the birth mother, job-protected parental leave paid at wage replacement levels and equally shared between parents or other primary carers is essential for gender equal caregiving.

Leave provisions provide employees with *time to care*, however those with caring responsibilities also require quality, affordable and accessible disability support, aged care and early childhood education and care services for their family members/friends so they have the *time to work* (AHRC, 2013). Care services must meet the workplace and other needs of carers as well as the needs of the person for whom they provide care (Pickard et al 2018). The shift to individualised or consumer-directed care in the NDIS and Commonwealth Home Support Program provides tailored services designed to meet the needs of people with disability or the aged. However, for the most part, these services do not provide the *replacement care* required to support carers to participate in paid employment (Hamilton et al 2016; Laragy & Naughtin 2009; Arksey et al 2004). The Integrated Carer Support Service (ICSS), due to be rolled out by the end of 2019, is designed to provide a suite of services that meet the specific needs of carers. However, at this stage, the capacity of the ICSS to directly support carers to engage in paid work is very limited.

## We recommend

1. **Immediately extending the duration of Parental Leave Pay available to primary carers to 26 weeks and extending partner pay to 4 weeks; and consideration be given to extending both forms of leave paying them at wage replacement levels;**
2. **Including superannuation in Parental Leave Pay and partner leave payments;**
3. **Providing casual employees access to *paid* personal and carers leave;**
4. **Providing domestic violence leave as *paid* leave in the National Employment Standards;**
5. **Introducing paid end-of-life/palliative care leave for a period of 12 weeks; and**
6. **Improving access to replacement care for carers of a person with a disability, chronic illness, or frailty due to old age.**



## Decent Working Time & Job Security

**D**ECENT WORKING TIME arrangements and job security make it possible for working carers to engage in both unpaid care and paid work. More inclusive employment regulation, that is also widely understood and properly enforced is needed. Gender inequality at home and at work is driven by polarised working and caring time (Charlesworth et al 2011). In 2018, 28% of men compared to 11% of women worked 45 hours per week or more (ABS 2018b). Long full-time working hours contribute to men's greater earnings, enabling increased pay in overtime and bonus payments, and career progression. Within couple families, long hours worked predominantly by men limit the working time of their partner and her career opportunities and inhibit shared time available for unpaid work activities such as care, housework and contribution to the wider community. Countries that impose a clear maximum working week have lower gender gaps in working hours (Landivar 2015).

Workers who have primary care and other family commitments, principally women, are most likely to take on part-time work. Part-time jobs are more insecure than full-time jobs, with over half of them casual compared to around one in ten full-time jobs (ABS 2017a), and without the paid leave so vital to combining work and care successfully. While working time and earnings are more variable for casuals than those with an ongoing contract (ABS 2017b), more recently there has been some employer pressure to make part-time more flexible. The Fair Work Commission has flagged its preparedness to consider aged care and disability services employer claims for more 'flexible' part-time provisions once major sector reforms have been implemented (Charlesworth & Smith 2018), potentially undermining the working time predictability essential to combining work and care.

Limiting long hours and ensuring those working shorter hours have the *same* access to job security, predictability of working time and income as those working fulltime is crucial to provide the basis for decent working conditions. Predictable working time and carer-friendly flexible working must become the workplace norm for workers across the life course. Research suggests flexible working helps women maintain working hours after childbirth (Chung & van der Horst 2018) while fathers' working time flexibility also assists (Ayrogyrous et al 2017). Both firm working time protections and access to flexible working are crucial to those caring for older dependants (James & Spruce 2015).

The right to request (RTR) flexible working arrangements in the National Employment Standards allows some workers to request changes to their working arrangements. However, many workers do not access these rights because they are unaware of them or they are unavailable to them in practice (Cooper & Baird 2015). Take up of working time flexibility by men remains low (Skinner & Pocock 2014) entrenching rather than reducing gendered inequalities in sharing work and care. Despite some positive changes to the RTR in 2018, the substantive reasons for an employer's refusal to consider a request for flexibility by an eligible worker cannot be appealed. The RTR thus remains an ineffective flexibility measure for many Australian workers (Pocock & Charlesworth 2017).

## We recommend

1. Establishing firm working time minima in the National Employment Standards and in *all* modern awards. These include:
  - a. Restricting maximum weekly hours of work to 38 hours except by mutual agreement;
  - b. A minimum engagement of 4 hours for casual and part-time workers;
  - c. Requiring written agreement to a regular pattern of hours as well as written agreement to, and adequate notice of, changes to hours for part-time workers; and
2. Government must enforce these minima and run an energetic campaign promoting innovative strategies for employers to limit excessive hours and provide predictable carer friendly hours;
3. Ensuring working time regulation provide predictability and facilitate mutually agreed flexibility.
  - a. Casual status must be restricted to genuinely irregular and occasional on-call employment so that paid leave is much more widely available;
  - b. Adequate penalty rates for antisocial hours (weekends, evenings, nights) and for overtime including for part-time employees working beyond their minimum contracted hours, is needed to deter poor rostering practices and properly compensate for the work/life interference associated with unsocial and overtime hours; and
4. Extending the right to request flexible working to *all* employees upon starting a job, with employees able to appeal on the merits of the employer's refusal to the Fair Work Commission where this request is unreasonably refused. Government must provide information on and promote the use of the right to request as an entitlement for *all* employees.

## Sustainable & High Quality Care Services

CARE SERVICES that uphold the human rights of care recipients and support the well-being and economic security of those with caring responsibilities must be of a high quality. The delivery of high quality Early Childhood Education and Care (ECEC) is essential for the wellbeing of Australian children, especially those from disadvantaged backgrounds, due to ECEC's positive role in redressing systemic patterns of intergenerational inequality (Melhuish 2014; Heckman 2012).

A new child care subsidy system came into effect in July 2018. The new system replaced Child Care Benefit (CCB) and Child Care Rebate (CCR) with a new Child Care Subsidy (CCS) which is both means-tested and activity tested. Under the new arrangements, the Commonwealth sets an hourly cap rate for each major service type and families are eligible for a percentage of this rate, depending on their income and the type of service they use. Families on \$66,958 or less are eligible for 85% of the cap rate; the percentage tapers down as family income rises and cuts out at \$351,248. If services charge fees above the cap, families must pay the gap. The new system removes the subsidy cap for families on less than \$186,958 and lifts it to \$10,000 per year per child for families who earn more than this.

The package is likely to benefit low- and middle-income families who have secure, regular employment. Families without jobs and those with insecure or sporadic employment (a growing proportion of the workforce) are less well served. The new package introduces a three-tiered activity test which links the hours of subsidy that parents can claim to the hours spent in employment, study or other approved activities. The activity test penalises children whose parents are not in the workforce or who work only occasionally – the very children who stand to gain the most from quality ECEC (Pascoe & Brennan 2017). In addition, it provides no subsidised care to those parents looking for work or seeking to make the transition from providing stay-at-home care to employment. New safety net measures designed to assist children in disadvantaged circumstances, require families to negotiate complex bureaucratic hurdles.



Research shows that complex bureaucratic processes to tackle social disadvantage are unlikely to be effective (Skattebol et al 2014). The requirement to apply for CCS online is a significant barrier to families with language and literacy difficulties, to disadvantaged groups who face high internet costs and those in remote and regional Australia, especially Aboriginal and Torres Strait Islander families (Thomas et al 2018).

The new arrangements also fail to address the ongoing issues confronted by the ECEC workforce. Decent wages for educators are vital for the development and sustainability of a high quality ECEC sector. The low wages endemic to the sector must rise to attract and retain a skilled workforce.

The Commonwealth has pulled back from national agreements that have underpinned the sector for the past decade. Beyond 2019, there is no commitment to ongoing funding for Universal Access to early childhood education (the agreement that supports early learning for 4 year olds). As well, in 2018, the government announced that the agreement underpinning the National Quality Agenda on ECEC will not be renewed and federal funding for the Australian Children's Education and Care Quality Authority will end in 2020. These developments pose a significant threat to the quality of ECEC and to positive outcomes for children and families.

## We recommend

1. **An Early Childhood Education and Care (ECEC) system that provides effective access to at least two days per week of subsidised high quality ECEC to all children, regardless of their parents' workforce participation; ensuring user friendly access for disadvantaged groups and those in remote and regional Australia**
2. **Restoration of Commonwealth funding for the National Quality Agenda including funding for the Australian Children's Education and Care Quality Authority;**
3. **A guarantee of continued funding for the National Partnership on Universal Access to early childhood education for four year olds and an extension of this Partnership to three year olds; and**
4. **Improved pay and conditions for all ECEC educators, with movement towards pay parity for early childhood teachers compared with their peers in primary education.**

Aged care and disability support services must likewise be of a high quality and funded at a level that can achieve the best outcomes for clients and their families. Both aged care and disability support systems have undergone significant reforms in recent years. In aged care, multiple reviews have been held including reviews of *the Aged Care (Living Longer Living Better) Act 2013*, into the quality regulatory process and framework, the aged care workforce, and the aged care funding instrument. Additional consultations have also been held around reforms in home care. Recent investigative reports on extremely poor and negligent care provided by some aged and disability services produced public outcry. The establishment of a Royal Commission into Aged Care Quality and Safety in October 2018 and more recently a government announcement of a Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability reflects growing public concern about the quality of aged and disability care services. In particular, there has been significant community concern around inadequate staffing levels and insufficient time allocated to workers to provide good quality relationship-based care. The development of a single quality framework in aged care with a focus on outcomes for service users is currently underway.

The National Disability Insurance Scheme (NDIS) creates a managed market for disability services and has replaced block funding with individualised supports for eligible people with disability. The NDIS has been phased in rapidly, with trial sites put in place in 2013 and full implementation due across Australia by 2020. Implementation and design problems are currently producing inequities and poor outcomes for some people with disability and their families (Joint Standing Committee on the National Disability Insurance Scheme 2018; Mavromaros et al 2018). The NDIS reforms require closer governance, management and review and pricing issues need to be addressed to ensure the new system can achieve its aims.

## We recommend

1. Robust regulatory and accountability frameworks that protect the quality of care and the effective and equitable spending of public funds in the aged care and disability sectors;
2. Reform in the aged care sector that is based on co-design principles, occurs at a pace that ensures full evaluation of outcomes, and takes account of the voices of service-users, their families and sector workers;
3. The development of aged care benchmarks that recognise the importance of decent working conditions and time to care in providing good quality care; and
4. An effective and equitable National Disability Insurance Scheme that produces consistent and high quality support outcomes for people with disability and addresses carer needs; including through capacity building, support co-ordination, outreach and independent advocacy for people with disability and for carers.

## The Care Workforce

**H**IGH QUALITY CARE services can only be delivered by a high quality care workforce that is well trained, properly paid and well supported. Jobs in health care and social assistance, such as child, aged and disability care, are projected to make the largest contribution to employment growth, accounting for more than a quarter of all new jobs between 2018-2023 (Department of Jobs & Small Business 2018). However, many jobs in this female-dominated workforce are undervalued, low-paid, casual and insecure. Low pay in the ECEC workforce leads to regular loss of experienced skilled staff who leave the sector to pursue higher paid jobs (Irvine et al 2018). The recommendations of the Productivity Commission (2015) to subsidise unqualified nannies, while excluding any support for qualified workers providing similar hours and flexibility of care in Family Day Care settings, has contributed to the devaluing of the ECEC workforce and lack of recognition for the skills and training required to provide quality care. Similarly, under the NDIS systemic under-pricing of care services and lack of funding for training and supervision of the care workforce undermine the pay, working conditions and quality of care support that can be provided to clients (Cortis et al 2018; NDS 2018). Home and Community Care for the aged faces similar challenges. Current funding models do not provide adequate support for frontline workers delivering aged care, disability support and early childhood education. Improved working conditions for the care workforce are essential for the delivery of the high quality services that are valued by the community and vital to individual and family wellbeing (de Henau 2016; Armstrong 2016). Low wages, insecure work conditions and limited or no support for training for care workers in these sectors could be addressed through a more robust floor of minimum standards and through sector wide bargaining.

A new development in the Australian care workforce is our growing reliance on migrant workers. Australian Census data and industry surveys report increasing numbers of migrants working in care occupations (Adamson et al 2017; Howe et al 2019). Between 2011-2016 there was a significant increase in the proportion of the frontline care workforce born outside Australia working in the residential aged care, aged care and disability support home care and early childhood education and care (ECEC) sectors (Eastman et al 2018). It has been estimated that there are around 10,000 *au pairs* based in Australia mostly on working holiday maker visas (Berg & Meagher 2018). Increasingly, migrants working in frontline care come from non-English language speaking background countries such as India, the Philippines and Nepal.

Traditionally, the focus of Australia's skills-based migration system has meant few direct pathways into frontline care work. However direct pathways, such as the Pacific Labour Scheme (PLS) launched in July 2018 have created new opportunities for employers to source temporary migrant workers from the Pacific Islands for the sector. Temporary migrant workers are particularly vulnerable to low wages and poor conditions (Berg 2015; Berg & Farbenblum, 2018; Andersen 2010). Improving wages and employment conditions in ECEC, disability support and aged care for all workers will offer important protections to migrant workers. In addition, particular attention must be paid to the unpaid care responsibilities of temporary and recently arrived migrant workers. For example, international students who work in the care sector do not have access to Child Care Subsidy or Parental Leave Pay to balance their paid work and unpaid care responsibilities in Australia. PLS workers are not allowed to bring their families to Australia while they work. These workers require special measures in order to maintain close family and community relationships and responsibilities. These may include extended carers leave, support for daily communication or travel support (Hill et al 2018). The recent federal government shift towards temporary migration policies must include measures to address family care responsibilities and the rights of children left behind.

## We recommend

1. **Equal pay for care workers through gender equality reforms in the industrial relations system including in the objects of the *Fair Work Act 2009*;**
2. **Improved minimum standards in care awards and collective bargaining reforms that enable sector-wide bargaining for care workers and require the engagement of funding bodies as well as employers;**
3. **Care workforce strategies that include decent work for care workers as an objective and that are developed, implemented and evaluated in consultation with all parties, including workers and their unions;**
4. **Adequately funded education, care and support systems that provide for frontline worker training and accreditation and opportunities for development and pathways to higher-paid jobs; and**
5. **Recognition of and support for the family responsibilities of care workers (and those working in other sectors) coming to Australia as temporary migrants.**

## Gender Pay Equality

**T**HE UNEQUAL DISTRIBUTION of time women and men spend doing paid work and unpaid care is, in part, due to the gender wage gap (GWG), which is a persistent feature of the Australian labour market. Improvement has been incremental, uncertain and slow. In May 1991, the GWG for full-time ordinary earnings was 15.9% and twenty-seven years later in May 2018 it was 14.6% (equal to a \$248.80 per week gap). The GWG is wider for full-time *total* earnings (18.0%) and grows to 32.5% for average total earnings, reflecting women's higher representation in part-time employment (ABS 2018a).

The national GWG for full-time ordinary time earnings obscures differences between industries and between the public and private sector. Most recent data show the highest GWG is in Finance and Insurance Services at 26.6%. The lowest gap is in Public Administration and Safety (5.8%). The GWG in the private sector (18.4%) is higher than in the public sector (10.5%). Reflecting women's under-representation in higher paid managerial positions, the GWG for total remuneration for managers was 27.2%, while that for non-managers is 19.7%. For managers, the average total remuneration dollar difference was \$52, 597 (WGEA 2018).

Only a small proportion of the wage differences between women and men can be explained by differences in education and work experience or other productivity related characteristics (Borland & Coelli 2016; Preston & Birch 2018). Contributing factors to the gap continue to be the undervaluation of feminised work and skills, differences in the types of jobs held by men and women and the method of setting pay for those jobs, and structures and workplace practices which restrict the employment prospects of workers with family responsibilities (Layton et al 2013). How wages are set in Australia also has a direct impact on women's wages. In Australia, modern awards set sector specific minimum wages which are close to the minimum wage, while enterprise agreements and individual wage setting arrangements typically provide higher average wages than awards. Women are increasingly dependent on awards and are more reliant on awards than men (28.9% compared to 19.6%).

Award reliance is particularly decisive for permanent part-time and casual workers. These workers, both female and male, are more likely to be dependent on an award, rather than a collective agreement or individual arrangement, compared to permanent full-time workers (Charlesworth & Smith 2018).

Critical to persistent gendered inequality has been the failure of labour law provisions to address gendered undervaluation of feminised work that underpins much of the GWG in any sustained way. Minimum wages have not kept pace with average weekly earnings and women remain underrepresented in enterprise bargaining and other higher-wage arrangements. Provisions designed to modernise awards have not been used to take up the opportunity to revalue feminised work and address those working time standards that disadvantage part-time and casual workers. The National Employment Standards (NES) only partially addresses this disadvantage as the NES only provides basic safety net protection. The provisions in the *Fair Work Act 2009* that enable the Commission to make equal remuneration orders have been successfully used on only one occasion (2011 and 2012 FWC Social and Community Services decisions). Through more recent proceedings (2015 FWC Interim ECEC decision), the Commission has enforced a standard where women are required to prove their claims by comparing their pay to male benchmarks, significantly reducing the opportunities for women to make equal pay claims and for labour law to address the ongoing undervaluation of feminised work (Charlesworth & Smith, 2018).

## We recommend

1. The Australian Government establish equal remuneration as an explicit objective of the *Fair Work Act 2009*;
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 objectives of the *Fair Work Act 2009* that address modern awards and the National Employment Standards (NES) must be amended so that awards and the NES are able to provide a broad and inclusive framework capable of providing improved wages and conditions; and
4. The equal remuneration objective in the *Fair Work Act 2009* must be explicitly monitored through the modern award review process and systemic inequalities, including differences between male-dominated and female-dominated awards in areas such as the definition of ordinary hours and the payment of penalty rates, and women's lower access to enterprise bargaining, must be addressed.

## Safe Workplaces

**S**AFE WORKPLACES are essential for gender equality in work and care. Despite comprehensive laws in Australia, sexual harassment persists and those affected remain reluctant to report it (AHRC 2018). The #MeToo movement has exposed the pervasive nature of sexual harassment and gender-based violence – any act or threat that inflicts physical, sexual, psychological or economic harm on workers because of their gender (Cruz & Klinger 2011) – in workplaces of all kinds. A number of major surveys of sexual harassment and assault in key Australian institutions, including universities, the Australian Defence Force, and the Victorian and Federal Police forces, have highlighted the complex ways in which multiple forms of gendered harms and inequalities (sexual harassment, sex-based bullying, everyday sexism, predatory behaviour) are present in the workplace and can limit women worker's access to career progression and economic security. The current Australian Human Rights Commission inquiry into workplace sexual harassment is expected to provide additional evidence of the nature and scope of the problem.

The urgent need to provide safe workplaces free of all forms of gender-based violence is being pursued in global forums through the proposed International Labour Organization (ILO) Convention on violence and harassment in the world of work. The draft Convention text emphasises a collective occupational health and safety (OH&S) approach to preventing and responding to all forms of gender-based violence (ILC 2018). While the proposed Convention provides a useful framework, much of Australia's current OH&S regulation does not provide the basis for the proactive and collective action needed to prevent and redress gender-based violence. Although physical and non-physical violence in the workplace, such as verbal threats, fall within the remit of OH&S regulation, if that same violence reflects gendered hostility or has a sexualised dimension, OH&S protections are much more difficult to use.



In the absence of responsive OH&S provisions, those who experience gender-based violence are left to seek remedies through anti-discrimination mechanisms. These approaches have significant limitations, individualising the harms caused by sexual harassment and sex-based harassment and contributing little to changing organisational structures that underpin gender-based violence or providing broader systemic solutions to workplace gender inequality (McDonald & Charlesworth 2013).

There are growing calls in Australia for workplaces to share the responsibility of monitoring and addressing gendered violence in a proactive, collective and systemic way through OH&S regulation. Explicit provisions in OH&S regulation that acknowledge gendered violence as a serious risk, like other types of occupational violence, with mechanisms that support prevention and allow workers to pursue injury claims that arise from such hazards will support gender equality in work, care and family life.

## We recommend

1. **National and state-based occupational health and safety laws to explicitly recognise gender-based violence, mandating prevention and complaint mechanisms to address it; and**
2. **The Australian government support the adoption of the proposed ILO Convention on Violence and Harassment in the World of Work at the 2019 International Labour Conference.**

## Institutional support for decent work and decent care

**P**UBLIC INVESTMENT in planning and evaluating care infrastructure is essential for the development of comprehensive and equitable work, care and family policy in Australia. It is also essential to the future living standards of Australians, economic productivity and social inclusion. This will require a whole of government approach and relies on the building of an adequate revenue base with which to pay for good social infrastructure for all.

Up-to-date and comprehensive data is 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. Good 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.

Since the completion of the major evaluation of the NDIS, the National Disability Insurance Agency (NDIA) is the only body collecting national-level data on the NDIS and its outcomes. However, the data is not publicly available. In order to understand the impacts of the NDIS and continue to improve the scheme for people with disability and their families and carers, it will be important the NDIA collect robust data and make it publicly accessible (Hamilton et al forthcoming).

The Australian Bureau of Statistics occupational (ANZSCO) and industry (ANZSIC) classifications are increasingly inadequate in accounting for the rapidly growing employment of frontline care workers in aged care, disability support and ECEC. This directly constrains the development of government policy, planning and future strategies in these three sectors. Lack of disaggregated data makes it difficult for policy makers to accurately track the characteristics and features of employment in these industries. While industry level data is available for residential aged care, data on home care for the aged, disability support, and ECEC industries is not available with these services grouped only at the aggregated level of 'other social assistance'. The ANZSCO *occupational* classifications designate the frontline occupations of 'child carer', 'aged and disabled carer', and 'personal care assistant' as 'low-skilled' (Level 4). This assessment under-recognises the skills required in this work and has a direct flow-on to migration policy, based on ANZSCO definitions of skill, limiting transition to permanent residence of those assessed as working in level 4 or 5 occupations (Howe et al 2019).

Better work, care and family outcomes in Australia rely not only on government policy, but on positive workplace leadership by employers. Having time to work and time to care requires employers to promote sustainable job design, secure work conditions and a workplace culture that supports carer responsibilities. Workers whose employment is insecure or whose workplaces do not have a history of flexible working practices, do not make use of their right to request flexibility at work fearing their supervisor will view such requests negatively or perceive them not to be serious about their work (Skinner et al 2016). Current research on fathers and their uptake of flexible working hours and paid parental leave show that workplace culture often lags policy development. Too many new fathers continue to report their workplaces are not supportive of their use of parental leave and they fear it will undermine career advancement (AHRC 2014; Wells et al 2015). Discrimination against pregnant workers, working carers, older employees and those affected by domestic violence are critical areas requiring active workplace leadership and cultural change. The success, productivity, security and well-being of our aging and increasingly female workforce requires positive leadership at the workplace level.

## We recommend

1. **Establishing a Federal Agency for Work, Care and Community responsible for the overarching design and implementation of equitable work, care and family policies. This would include systematic research and the ongoing evaluation of work, care and family policy challenges facing Australia;**
2. **Provision of adequate funding to maintain existing data sets and research capacity to investigate changes at work and in Australian households. This includes immediate reinstatement of Australia's Time Use Survey and extension of the data collection and analysis capacity of the Workplace Gender Equality Agency; including monitoring and reporting on the uptake of parental leave and flexible work by men;**
3. **The National Disability Insurance Agency collect and make publicly available national-level data on the NDIS and its outcomes; and**
4. **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 occupational classifications, particularly for frontline care workers, reflect the increasing complexity and skill level of the work that is undertaken.**

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