



Fair Work Commission

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Tuesday 12 March 2024

**Submission to: The Work and Care for the Modern Awards Review 2023-24
(AM2023/21)**

by: The Australian Work + Family Policy Roundtable (W+FPR)

Introduction

1. The Work and Family Policy Roundtable (W+FPR) is pleased to respond to the Fair Work Commission's Discussion Paper on Work and Care, and to provide this submission to the Modern Awards Review 2023-24 (AM2023/21).
2. The W+FPR is a network of 35 academics from 20 universities and research institutions with expertise on work, care and family policy.¹ The goal of the W+FPR is to propose, comment upon, collect and disseminate research to inform good evidence-based public policy in Australia. The policy principles that inform our work are set out in Appendix 1 to this submission.
3. The W+FPR was established in 2005. Since then, we have been translating research evidence on work, family and care issues, including on the economic and social benefits of a secure and living wage, reasonable working hours and working time, and a well-resourced, sustainable and gender equitable care

¹ See the [W+FPR website](#).

economy. The W+FPR has made numerous important interventions into recent public debate on these issues, including in relation to Early Childhood Education and Care (ECEC) and the ECEC workforce, and leave arrangements for carers and new parents.²

4. The Roundtable also made a recent submission to the Select Senate Committee on Work and Care which is highly relevant to this current consultation by the Fair Work Commission on work and care as part of its Modern Award Review 2023-2024. That submission is appended as Appendix 2.
5. Our response to the questions contained in the Fair Work Commission's Discussion Paper are informed by three main sources.
 - *First*, research evidence relating to the ways current work and care arrangements reflect and reinforce wide inequalities in income, wealth, and welfare, including between women and men.
 - *Second*, our responses are informed by shared commitment to ensuring modern awards provide fair minimum safety net of wages and conditions that promotes financial and working time security and promotes gender equality. We recognise awards are particularly important for women given that women are more award and minimum wage reliant.
 - *Third*, our responses are informed by the W+FPR principles contained in Appendix 1. Key principles include that policy should support and enable:
 - both women and men to be paid workers, and to share unpaid work and care;
 - decent work, including predictable hours and working time security, decent earnings and job security;
 - gender equity, including pay equity;
 - flexible working rights in practice, not just in policy, and available to all workers through effective regulation, education and enforcement;
 - employee voice and influence over work arrangements.
6. We recognise the significant changes made recently to Australian industrial relations settings to ensure some of our priorities, namely gender equality and

² Women, Work and Policy Research Group and the Work + Family Policy Roundtable (2023) [Submission to the Productivity Commission Inquiry into Carers Leave](#).

job security, reflected both in the objects of the *Fair Work Act 2009* (Cth) and in the modern award objective, inform the work of the Fair Work Commission.

7. The W+FPR emphasises the need for care to be considered essential infrastructure that is valued, supported and enabled, including through awards such as the Aged Care Award, Children’s Services Award and the Social, Community, Home Care and Disability Services Industry (SCHADS) Award. In Australia, the care workforce is highly feminised, typically low-paid and often employed in conditions that do not reflect the benchmarks of decent work. Our Federal Election Benchmarks 2019 and 2022 highlighted many of these issues for frontline aged care workers, disability support workers and early childhood educators.³
8. The W+FPR has a long-held interest in Early Childhood Education and Care (ECEC), and the ECEC workforce. Recently, we provided a submission to the Productivity Commission Inquiry into the ECEC sector,⁴ which underlined that good quality care and support depends on educators having access to decent wages, predictable and secure working time arrangements and career progression. The W+FPR noted barriers to increasing wages in the Children’s Services Award, which have increased only via the flow-on from annual minimum wage increases decided on by the Fair Work Commission’s minimum wage panel.
9. We recommended that a pay increase, funded by the federal government, be paid immediately to all early childhood educators and implemented in pay classifications in all relevant awards. We also recommended that the federal government, unions and employers work together through the Fair Work Commission to develop wage and skills structures in the relevant awards that fully recognise and reward the attainment of professional qualifications, professional development and experience by the ECEC workforce. Award classifications structures should provide meaningful career progression with decent relativities both between and within classification levels.

³ See Work + Family Policy Roundtable, *Work, Care & Family Policies: Federal Election Benchmarks 2022*; Work + Family Policy Roundtable, *Work, Care & Family Policies: Election Benchmarks 2019*.

⁴ Work + Family Policy Roundtable (2023) *Submission to The Productivity Commission Inquiry into the Early Childhood Education and Care Sector*.

FWC Discussion Paper Issues

Part time work and working time security

Discussion Paper Question 1 focuses on part time work, and whether there are any specific variations to part time provisions in modern awards that are necessary to ensure they continue to meet the modern awards objective.

10. We note there are substantial gender gaps in working hours in Australia, which have widened over recent decades, with part time work disproportionately feminised, and often subject to inferior conditions and pay. Among Australia's 29 most feminised sectors, 26 have above average rates of part time work, with very high rates of part time work evident among education aides, sales assistants, medical receptionists, aged and disabled carers, nurses and dental assistants.⁵
11. By contrast, many workers, particularly men, work very long full-time hours, reflecting and reinforcing gendered patterns of industrial and occupational segregation and household division of labour.⁶ The polarisation of men's and women's working time continues to drive gender gaps in income and wealth, and inequalities in the provision of unpaid care. As well as improving the quality of part time work, we recommend an enforced cap on long working hours to increase men's opportunities to participate in care.
12. The W+FPR recognises that there are poorer regulatory protections for part time workers in modern awards. Gender differences in working time minima are evident for workers in feminised industries, including the care awards.⁷ Part time work should be decent, secure and appropriately paid in line with the working time provisions that adhere to full-time work. As the Roundtable has noted

⁵ Cortis, N., Naidoo, Y., Wong, M. and Bradbury, B. (2023). *Gender-based Occupational Segregation: A National Data Profile*. Sydney: UNSW Social Policy Research Centre.

⁶ Doan, T., Thorning, P., Furuya-Kanamori, L. and Strazdins, L. (2021) What Contributes to Gendered Work Time Inequality? An Australian Case Study. *Social Indicators Research* 155, 259–279; Charlesworth, S., Strazdins, L., O'Brien, L and Sims, S., (2011) Parents' Jobs in Australia: Work Hours Polarisation and the Consequences for Job Quality and Gender Equality, *Australian Journal of Labour Economics*, 14(1):35-57.

⁷ See FWC (2024) *Discussion Paper: Work & Care*; Charlesworth, S., & Heron, A. (2012). New Australian Working Time Minimum Standards: Reproducing the Same Old Gendered Architecture? *Journal of Industrial Relations*, 54(2), 164-181.

previously, the relatively poorer conditions of part-time employees relative to full-time employees, including in the same awards, suggests Australia may be in breach of its obligations under ILO Convention on Part-time Work, which it ratified in 2011.

Discussion Paper Question 6 relates to minimum payment periods for part-time employees.

13. As the Fair Work Commission has noted, minimum engagement periods in awards have developed in ad-hoc ways. As a result, some awards covering feminised industries have low minimum payment periods. Table 6 in the Commission's Discussion paper shows there is a 2 hour minimum payment period for part time and casual employees under awards covering highly feminised aged care and children's services industries, yet the awards covering male dominated industries do not appear to have such low minimum payment periods. Short engagements can be costly for employees; these disproportionately affect women given their higher representation in part time roles and impact on their capacity to engage in paid employment given the greater opportunity costs in short minimum engagement and their capacity to both provide care and/or use formal early childhood education and care services.⁸

14. **The W+FPR proposes that in order to ensure a living wage for all employees that all modern awards be amended to:**
- a. **Introduce a minimum floor of secure weekly working hours and continuous daily hours of work; and**
 - b. **Include a minimum engagement period of 4 hours for all casual and part-time workers.**

Work scheduling and predictability

15. The W+FPR emphasises the need to improve working time security in feminised sectors by ensuring a minimum floor of secure and predictable weekly working hours and continuous daily hours of work.

⁸ 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: UNSW Social Policy Research Centre

Discussion Paper Question 8 relates to notice of rosters, and notes the recommendation of the Senate Committee on Work and Care that all employees should have at least 2 weeks' notice of their roster except in exceptional circumstances.

16. The W+FPR agrees that awards should promote secure, predictable working hours. Workers need regularity and stability to feel secure in their working and caring lives and to plan for the future. Short notice work is a problematic feature across feminised jobs. For example, disability support workers report poor working time security, with 45% reporting their shifts change unexpectedly and 29% often called in to work at inconvenient times.⁹
17. In retail, computerised, app-based rostering systems generate rosters at short notice based on real time customer traffic. While helpful for employers by enabling them to use 'just-in-time' rostering, this approach does not allow for consultation required by individual employees who are also trying to accommodate their own caring responsibilities.¹⁰ Indeed, notice periods impact on care planning and children's schedules, including access to childcare. Short notice periods can increase families' requirements for informal child care, usually provided by women. Changes at short notice can cause young children to miss out on early education and care, by making it hard for parents to commit to the regular times of care required in ECEC services. They can also constrain developmental and extra-curricular opportunities for older children, for example their ability to participate in music lessons or weekend sports.¹¹

⁹ Cortis, N., and van Toorn, G. (2020). *Working in new disability markets: A survey of Australia's disability workforce*. Sydney: Social Policy Research Centre, UNSW Sydney

¹⁰ Ibid.

¹¹ 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: UNSW Social Policy Research Centre.

18. The W+FPR proposes that:

- a. **The FWC comprehensively assess whether minimum weekly hours arrangements for part-time employees may be underpinned by gender bias, to help ensure employees in caring and other feminised industries receive adequate hours and income for their working time;**
- b. **Modern awards are amended to require that:**
 - i. **Two weeks' notice of rosters must be provided to all part-time and full-time employees; and**
 - ii. **A minimum notice period of 7 days for changes to rosters, which must be genuinely agreed to by employees, with exceptions only in properly defined emergency situations outside the employer's control.**

Work hours

Discussion Paper Question 9 relates to availability and guarantees of regular hours, and asks whether changes to modern awards are necessary. The issue of working time security is central to the modern awards objective.

19. The W+FPR proposes that modern awards require that:

- a. **Working time regulation provisions in modern awards provide predictability in work schedules for all part-time and full time employees, and facilitate mutually agreed flexibility, with any employee disamenity properly compensated by wage premia or penalty rates;**
- b. **Inconvenience and unpredictability for casual employees would be better compensated for by a substantial increase in the current casual loading, which currently barely covers the loss of entitlements to paid annual and personal/carer's leave; and**
- c. **Casual status be restricted to genuinely irregular and occasional on-call employment so that regular and predictable hours of work and paid leave are much more widely available to all employees.**

Overtime and long working hours

Discussion Paper Question 10 asks if there are any specific variations to overtime, TOIL or make-up time provisions in modern awards that are necessary to ensure they continue to meet the modern awards objective.

20. The W+FPR notes the large amounts of unpaid overtime performed in Australia, including in feminised care industries. In late 2021, a survey of 1828 social and community service workers showed that in the previous week, 55% had performed at least one hour of unpaid work in addition to their paid working time, and of the total hours worked by community sector workers, around 15% of time was unpaid.¹² Often, unpaid work is a necessity in government-funded services to meet demand, offset funding shortfalls, and ensure system viability.
21. Long and excessive working hours are incompatible with informal care responsibility and reinforce gender inequality. They are also costly to worker health. The National Employment Standards (NES), recent work health and safety laws and recent reforms to the *Fair Work Act* to introduce a right to disconnect provide a further mandate to act on long work hours.
22. Based on evidence before it, the 2023 Senate Select Committee on Work and Care, recommended a review of the operation of the 38-hour working week set in the NES and the extent and consequences of longer hours of work. The W+FPR supports the Committee's recommendation for a much needed public debate and review into the operation of the 38-hour working week. A stricter application of the NES on maximum hours of work and better enforcement of this NES are needed to curb expectations employees should work more than 38 hours a week in order to better promote gender equality by increasing men's opportunities for shared care and to reduce the prevalence of excessive working hours.

¹² Cortis, N. and Blaxland, M. (2022) [Carrying the costs of the crisis: Australia's community sector through the Delta outbreak](#). Sydney: ACOSS.

23. The W+FPR proposes that:

- a. the Federal government review and strengthen the NES on maximum weekly hours of work to ensure it operates as an enforceable cap on long hours; and**
- b. Governments providing funding for the social and community services sector ensure funding levels are sufficient to pay employees for all time worked, so workers are not required to donate additional, unpaid hours.**

Paid travel time

Discussion Paper Question 12 asks if there are any specific variations to travel time provisions in modern awards that are necessary to ensure they continue to meet the modern awards objective.

- 24. The Select Senate Committee Work and Care Final Report noted that modern awards are inconsistent in their provision of paid travel time to different work sites, which means some employees may be required to undertake periods of work necessary to undertake their jobs without being paid.
- 25. The W+FPR notes there is a large regulatory gap in the current awards system covering care workers, because some of those awards do not require care workers be paid at ordinary hours for travel between work sites (for example in the Aged Care Award, the Local Government Award, and the SCHADS Award).
- 26. The non-payment of travel time belies the reality of the ways in which care and support work is organised and contributes to the gendered undervaluation of this work. As Macdonald and colleagues¹³ note in the context of disability support work, paid work periods are typically short, with non-payment for travel further devolving risk to workers, and compounding the undervaluation of care work. Employees in care work, including home care work and disability support work performed under the SCHADS Award, often work a full day assisting several clients, each for short periods, necessarily travelling in between clients, but are

¹³ Macdonald, F., Bentham, E., & Malone, J. (2018). Wage theft, underpayment and unpaid work in marketised social care. *The Economic and Labour Relations Review*, 29(1), 80-96.

only paid for the time they are with clients. Amendments to the SCHCDS award for a two hour minimum engagement have proved ineffective in ensuring employees are paid for some of their time travelling between clients.

- 27. The W+FPR proposes that modern awards are amended to require that the time taken to travel between clients or work sites in care work is recognised, and paid as, work time.**

Paid leave – annual leave, personal/carer’s leave

Discussion Paper Question 13 relates to annual leave, and any specific variations to annual leave provisions in modern awards, for example annual leave at half pay, that are necessary to ensure they continue to meet the modern awards objective.

Discussion Paper Question 14 asks if variations to personal/carer’s leave provisions in modern awards are necessary.

Discussion Paper Question 16 asks if more flexible working arrangements could be an alternative to extended unpaid carer’s leave.

Discussion Paper Question 17 asks about separating personal and carer’s leave entitlements.

28. Paid leave entitlements are critical for decent work, and for decent care. Paid leave for caring helps ensure that workers who provide care are not financially disadvantaged by caring. However, workers need sufficient paid leave to both care for others and care for themselves when they are unwell. Caring for others should not financially disadvantage carers, nor should it reduce carers’ opportunities to care for themselves.

29. For this reason, paid leave should be available in sufficient quantities to cover carers caring and self-care needs. The submission to the Productivity Commission Inquiry into Carer Leave from the Women, Work and Policy Research Group and the W+FPR,¹⁴ presented evidence that, in addition to providing care to others, carers are more likely than non-carers to be living with disability or chronic

¹⁴ Women, Work and Policy Research Group and the Work + Family Policy Roundtable (2023) [Submission to the Productivity Commission Inquiry into Carers Leave](#).

illness. Often, personal leave is used up for care responsibilities and none is left to use when those caring are themselves are unwell. Separating the periods of paid personal (sick) and paid carers leave and increasing the quantum of each set would be likely to reduce these disadvantages experienced by carers.

30. The total quantum of paid personal and carers leave is just 10 days per annum. This is inadequate for employees who have primary caring responsibilities, overwhelmingly women. This low quantum leaves women using up this leave 'bucket' to meet these responsibilities with little left for their own needs when they are ill or injured. Further, currently casual employee are not entitled to paid leave under the NES, with the notable exception of Family and Domestic Violence Leave.
31. A key aim should be to expand access to annual leave along with other forms of paid leave. Annual leave at half pay could provide flexibility to workers, which can be used to help balance work and family, such as helping cover school holiday periods, which is not currently possible even in two parent families where both parents have access to full annual leave entitlements.
32. Social and community services employees, overwhelmingly covered under the SCHCDS Award, often move from employer to employer, losing their accrued entitlements to accrued sick and carers leave. In many jurisdictions (ACT, NSW, Queensland and Victoria) community services workers, including full-time, part-time, casual or seasonal workers, now have an entitlement to portable long service leave.¹⁵ There have been recent calls for an extension of portable entitlements, including sick leave, to the NDIS workforce.¹⁶ The extension of portability to all forms of paid leave should be urgently considered.

¹⁵ See for example in Victoria: *Portable long service in the community services sector*.

¹⁶ The McKell Institute (2023) *Flexible but fair: The case for extending portable leave entitlements to the NDIS workforce*.

33. The W+FPR proposes the Federal government should amend the NES to:
- a. Provide separate allocations of paid personal leave and paid carers leave and increase the quantum of each type of leave;
 - b. Create a paid leave system that adequately reflects the diversity of care needs for all workers across the life cycle, including casual, contract and gig workers. This should occur through:
 - i. a right to paid leave including carer's leave, personal leave, domestic violence leave and palliative care leave for all workers; and
 - ii. extending the duration of unpaid carer's leave.
 - c. Provide that annual leave can be taken at half pay if employees require this to assist them have the necessary flexibility to balance work and care; and
 - d. Investigate the portability of other forms of leave, such as paid personal (sick) and carer's leave, for all social and community services workers.

Definition of 'immediate family'

Discussion Paper Question 15 concerns the definition of immediate family.

34. The current definition is narrowly defined and excludes many people who provide care to others in their extended families and communities. In reality, families are not singularly defined. People may have different 'family' structures that do not fall into the traditional definition of immediate family. In accordance with the Work and Care Final Report Recommendation 17, carer's leave should be extended to caring for anyone a worker provides care to, whether or not they form part of the person's household or immediate nuclear family. This would better achieve the modern awards objective, assist in achieving gender equality, and better recognise women's greater unpaid care for family, friends and community.

35. **The W+FPR proposes that carers leave be extended to caring for anyone an employee provides care to, whether or not they form part of the person's household or immediate nuclear family.**

Ceremonial leave

Discussion Paper Question 18 concerns ceremonial leave provisions in modern awards.

36. Cultural or ceremonial leave is an important provision that has been shown to assist Aboriginal and Torres Strait Islander employees remain in employment while meeting their family, community and cultural obligations.¹⁷

37. **The W+FPR proposes all modern awards include provisions for ceremonial or cultural leave.**

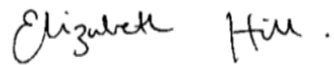
Other variations

Discussion Paper Question 19 asks if there should be any other specific variations to modern award provisions that would assist employees meet their caring responsibilities and are necessary to meet the modern awards objective.

38. While not a specific proposal to change the terms of particular modern awards, the W+FPR advocates strongly for a carer-centred safety net in the NES and modern award framework in the *Fair Work Act* that would be consistent with the new gender equality and job security objects of the Act and in its Modern Award Objective.

¹⁷ Gwynne, K., & Lincoln, M. (2016). Developing the rural health workforce to improve Australian Aboriginal and Torres Strait Islander health outcomes: a systematic review. *Australian Health Review*, 41(2), 234-238.
Parmenter, J., & Barnes, R. (2021). Factors supporting indigenous employee retention in the Australian mining industry: A case study of the Pilbara region. *The Extractive Industries and Society*, 8(1), 423-433.

We commend this submission to the Fair Work Commission (FWC) on behalf of the Work + Family Policy Roundtable. We hope that our responses to the discussion questions in the FWC's Discussion Paper on Work and Care and our proposals for change will be considered by the Commission in its Modern Award Review 2023-2024.



Professor Elizabeth Hill

Co-convenor W+FPR



A/ Professor Natasha Cortis

Member W+FPR

Appendix 1: 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.

Appendix 2: W+FPR Submission to Senate Inquiry on Work & Care



8 September 2022

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.¹⁸ 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).**

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

¹⁸ 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>

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.
- Huppertz, 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:

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- 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
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- 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.



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