



Striking the Balance:

Submission to the Human Rights and Equal
Opportunity Commission Discussion Paper

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Section One: Executive Summary and Introduction

1 Executive Summary

1.1 Gender and the workplace

Many of the measures that promote a better balance between work and family have been designed to operate at the workplace level. This is because the need to manage effectively and improve organisational performance relies on the ability to balance work and family commitments of employees. Furthermore, the extent to which workplace conditions accommodate workers with family responsibilities has a major influence on decisions about both family formation and workforce participation. From the analysis of Industrial Relations Victoria's recent data on workplace characteristics, entitlements, and practices, and the *Household, Incomes and Labour Dynamics in Australia: Wave 1* survey data, certain gendered phenomena are apparent, and particular workplace characteristics can be discerned in relation to work and family provisions. In summary these findings are:

- Workplaces with a predominance of female employees are mainly concentrated in hospitality and human services.
- A considerable proportion of female employees have pay determined by employer decision and female workers are less likely to receive discretionary payments.
- Female workers are more likely to be located in long hours workplaces but less likely to receive overtime and allowances.
- Female employees with dependants are more likely to have positive attitudes about their work than other workers.
- For working parents, men were more likely to express concern that work meant missing family activities, while women were more likely to see work as a complement to family life.

1.2 Workforce participation

1.2.1 Pay equity

One of the issues for women is the intersection of the domestic division of labour and undervaluing of work that is seen to be an extension of domestic or women's work (childcare, for example). The critical pay equity issues for women in low paying feminised occupations (dental nursing, for example) and industries (retail, for example) arise from the lower rates of pay that attend women's work compared to those in masculinised occupations. This is exacerbated by women accounting for 72 per cent of part-time employment. This distinction is more important than the comparative assessment of female and male rates of pay within an occupation or industry sector. Undervaluation is often obscured because men and women are seen to be doing different work and assumptions are made about the expertise required by women workers and their contribution to the infrastructure that supports productivity. These issues have not been addressed by wage fixing principles and job evaluation systems.

There is some consensus both in Australia and overseas that regulatory measures are needed to improve pay equity. Drawing on experience in a range of pay equity regulatory regimes in place internationally, their distinguishing characteristics include:

- whether they are located through industrial/employment based tribunals or human rights type frameworks;
- whether they are complainant based or proactive in nature, and if the latter, whether they are voluntary or mandatory;
- whether the remedies are limited to an individual, or group of individual complainants, a single workplace or employer, or industry and occupation;
- whether the remedies are capable of providing retrospective relief;
- their capacity to examine disparate areas of work; and
- their capacity to examine market rates of pay.

1.2.2 Paving the Way for Older Women in the Workforce 2025

Paving the Way for Older Women in the Workforce 2025 research was commissioned by Premier Steve Bracks in 2004 to explore issues surrounding older women in the workforce. For women, family commitments often mean interrupted periods of employment or precarious work arrangements. This can result in limited career advancement and lower economic security. *Paving the Way* demonstrated the vital role older women play, and will continue to play, in the Victorian workforce and community as well as the importance of addressing their needs at different stages of life.

The research identified that women's major concerns in relation to work were:

- maximising their participation in work to increase their financial independence and a secure retirement income;
- being treated fairly in employment so that they can continue to work and progress their careers regardless of age;
- balancing work and family responsibilities by having access to fair and flexible work arrangements; and
- being able to re-enter the workforce after taking a break for family or other reasons.

A woman's participation in the workforce, particularly in later life is determined by:

- the opportunities available to her in the work place;
- her ability to take advantage of these opportunities; and
- her financial need for paid employment.

Women aged in their 50s and 60s are less likely to respond to a financial need to work than women in their 40s. Older women's participation in the workforce is influenced by:

- **Retirement income:** There is a positive but limited role for lifting the level of retirement savings by increasing older women's participation in work as women achieve the greatest gains in retirement savings through steady and well-paid employment early in their working lives.
- **Living alone:** Poor health is a major barrier to participation in the workforce for older women. However, these effects appear to be more severe for women living alone as opposed to those living with partners.

- **Children:** Young children can be a significant constraint on a woman's opportunity to work, especially in her late 30s and early 40s.
- **Qualifications:** A woman with tertiary qualifications is more likely to be employed in later life regardless of any other events happening in her life. The higher the education qualifications a woman possesses the greater her chance of employment through her life.
- **Early employment status:** A woman who did not participate in the workforce when she was younger is unlikely to be involved when she is in her late forties regardless of her current family or economic circumstances.

Encouraging women to gain higher levels of education will contribute to women's ability to engage and re-engage with the paid workforce. This supports arguments for ensuring that education and training is accessible and affordable for women. Policies aimed at helping women with low levels of education to gain skills, better job contacts, and improved confidence to approach the job market are particularly important. Finally, action to increase older women's involvement in paid work must take a long-term perspective to plan to ensure that young women today can participate in the workforce throughout their lives.

1.2.3 Quality part-time work

An effective solution to balancing work and family creates a productive workplace and a rewarding family life. Today's workplace must respond to changing labour force demographics, the need for increased workplace flexibility, and the importance of a skilled and engaged workforce. Quality part-time work is about attracting and retaining skilled workers who also have family responsibilities. Putting quality part-time work firmly on the agenda is one-step towards an effective solution. To address this issue, Industrial Relations Victoria initiated the *Quality Part-Time Work Project*, which was conducted in four separate stages:

- **Stage 1:** This stage included a comprehensive statistical overview of part-time work in Australia and Victoria. It was based largely on Australian Bureau of Statistics labour force survey data, which defines a part-time worker as an employed person who usually works less than 35 hours per week.
- **Stage 2:** There was a review of the national and international literature on the growth of part-time work, the role of part-time work in facilitating work and family balance and approaches used by Government, unions and business to promote quality part-time jobs. The literature indicated that part-time work does have a major role in assisting workers to balance their work and family responsibilities; however, the form that it takes differs according to gender and life stage.
- **Stage 3:** The *Quality Part-Time Work Project* involved extensive consultation with employer associations and unions in industries with high proportions of part-time workers. This consultation identified organisations where quality part-time work had been successfully introduced. Stage 3 of the project provided practical examples that show how the issues identified in Stages 1 and 2 of the Project have been addressed at the workplace level.
- **Stage 4:** The outcomes of the first three stages provide the necessary background to the fourth stage, which is the development of best practice guidelines for business in creating part-time employment to ensure that jobs

are employment opportunities of quality. Future policy options are also recommended.

1.3 Legislative framework

Victoria has adopted a vigorous policy approach to work and family matters for some time. This is reflected in policy commitments, active intervention in the Australian Industrial Relations Commissions (AIRC) and court cases and legislative enhancements. Despite the Federal Government's current proposals, specific provisions were identified that would give assistance to both men and women in addressing any workplace disadvantage they may face of the basis of their family responsibilities.

These provisions are:

- Right to request variation in hours or place of work;
- Right to request unpaid leave taken in conjunction with annual leave; and
- Right to request purchased leave for family and caring responsibilities.

The Victorian Government supported the inclusion of these provisions into awards in its submission to the Family Provisions Test Case.

2 Outline of this Submission

Industrial Relations Victoria (IRV) welcomes the opportunity to make a submission to the *Women, men, work and family discussion paper* developed by the Human Rights and Equal Opportunity Commission. Balancing work and family is an important social and economic issue for the Australian community and the policies of the Victorian Government reflects this imperative.

The submission is made with particular reference to the paid workforce, and is organised in the following sections:

Section One:	Executive Summary and Introduction
Section Two:	Gender and the Workplace
Section Three:	Workforce Participation
Section Four:	Legislative Framework
Section Five:	References
Section Six:	Appendices

In each relevant Section, the particular questions posed by HREOC are identified.

Demographic, social, economic, and labour force changes that have occurred over the last thirty years are driving governments to reconsider the economic and policy settings that influence work and family balance.

Promoting effective responses to the interface between work and family has emerged as a key contemporary social issue. Changing labour force demographics, a need for increasing workplace flexibility and a requirement to ensure an ongoing supply of skilled and engaged workers will mean that the challenge to balance work with family responsibilities continues to remain at the forefront.

Victorian Government policy recognises that it is becoming increasingly difficult for a significant number of people in the community to balance their work, family and community lives. The Government has therefore committed itself to policies and initiatives that will assist working people to better balance all aspects of their lives.

In 2002, the Victorian Government signed a Charter for Work and Family Balance as part of its election policy *Working for Women – Labor's plan for Victorian women*. In November 2003, the Victorian Government developed the *Action Agenda for Work and Family Balance*, as part of implementation of the Charter. The *Action Agenda for Work and Family Balance* sets out four areas for Government action:

- Leading the way in work and family balance;
- Supporting industry to adopt practices that enhance work and family balance;
- Working in partnership with the community on work and family issues; and
- Demonstrating good practice in work and family balance in Victorian public employment.

Working towards a better balance between work and family is a priority issue for all businesses and governments in order to reduce the pressures faced by many workers, to improve organisational performance and to assist families in the community. The extent to which workplace conditions accommodate workers with family responsibilities influences decisions about workforce participation.

Some employers, unions, and employees have already taken positive steps to address this issue, but there is more to be done by all stakeholders, including the Federal Government.

Section Two: Gender and the Workplace

3 Introduction

Measures that promote effective responses that manage the balance between work and family are a key social issue. These measures work in conjunction with changes to the labour force and forms of employment and a need for increasing workplace flexibility.

Many of the measures that promote a better balance between work and family have been designed to operate at the workplace level. This is because the need to manage effectively and improve organisational performance relies on the ability to balance work and family commitments of employees.

Furthermore, the extent to which workplace conditions accommodate workers with family responsibilities has a major influence on decisions about both family formation and workforce participation. In preparing this section, IRV has used the most recent information on workplace entitlements and practices available: the State of Working Victoria Survey (SWVS).

In 2002, the Victorian Government commissioned ACIRRT to develop the SWVS. The SWVS project was designed to address the deficiency in workplace level information available after the final Australian Workplace Industrial Relations Survey (AWIRS) undertaken in 1995. The AWIRS surveys are widely recognised in industry and research as the most authoritative and comprehensive sources of information on workplace IR/HR practices in Australia.

The workplace component of the SWVS was based closely on AWIRS95; as a result, these surveys provide detailed information on both workplace practices and household working arrangements.

The information gathered in the SWVS research project remains the most comprehensive source of Victorian workplace information currently available. To date, the SWVS 2002 data has provided a valuable resource for policy development and evaluation. The surveys have also been used for a number of policy initiatives such as long service leave reform, owner-drivers and support information for state and federal inquiry submissions (e.g. Labour Hire, Independent Contractors, and Working Arrangements). In addition to the household and workplace surveys, a number of information papers addressing key policy issues have been produced by IRV. These papers are listed in the appendix.

This section addresses issues highlighted in the report, that is, to examine data on access for men and women to current and proposed family friendly employment provisions at the workplace level, and the gender dimensions of efforts to achieve work and family balance.

3.1 Definitions and scope

The questions identified in Table 1 below are raised in the discussion paper that relate to gender and the workplace and are addressed in this section.

Table 1: HREOC questions identified in Section Two

HREOC Questions	
1.	How do changes in arrangements for paid work in Australia affect the family responsibilities of women and men, particular groups of people or particular family types?
2.	Do women and men need different workplace arrangements to assist them to balance their paid work and family obligations? Why or why not?
8.	Are there particular difficulties in balancing paid work with caring for grandchildren, frail aged parents, or family members with disabilities?
9.	Do the experiences of people caring for grandchildren, frail aged parents, or family members with disabilities differ for men and women?
10.	What workplace flexibilities are useful for particular types of carers?
28.	Do men make adequate use of the workplace relations system to assist them to balance their paid work with their family responsibilities?
29.	Do informal workplace policies work well to assist employees to balance their paid work and family responsibilities? Do they assist some employees more than others do, and if so, is this appropriate?
38.	How important are workplace cultures, as opposed to workplace structures, as a deterrent to men's more active engagement with their family responsibilities and more equitable sharing between men and women of unpaid work in the home?
39.	How can workplace cultures be encouraged to change to promote a better balance between paid work and family responsibilities?
40.	What responses to paid work and family conflict would assist to promote equality between men and women?

The following information is designed to provide a basis for identifying the level of workplace entitlements by workplaces and by gender. Furthermore, differences in the level of entitlements and opportunities available to workers with dependants are addressed. Finally, the attitudes towards work, in particular for working parents, and the impact of workplace policies designed to promote work and family balance is assessed.

In order to assess the effectiveness of work and family measures there needs to be an analysis at an individual level for both workers and workplaces. This information is gathered from the State of Working Victoria Surveys conducted in 2002 and also the Wave 1 Household Income and Labour Dynamics in Australia Survey (HILDA) from 2001.

Workplace level information compared workplaces by gender division of employees (or whether or not they employ more than two-thirds male/female or an even mix of workers in the main occupational groups). Information is presented to determine if gender is a variable that reflects workplace differences.

Household level data is also grouped to reflect the characteristics of individual workers. A significant issue raised in the HREOC questions is the relationship between particular entitlements or flexibilities and carers. In order to provide information on the entitlements and role of carers, the employee information is divided by gender and by those who have dependant children.

3.2 Outline of Section Two

Section Two is structured as follows. Workplace level characteristics are grouped into the following categories to analyse the differences between types of workplaces and the provision of entitlements:

- Industry and occupation;
- Pay and conditions;
- Leave and entitlements;
- Working hours; and
- Training and development.

For the individuals, information is presented on the following topics:

- Working time arrangements;
- Leave and entitlements;
- Training and development; and
- Attitudes towards working life issues.

4 Gender and Workplace Characteristics

4.1 Industry and occupation

A known barrier to encouraging gender equity is the gender division of labour by industry and occupation. Male and female workers are often divided between 'traditional' industries and occupations.

There is considerable variation in the industry distribution between workplaces with a high proportion of male or female employees (see Table 2). Workplaces with more than two-thirds male employees appear clustered in traditional industries such as manufacturing, construction, and infrastructure. In contrast, workplaces with more than two-thirds female workers are more likely to be in hospitality, human services (including health and education), and a significant proportion of workplaces in retail trade.

Table 2: Industry and gender makeup of workplaces (per cent)

Industry	Workplaces with more than two-thirds of:			All workplaces
	Male employees	Female employees	Even mix	
Manufacturing	19.61	7.317	11.48	14.11

Construction	8.311	0.123	5.751	5.655
Infrastructure	7.491	2.044	3.506	4.917
Wholesale	37.55	15.59	26.65	29
Hospitality	6.701	21.41	18.95	14.18
Finance	19.35	3.487	21.56	16.74
Government	0.2948	0.6736	3.52	1.517
Human service	0.6946	49.36	8.581	13.89
Total	100.00	100.00	100.00	100.00

Source: *State of Working Victoria Survey 2002*

The industry concentration, with respect to gender, is also reflected in the distribution of the largest occupational group at those workplaces (Table 3). Workplaces with more than two-thirds female employees have a much higher proportion of sales and clerical workers than workplaces with a predominance of male employees. In contrast, workplaces where the main occupational groups are managers, tradespersons or machine operators tend to be male dominated. It is interesting to note that occupational groupings in workplaces with a high proportion of female workers are far less evenly distributed than for male workplaces. These female workplaces tend to be clustered around high skilled occupational groups (professionals) or the low skilled groups (sales, clerical, and labourers).

Table 3: Largest occupational group in the workplace (per cent)

Occupational Group	Workplaces with more than two-thirds of:			
	Male employees	Female employees	Even mix	All workplaces
Managers	24.25	4.49	16.79	17.37
Professionals	17.21	22.06	18.52	18.71
Para-professionals	11.01	9.93	7.23	9.42
Tradespersons	17.54	0.17	0.87	7.85
Clerical	2.41	15.30	19.00	11.11
Sales	7.08	42.24	26.94	21.69
Machine operators	17.44	1.69	6.73	10.24
Labourers	3.05	4.13	3.93	3.60
Total	99.99	100.01	100.01	99.99

Source: *State of Working Victoria Survey 2002*

Despite the differences between workplaces based on skill levels and industry outlined in Tables 2 and 3, there was little difference between union densities. Just under a quarter of all workplaces indicated they had a union presence. Indeed, workplaces with an even mix between male and female employees are least likely to have a union presence, while workplaces with more than two-thirds female workers are most likely to be unionised (see Table 4).

Table 4: Unions in the workplace (per cent)

Unions	Workplaces with more than two-thirds of:			
	Male employees	Female employees	Even mix	All workplaces
No	74.56	71.45	79.83	75.77
Yes	25.44	28.55	20.17	24.23
Total	100.00	100.00	100.00	100.00

Source: *State of Working Victoria Survey 2002*

The gender division of labour by industry and occupation is a highly significant issue as it points to a structural imbalance between male and female workers. This imbalance is further exacerbated by the skill and pay differential between those jobs and industries.

4.2 Pay and conditions

As stated earlier, workplaces with a significant proportion of either male or female employees vary considerably by industry and occupation. These differences are also reflected in the method of determining pay, the level of pay and other employment conditions.

An assessment of the method of determining pay at the workplace is essential to understanding issues relating to pay equity and workplaces with a predominance of male or female workers. The method of determining pay also highlights another related issue, which is the relative bargaining power of particular groups of employees.

Workplaces with more than two-thirds female employees are considerably more likely to be covered by formal industrial instruments (federal awards or registered enterprise bargaining agreements) (Table 5). In contrast workplaces with more than two-thirds male employees have a high proportion covered by own arrangements (or methods outside the formal industrial relations process).

Table 5: Industrial instrument operating in the workplace – excluding AWAs (per cent)

Industrial Instrument	Workplaces with more than two-thirds of:			
	Male employees	Female employees	Even mix	All workplaces
Federal award	46.2	67.05	42.17	49.29
Registered EBA	10.11	17.58	11.87	12.34
Own arrangements	35.77	6.81	23.95	25.38
Combination	7.92	8.56	22.01	12.99
Total	100.00	100.00	100.00	100.00

Source: *State of Working Victoria Survey 2002*

A combination of the high proportion of award dependent employees in female workplaces and the industry and occupational distribution is reflected in the hourly rates of pay at those workplaces (see Table 6). Over 90 per cent of female workplaces have average hourly pay for the dominant occupational group at less than \$18 per hour. In contrast, only 72 per cent of male workplaces have an hourly rate of less than

\$18. This is a significant finding as 36 per cent of female workplaces indicated the dominant occupational group was para-professionals or above.

Table 6: Minimum rate of pay for largest occupational group (percentage of workplaces)

Minimum Rate (\$ per hour)	Workplaces with more than two-thirds of:			
	Male employees	Female employees	Even mix	All workplaces
\$12.50 or less	8.68	19.52	15.50	13.41
\$12.50 to 17.99	63.56	70.65	75.23	69.21
\$18 or more	27.76	9.82	9.27	17.38
Total	100.00	99.99	100.00	100.00

Source: *State of Working Victoria Survey 2002*

An indication of the relative bargaining position of groups of workers at the workplace is how their pay is set at that workplace. For 36 per cent of all workplaces (and 41 per cent of workplaces with an even mix between male and female employees) pay is determined for the main occupational group at market rates. However, only 24 per cent of workplaces with a large proportion of female workers use this manner. In those workplaces, the main form of pay determination is 'employer decision'. Workplaces with a high proportion of female workers are also less likely to be involved in negotiated wage outcomes when compared to other workplaces.

Table 7: Method of determining pay rates (percentage of workplaces)

Method of determining pay	Workplaces with more than two-thirds of:			
	Male employees	Female employees	Even mix	All workplaces
Market rates	34.51	24.35	41.29	36.05
Contract	5.92	7.75	7.73	6.85
Individual negotiation	11.21	4.49	13.20	11.24
Employer decision	5.95	40.78	23.63	16.91
Other	42.41	22.63	14.14	28.96
Total	100.00	100.00	99.99	100.01

Source: *State of Working Victoria Survey 2002*

In addition to basic pay setting, workplaces with a high proportion of female workers are far less likely to engage in discretionary incentive pay (such as performance pay, bonus, and profit sharing). Workplaces with a high proportion of female workers are the least likely to have any measure of these pay arrangements when compared to all workplaces, those with an even mix of employees and male dominated workplaces. Almost 50 per cent of workplaces with two-thirds of male employees offer performance pay and salary packaging (compared to fewer than 30 per cent of female workplaces) and 51 per cent of male workplaces offer bonus payments (compared to 40 per cent of female workplaces).

Table 8: Incentive pay arrangements (percentage of workplaces)

Incentive arrangement	Workplaces with more than two-thirds of:	Even mix	All workplaces
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	Male employees	Female employees		
Performance pay	45.50	29.72	41.08	40.65
Bonus	51.33	39.96	41.99	45.63
Profit sharing	18.16	10.08	11.96	14.24
Salary packaging	49.08	21.76	38.20	39.34
Annualised salary	36.66	33.12	41.77	37.72

Source: *State of Working Victoria Survey 2002*

Furthermore, workplaces with a high proportion of male employees are also more likely to have allowances, overtime and penalty rates. In common with access to bonus and discretionary payments, female workplaces are the least likely to have overtime, weekend and penalty rates available to employees.

Table 9: Payment for work done outside standard hours (percentage of workplaces)

Payment type	Workplaces with more than two-thirds of:			
	Male employees	Female employees	Even mix	All workplaces
Overtime rates	65.07	45.76	46.48	54.55
Weekend rates	45.49	31.11	33.21	37.73
Allowances	23.87	14.17	15.42	18.45

Source: *State of Working Victoria Survey 2002*

In summary, workplaces with a high proportion of female workers have consistently lower average hourly wage outcomes than male dominated workplaces. Furthermore, female dominated workplaces are less likely to engage employees in negotiated wage outcomes and are significantly less likely to provide incentive pay and overtime and penalty rates.

4.3 Working hours and flexibility

One of the significant changes to the Victorian workforce has been the expansion of non-standard forms of employment (such as casual, part-time, fixed-term and contractors). Research into non-standard employment has consistently found that female employees are more likely to be employed as casual, part-time or agency workers. In contrast, male employees are more likely to be engaged as independent contractors.

In common with these findings, female workplaces are considerably more likely to engage non-standard forms of employment. For instance, over 60 per cent of female dominated workplaces have more than half of their employees as part-time. Furthermore, 59 per cent of female workplaces engage casual employees compared to only 34 per cent of male workplaces and 45 per cent of all workplaces. In contrast, workplaces that engage contractors are more likely to be male workplaces and located in male or 'traditional' industries such as manufacturing and construction.

Table 10: Incidence of non-standard working arrangements (percentage of workplaces)

Workplaces with	Workplaces that engage:
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more than two-thirds of:	Fixed-tem employees	Casuals employees	Contractors	More than 50% part-time employees
Male employees	17.09	34.29	31.84	5.23
Female employees	37.60	59.18	27.16	61.37
Even mix	38.05	49.53	29.72	15.17
All workplaces	28.89	45.00	30.09	20.74

Source: *State of Working Victoria Survey 2002*

In terms of operating hours at the workplace, male workplaces are also more likely to operate standard weekly hours (87 per cent of male workplaces operate less than 60 hours per week). In contrast, female workplaces are considerably more likely to operate for extended or continuous hours. This is a significant finding as female workplaces are, on average, less likely to pay shift and other allowances or annualised salaries (to compensate for work outside standard hours). In addition, female workplaces are far more likely to engage non-standard or flexible forms of employment.

Table 11: Weekly hours of the workplace (per cent)

Weekly hours	Workplaces with more than two thirds of:			
	Male employees	Female employees	Even mix	All workplaces
40 hours or less	38.66	17.99	32.92	32.21
41 to 60 hours	48.95	45.52	43.04	46.12
60 to 168 hours	11.18	27.75	16.73	16.68
Continuous	1.22	8.73	7.32	4.98
Total	100.01	99.99	100.01	99.99

Source: *State of Working Victoria Survey 2002*

The spread of working hours and type of employment engaged by male and female workplaces does not appear to be reflected in the access to flexible leave entitlements. Despite the high proportion of female workplaces that engage flexible forms of labour and the extended operating hours of those workplaces, female workplaces (when compared to male workplaces) are less likely to offer a compressed working week. However, female workplaces are more likely to have rostered days off for their staff. It is also significant that 63 per cent of female workplaces are the least likely to offer personal or carers leave to their employees compared to 68 per cent of male workplaces and 73 per cent of those with an even gender mix.

Table 12: Flexible leave entitlements (percentage of workplaces)

Flexible leave type	Workplaces with more than two-thirds of:			
	Male employees	Female employees	Even mix	All workplaces
Personal leave	67.6	63.16	73.06	68.61
Compressed working week	22.13	21.96	16.53	20.12

Rostered days off	29.37	33.57	18.68	26.49
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Source: *State of Working Victoria Survey 2002*

The gender division between workplaces is also reflected in the access to other forms of leave entitlements. Female workplaces are significantly more likely to offer paid maternity leave and annual leave loadings. In contrast, male workplaces have the highest incidence of paternity leave. An interesting finding is that only 28 per cent of female workplaces offer paid maternity leave (compared to approximately 20 per cent of all other workplaces); in contrast, 38 per cent of male workplaces offer paternity leave.

Table 13: Leave arrangements (percentage of workplaces)

Leave type	Workplaces with more than two-thirds of:			
	Male employees	Female employees	Even mix	All workplaces
Paid maternity	19.02	28.86	22.43	22.48
Paternity ¹	37.54	26.44	42.72	36.98
Annual leave loading	59.75	66.86	49.58	57.68

Source: *State of Working Victoria Survey 2002*

In common with the pay summary, workplaces with a high proportion of female workers have consistently lower access to leave and other workplace entitlements. In addition, female workplaces are far more likely to have non-standard employees and extended operating hours. A significant finding is that gender bias is reflected in workplaces where comparable forms of leave are offered (for instance paid maternity and paternity leave). While it was expected that, female workplaces would have a higher incidence of maternity leave than male workplaces, the level findings are considerably different. For instance, 30 per cent of female firms offer paid maternity leave compared to 40 per cent of male firms that offer paternity leave. Thus, access to these entitlements is biased towards male employees.

4.4 Training and development

An important measure in assessing the potential for career development of individual workers is the access to training and development. Access to training and development opportunities gives an insight into the potential labour force participation of workers. Furthermore, access to training and development is particularly relevant for female workers who take time out of the labour force to care for other family members. An absence of training opportunities makes it particularly difficult for these workers to re-enter the workplace. For workers who have chosen to work part-time for family responsibilities access to training and development is also important to support progress in their careers.

The level of training at workplaces also provides an interesting comparison between male and female workplace. Female workplaces are more likely compared to other workplaces to have formal training programmes (such as inductions for new staff). However, regular training programmes are evenly divided between workplaces with a

1 Paternity leave could be either paid or unpaid.

dominance of male and/or female employees. Workplaces with a predominance of one gender (compared to workplaces with an even mix) are more likely to provide training for staff. This variation between workplaces may represent the occupational and industry specific characteristics of those firms. While the access to training appears evenly divided, this does not necessarily mean there is an equal amount of training provided.

Table 14: Training programmes at the workplace (percentage of workplaces)

Training	Workplaces with more than two-thirds of:			
	Male employees	Female employees	Even mix	All workplaces
Formal training	74.15	77.26	59.97	69.8
Regular training programmes	71.7	70.84	65.47	69.31

Source: *State of Working Victoria Survey 2002*

5 Gender and Working Arrangements

Workplace entitlements and practices vary considerably depending on whether a workplace has a predominance of male or female staff. However, this analysis only provides part of the overall picture of working arrangements and entitlements. The complementary element of the State of Working Victoria Survey was a detailed household survey assessing working arrangements and the attitudes to employment of individual workers. A key issue raised in the discussion paper was the working arrangements and attitudes of carers. In order to provide a comprehensive analysis of the issues facing carers, the broad category of employed persons has been divided into employees with dependants.

5.1 Working time arrangements

The occupational grouping of workplaces was outlined in Table 3. In terms of individuals with or without dependants, the occupational categories broadly match those described in Table 3.

However, some differences do exist. For instance, female workers with no dependants are more likely to be employed as para-professionals or professionals than all other groups of workers. Furthermore, just over third of female workers with dependants are employed as clerical sales and service workers, with nearly one quarter of female workers with no dependants working in the same occupation.

A possible explanation of the differences was that age was an important factor. Thus, workers without dependants were more likely to be in the early stages of their career and thus more likely to be in lower skilled occupations (see IRV [2005] *The Ageing Workforce* State of Working Victoria Information Paper 4).

However, it is significant to note the similarity between the groups of male workers. It was anticipated that workers with dependants would be clustered around the lower skilled occupations thus reflecting the age distribution. This was not reflected in the occupational distribution for male workers. However, female workers with no dependants are disproportionately located in higher skilled occupations than those with dependants.

Table 15: Occupational distribution (percentage of employees)

Occupation	Employees with dependants		Employees with no dependants		All workers
	Male	Female	Male	Female	
Managers	14.07	3.24	12.42	4.96	9.12
Professionals	14.29	24	14.08	24.19	18.66
Associate professionals	10.95	8.02	10.31	15.52	11.42
Tradespersons	21.96	3.75	22.72	1.83	13.48
Advanced clerical	0.28	8.88	1.16	8.79	4.41
Intermediate clerical and sales	9.42	33.09	6.8	23.5	16.71
Intermediate	18.89	3.73	17.92	0.74	10.95
Elementary	5.59	8.85	6.71	18.5	9.98
Labourer	4.56	6.45	7.88	1.97	5.28
Total	100.01	100.01	100.00	100.00	100.01

Source: *State of Working Victoria Survey 2002*

The overwhelming majority of workers (two-thirds) are satisfied with the hours they work. Almost 12 per cent of workers indicated they wanted to work more hours. This proportion was reasonably consistent across all groups of workers with the exception of female workers with dependants (almost 15 per cent indicating wanting more hours). In contrast, 22 per cent of workers indicated they wanted fewer working hours. Once again, this was consistent across the groups with the exception of male workers with dependants (28 per cent indicating a desire to reduce hours worked).

Table 16: Preference to change working hours (percentage of employees)

Satisfaction	Employees with dependants		Employees with no dependants		All workers
	Male	Female	Male	Female	
Happy with hours	61.4	65.2	67.4	69.1	66.0
Prefer more hours	11.1	14.6	11.2	11.6	11.9
Prefer fewer hours	27.5	20.2	21.5	19.4	22.1
Total	100.0	100.0	100.1	100.1	100.0

Source: *State of Working Victoria Survey 2002*

While the overwhelming majority of workers (two-thirds) are satisfied with the hours they work, a considerable proportion of workers have variable hours. For casual workers the majority have hours that vary between each week. Casual employees are also far more likely to be female workers and part-time.

Just over 17 per cent of all the workers in the SWVS identified themselves as casual employees. Of those workers 45 per cent (or 150,000) indicated they their hours changed from week to week. Workers who had dependants made up approximately one-third of casual workers, of these three-quarters are female workers. In terms of changing working hours, workers with caring responsibility are more likely to have variable working hours. Indeed, 72 per cent of male casuals with dependants have

variable hours. In contrast, 60 per cent of both male and female casuals without dependants do not have variable hours.

Table 17: Casual status and variation in working hours (percentage of employees)

Casual status	Employees with dependants		Employees with no dependants		All workers
	Male	Female	Male	Female	
Casual employees	8.1	24.1	35.1	32.7	17.1
Variable hours					
Hours stay the same	27.8	52.2	60.3	59.9	53.7
Hours vary	72.2	47.8	39.7	40.1	44.6
Total	100.0	100.0	100.0	100.0	98.3

Source: *State of Working Victoria Survey 2002*

As with variable hours, extended working hours are also of a concern in balancing work and family responsibilities. Almost half of all workers indicated that they work overtime with male workers (especially those with dependants) overrepresented. Only 18 per cent of workers indicated that they work 49 hours or more a week. As with overtime, male workers were overrepresented in this group but 30 per cent of female workers with dependants indicated that they worked more than 49 hours per week.

Table 18: Overtime and long hours (percentage of employees)

Overtime/long hours	Employees with dependants		Employees with no dependants		All workers
	Male	Female	Male	Female	
Overtime	57.67	36.02	51	45.3	48.23
49 hours	30.65	29.3	25.14	8.24	17.76

Source: *State of Working Victoria Survey 2002*

Finally, almost 7 per cent of all workers have more than one job. Multiple job holding is an issue of some concern. While it is possible that some workers prefer the flexibility that having more than one job entails, a related concern is the proportion of workers who have to work in more than one job to make ends meet. Just under 2 per cent of male workers with dependants work more than 1 job, in contrast 8 per cent of female workers with dependants have more than one job. In addition, both male and female workers with no dependants are also more likely to have more than one job than all other workers.

Table 19: More than one job (percentage of employees)

More than one job	Employees with dependants		Employees with no dependants		All workers
	Male	Female	Male	Female	
Yes	1.77	8.1	6.96	10.21	6.89
No	98.23	91.9	93.04	89.79	93.11
Total	100.00	100.00	100.00	100.00	100.00

Source: *State of Working Victoria Survey 2002*

5.2 Leave and flexibility

Access to and the take up of leave arrangements outside that of annual and sick leave also provides an important indicator of how well working arrangements fit family and caring responsibilities. The majority of workers (73 per cent) were able to access paid leave to care for family members with 25 per cent having unpaid leave. However, only two-thirds of females with dependants had access to paid carers leave, in contrast to 93 per cent of male workers with dependants.

Furthermore, access to leave entitlements to care for sick family members also varied considerably between those workers who had dependants and those than did not.

Table 20: Availability to use leave arrangements to care for sick family (percentage of employees)

Leave arrangement	Employees with dependants		Employees with no dependants		All workers
	Male	Female	Male	Female	
Paid time	93.27	66.44	53.97	82.05	73.18
Unpaid time	6.73	33.56	42.8	12.18	25.43
Partly paid	0.00	0.00	3.22	5.77	0.14
Total	100.00	100.00	99.99	100.00	98.75

Source: *State of Working Victoria Survey 2002*

Access to leave for personal tasks varied only slightly between employment types. While 41 per cent of workers indicated that they could have time off for personal tasks, the proportion for males with dependants was considerably above those for employees in other groups. In common with the use of leave entitlements to care for family members, males with dependants were at a considerable advantage when compared with other groups.

Table 21: Ability to take time off for personal tasks (percentage of employees)

Personal tasks	Employees with dependants		Employees with no dependants		All workers
	Male	Female	Male	Female	
Yes	47.07	39.11	39.97	40.83	41.66
No	52.93	60.89	60.03	59.17	58.34
Total	100.00	100.00	100.00	100.00	100.00

Source: *State of Working Victoria Survey 2002*

While access to personal leave was evenly distributed across the groups of workers, a striking difference exists when comparing whether personal leave is paid or unpaid. For the majority of workers, personal leave is recorded as paid leave (68 per cent). However, 84 per cent of males with dependants have paid personal leave. In contrast, only 52 per cent of female workers with dependants have paid personal leave. For workers without dependants the distribution between male and female workers was almost identical.

Table 22: Whether personal leave is paid or unpaid (percentage of employees)

Paid/ Unpaid Leave	Employees with dependants		Employees with no dependants		All workers
	Male	Female	Male	Female	
Paid time	84.2	52.3	65.3	65.4	67.8
Unpaid time	15.0	43.2	32.6	32.5	29.9
Partly paid	0.1	4.6	2.1	2.1	2.2
Total	99.3	100.1	100.0	100.0	99.9

Source: State of Working Victoria Survey 2002

In overall terms, male workers with dependants have far greater access to family friendly leave entitlements than other workers. This difference is most striking when comparing the access to the same entitlements for female workers with dependants. However, this analysis does not indicate the actual number of employees that access these entitlements. Previous research has indicated that male workers are less likely to make use of family friendly leave provisions. The difference in the potential take up of entitlements makes the comparison more telling. Employees most likely to use and need these entitlements are the worst served because of current working arrangements.

The HILDA survey was not an industrial relations survey so does not contain information on workplace entitlements; however, it did ask about access to family friendly entitlements at the workplace. This is presented in Table 23 below. With the exception of working from home, the majority of workers have access to a range of family friendly entitlements. The most extensive was carers leave with just over three-quarters of workers indicating they had access to it. It was significant to note that employees with dependants had greater access to family friendly entitlements. Female employees with dependants had greater access to permanent part-time work, carers leave, and maternity leave than all other groups of workers. For male employees with dependants they indicated greater access to flexible start and finish times and home based work.

Table 23: Access family friendly entitlements at the workplace (percentage of employed persons)

Family friendly entitlements	Employees with dependants		Employees with no dependants		All workers
	Male	Female	Male	Female	
Flexible start and finish times	63.64	57.91	63.58	58.98	61.38
Home based work	32.12	27.73	27.64	25.57	28.14
Permanent part-time	58.23	80.44	55.85	79.52	67.80
Carers/special leave	79.63	83.88	71.94	74.84	76.74
Maternity/paternity leave	60.58	82.22	57.06	76.52	71.68

Source: HILDA Wave 1, 2001

5.3 Training and development

The importance of training and development opportunities for workers was outlined in section 4.4. As indicated in this section, there was remarkable similarity between male and female dominated workplaces in relation to the provision of training. However, this analysis did not indicate the actual amount of training received by individual workers. The SWVS Household Survey asked employees approximately, how much training they received in the last 12 months. Approximately half of all employees indicated that they received training. Males with dependants indicated the highest receipt of training. Although, it must be stressed that the proportion for all groups is very close. This is not the case with the number of hours of that training. Female workers with dependants received a far lower level of workplace training than other workers. An interesting finding, although in common with previous research, is that female workers in general received less training than for male workers.

Table 24: Incidence and average hours of training (percentage of employees)

Training	Employees with dependants		Employees with no dependants		All workers
	Male	Female	Male	Female	
Training	57.42	53.78	46.99	53.51	52.43
Hours of training	43.70	34.70	57.30	39.40	42.90

Source: *State of Working Victoria Survey 2002*

6 Gender and Attitudes towards Work

The information presented so far in the paper has been based on quantitative measures of demographic and employment characteristics. The State of Working Victoria Household Survey (SWVHS) contained a number of questions designed to gather qualitative information about job quality and attitudes towards work for individuals. In order to do this an individual's response to questions about job quality, responses were recorded on a 5-point scale. Attitudinal information was collected on the following categories:

- Job satisfaction
- Job security
- Work overload and stress
- Intention to leave
- Promotional opportunities
- Autonomy

A summary of the results of these questions is presented in Tables 25 and 26 below. The data outlined in these tables provides an insight into the range attitudes of Victorian workers, relating to indicators of job quality and how these attitudes vary according to gender and whether or not an individual has dependants.

6.1 Job satisfaction

In overall terms, a high percentage of all age groups agreed that they felt well satisfied with their jobs with the highest levels of satisfaction from workers with dependants. Female workers with dependants indicated the lowest level of job dissatisfaction (only

15 per cent indicated they were dissatisfied with their jobs compared to 30 per cent of females without dependants.) Male workers without dependants recorded the highest level of job dissatisfaction.

6.2 Job security

The SWVHS included two items on job security. The first asked workers whether they feel insecure about their future in the workplace and the second asked workers if they are confident that they will be able to work for their company as long as they want.

Male workers with dependants were more insecure about their future in the workplace with 31 per cent indicating a degree of job insecurity. In contrast, female workers with dependants indicated the lowest level of job insecurity their workplace. In overall terms, male workers were the most insecure compared to female workers.

In terms of expectation for continued employment employees with dependants indicated the highest level of confidence (when compared to all workers) that they would be able to continue for as long as they wanted. As with other measures, females with dependants were the most optimistic.

6.3 Stressful job

Workers with dependants were less likely to indicate that they had a stressful job than those without dependants. This was an interesting finding as work overload measures tended to increase steadily as workers get older and decline after the age of 60. It was expected that workers with dependants, especially male workers, were more likely to indicate a stressful job, as they would be older in general than workers without dependants.

Workplace stress levels also follow a similar pattern. The proportion of workers who indicate that they have a stressful job increases from 27 per cent (aged less than 20 years) to almost 50 per cent for those aged 50 to 59. Despite this, workers with no dependants reported remarkably higher job stress levels than other workers with female workers with no dependants indicating the highest level of job stress.

6.4 Intention to leave current employment

In common with the other measures, female workers with dependants were the least likely to indicate an intention to leave the organisation; in contrast male workers with no dependants were the most likely. In overall terms, workers with dependants were more likely to indicate they were not seeking alternative employment than for those workers with no dependants.

6.5 Autonomy at work

In terms of autonomy within one's own job, workers with dependants indicated the highest level of autonomy when compared to other workers. There was little difference between male and female workers with no dependants. However, there may be a significant age effect occurring with this measure. The level of autonomy for workers to their own job tends to increase as workers get older, peaking between 30 and 39 and after that declining (see SWVS Ageing paper).

6.6 Promotional opportunities

In terms of anticipated promotional opportunities, male workers with dependants were the most optimistic about future promotion followed by female workers with dependants. The most pessimistic were female workers with no dependants.

Table 25: Attitudes towards working issues – percentage agreement

Working Issue – Agreement	Employees with dependants		Employees with no dependants	
	Male	Female	Male	Female
Job dissatisfaction	23.0	15.0	31.3	30.1
Job insecurity	31.2	18.8	27.9	20.2
Seeking alternative employment	19.4	15.0	31.0	34.6
Lack of autonomy in own job	14.5	19.4	33.6	32.3
Expectation for continued employment	22.2	19.6	28.4	29.9
Stressful job	25.0	16.1	28.5	30.4
Lack of promotion opportunities	19.1	24.5	27.1	29.4

Source: *State of Working Victoria Survey 2002*

Table 26: Attitudes towards working issues – average response

Working Issue – Average Response	Employees with dependants		Employees with no dependants	
	Male	Female	Male	Female
Job dissatisfaction	2.2	2.1	2.3	2.2
Job insecurity	3.5	3.7	3.6	3.9
Seeking alternative employment	3.5	3.6	3.3	3.2
Lack of autonomy in own job	2.3	2.7	2.7	2.8
Expectation for continued employment	2.2	2.1	2.2	1.9
Stressful job	2.9	3.1	2.9	2.8
Lack of promotion opportunities	2.9	3.2	2.9	3.0

Source: *State of Working Victoria Survey 2002*

In summary, the attitudinal items reveal an interesting element to assessing the relationship between family and workplace characteristics and working arrangements. At first glance, female workers with dependants appear clustered in a small number of occupational groups, less likely to be high paid, and have a lower access to entitlements and other non-monetary benefits of work. However, attitudinal measures indicate that female workers with dependants feel secure in the jobs and optimistic about their future work.

It is also notable that all employees with dependants appear more satisfied with aspects of their work than those without dependants. While these results do give some insight into an individual's attitude towards specific aspects of their job, the attitudinal questions were just about employment issues. In order to analyse fully attitudes

towards work and family, additional information is required on attitudes towards non-work related issues, such as family arrangements and division of domestic labour.

6.7 Employees attitudes towards work-life practices at the workplace

In section 4.3 the incidence of family friendly entitlements at the workplace was identified. However, this analysis was based only at the workplace level and did not consider the access that employees had to this entitlement.

Information on access to entitlements is contained in the *Wave 1 Household Income and Labour Dynamics in Australia Survey* (HILDA). The HILDA project is was started in 2001 designed to track a representative sample of Australian households throughout a period of their working lives and to measure changes in labour market status and household arrangements and attitudes over time. An important component is attitudes towards work and family arrangements.

One of the significant strengths of the HILDA survey is that it asks respondents their attitudes towards a wide range of social and family issues. An important issue raised in the discussion paper is a need to assess how attitudes towards work and family issues vary according to certain groups of workers. The HILDA data related to such attitudes is outlined in Table 27 below.

Respondents were asked whether workers who are employed part-time were seen as less committed to the organisation. Approximately 38 per cent of all employees agreed with this statement with male workers slightly more likely to agree.

Attitudes towards employees taking family leave and their commitment to the organisation were also addressed. An analysis of these attitudes is essential to assess the effectiveness of measures to encourage workers, and in particular male workers to take leave for family reasons. Only a small proportion of workers (17 per cent) indicated that employees who take family leave were less likely to get ahead in the organisation, however almost 21 per cent of male employees agreed with this statement. Furthermore, female employees and in particular females with no dependants were far less likely to indicate that this was the case.

Similar results were also found when asked if male employees taking family leave were seen as less committed to their jobs. Here the difference between male and female employees was once again noticeable with male employees with dependants the most pessimistic. It is also interesting to note that employees with dependants were more likely to indicate a negative response than those without dependants.

Table 27: Attitudes towards work and family practices (percentage of employed persons)

Attitudes to work and family practices	Employees with dependants		Employees with no dependants		All workers
	Male	Female	Male	Female	
Part-time seen as less committed to the job	39.30	37.21	41.08	32.80	37.58
Employees taking family leave less likely to get ahead	20.76	16.08	18.93	13.35	17.39
Male employees taking family leave seen as less committed	20.63	12.12	16.39	9.74	15.11

Source: HILDA Wave 1, 2001

6.8 Attitudes and experience of working parents

The HILDA survey also contained a considerable proportion of questions devoted to the experience of working parents assessing opinions on issues relating to the work and family balance. A summary of responses to these questions is detailed below.

In overall terms, attitudes of male and female working parents towards the positive aspects of work and family balance were remarkably similar. For instance, a similar and very high proportion of male and female workers responded positively when assessing if work and family responsibilities make one a more rounded person or provides more variety to life (75 and 83 per cent respectively).

However, a number of differences emerged when considering less positive issues due to the interaction of working life and family. For instance male employees were more likely to indicate that they miss the rewarding aspects of being a parent or miss home and family activities (over 50 per cent of male employees). In contrast, just over a third of female employees indicated the same concerns.

Almost half of male employees considered that working makes them a better parent (compared to 36 per cent of female employees), however half of all female employees indicated that working has a positive effect on their children compared to 43 per cent of males.

In terms of the balance of working and family time, male employees were also more likely to indicate that they missed family activities or their time with family was less enjoyable because of work pressures. Despite this finding, female employees were slightly more likely than men (66 to 63 per cent), to indicate that work allowed them to appreciate the time spent with family.

A significant finding was the degree to which family pressures could be seen as limiting one's career. Thirty-two per cent of female workers indicated that they had to turn down work opportunities because of family responsibilities (compared to only 25 per cent of men).

Finally, almost half of all employees indicated that they missed out on the rewarding aspects of being a parent because of work. This proportion was not evenly divided by gender with male employees considerably more likely to indicate that this was the case (56 per cent to 38 per cent).

Table 28: Attitudes towards combining work and family responsibilities (percentage of working parents that agree with the statement)

	Male	Female	All working parents
Attitudes to combining work and family responsibilities			
Work and family responsibilities makes me a more rounded person	75.99	72.61	74.56
Gives my life more variety	84.33	81.25	83.03
Turn down work opportunities because of family responsibilities	26.02	32.52	28.78
Working time less enjoyable or pressured because of family responsibilities	19.99	23.89	21.65
Miss out on home and family activities because of work responsibilities	50.14	34.73	43.61
Family time less enjoyable or pressured because of work	30.63	25.62	28.50

	Male	Female	All working parents
Attitudes to combining work and family responsibilities			
Work has a positive effect on my children	43.24	52.90	47.32
Work lets me better appreciate time spent with children	62.70	66.21	64.18
Working makes me a better parent	44.87	36.16	41.17
Worry about my children at work	41.17	38.29	39.94
Miss out on rewarding aspects of being a parent because of work	56.30	37.99	48.53

Source: HILDA Wave 1, 2001

7 Workplace Culture

7.1 The role of informal arrangements

In many workplaces, particularly small business workplaces, there is an emphasis on informal workplace arrangements. However, as submitted in the State and Territories final contentions to the Family Provisions Test Case, (Australian Industrial Relations Commission Family Provisions Decision August 2005), leaving the provision of family friendly assistance to informal workplace policies through local arrangements or agreements leads to poor distribution of the capacity to seek and take up family friendly arrangements. Informal workplace policies mean that those employers with the will to implement family friendly policies do so as and when it suits them. This does nothing to alter the approach of employers generally or to change the 'culture' in workplaces.

While the evidence reveals that in some workplaces, employees and employers have entered into local arrangements in recognition of employees' family responsibilities, the informal/ad hoc approach does not benefit those who are unable to advocate successfully their position or who are not regarded as being 'valuable' to the business in which they are employed.

Some of the conclusions drawn from evidence submitted to the Work and Family Test Case regarding informal arrangements are as follows:

- There is uneven distribution of family friendly policies depending on industry and sector location and there is minimal penetration into male dominated areas.²
- Family friendly measures have not found expression in broader policies or principles available to the entire workforce. Most family friendly measures appear to be made available only to a minority of employees, predominantly

2 Whitehouse, *Industrial Agreements and Work/Family Provisions: Trends and Prospects under Enterprise Bargaining* Labour and Industry August 2001, ACTU Submission, Family Provisions Test Case 6C, Tab 53 at page 755 of the Work and Family Test Case Contentions.

more highly skilled workers in large public sector enterprises³ and there has been uneven delivery, particularly in the private sector.⁴

- Employers are most likely to offer family-friendly work practices to employees in whom they have invested training, who are difficult and costly to replace or who are able to engage in effective collective bargaining.⁵
- Occupation is a powerful factor: professionals, managers, and administrators are much more likely to have control over start, finish times, and access to a telephone for family reasons than other occupations.⁶ For example, professionals were shown, in the study concerning differences between and within workplaces in terms of access to family friendly measures, to be 14.4 per cent more likely to have flexibility over hours worked than salespersons and personal workers. Managers and administrators were estimated to be 35.6 per cent more likely to have control over start and finish times than salespersons and personal workers.⁷
- Employees who are most likely to be able to negotiate successfully with employers over work conditions are those who have the greatest bargaining power – namely, those whose skills are in short supply.⁸ In contrast, employees with the lowest levels of education, job tenure, and organisation provided training are the least likely to have access to family-friendly work practices.⁹ For low skilled work, the costs of high labour turnover are likely to be less than in other areas, which reduces incentives for employers in such areas to introduce family friendly work practices.¹⁰
- Interestingly, the AWIRS 95¹¹ data reveals that there is, ‘no relationship between having dependant children and the likelihood of having access to family-friendly work practices’.¹² In other words, those identified as having the most need for family-friendly work practices are no more likely to be able to access these work practices than are otherwise similar employees with no child or non-child dependants’.
- It appears that in the absence of right or an entitlement to request family friendly flexibilities, employees are less likely to seek such arrangements with their employers. Qualitative studies have found that employees will not take advantage of family-responsible policies (particularly leave, work reduction and work schedule policies) if they feel that doing so will jeopardise their job

3 Campbell and Charlesworth ACTU Submission, Family Provisions Test Case 6A, Tab 2 at para 176, page 104, para 178, page 105 and para 182, page 106

4 Whitehouse and Zetlin, *Family Friendly Policies: Distribution and Implementation in Australian Workplaces*, IR in Action, University of Queensland ACTU Submission, Family Provisions Test Case 6C, Tab 51 at pages 661 – 662.

5 See Gray and Tudball, *Family – Friendly Work Practices – Differences within and between workplaces*, Australian Institute of Family Studies, Research Report No 7, 2002 State and Territory Governments’ Proposals, Family Provisions Test Case, 2, Tab 4 at pages 6, 18.

6 See State and Territory Governments’ Proposals, Family Provisions Test Case, 2, Tab 4 at page 24.

7 See State and Territory Governments’ Proposals, Family Provisions Test Case, 2, Tab 4 at page 20.

8 See State and Territory Governments’ Proposals, Family Provisions Test Case, 2, Tab 4 at page 6.

9 See State and Territory Governments’ Proposals, Family Provisions Test Case, 2, Tab 4 at page 26.

10 *Babies and Bosses, Reconciling Work and Family Life*, OECD Volume 1, Australia, Denmark and the Netherlands, ACTU Submission, Family Provisions Test Case, 6A, Tab 3 at para 6.5.2, pages 292 - 293.

11 AWIRS 95 = Australian Workplace Industrial Relations Survey 1995

12 See State and Territory Governments’ Proposals, Family Provisions Test Case, 2, Tab 4 at page 25.

security.¹³ The right to request advocated by the states and territories had the advantage of enshrining an explicit right to request.

- Many parents report having been unable to reach agreement at the local level with their employer, where the absence of ground rules for discussion or criteria for consideration makes agreement more difficult.¹⁴

7.2 Role of workplace cultures in encouraging men's more active engagement with their family responsibilities

Men do not take up arrangements to assist with family responsibilities to the same extent as women.

The Quality Part-Time Work Project included a comprehensive statistical overview of part-time work in Australia and Victoria. The data indicated that almost one-third (29 per cent) of employed Australians work on a part-time basis and that women were more likely than men to work part-time, accounting for around 70 per cent of the part-time workforce.

When asked why they worked part-time, almost a quarter (23 per cent) of those who worked part-time indicated that caring for children was their main reason for working part-time. The most common reason why people said they worked part-time differed across gender. The most common reason men said they worked part-time was that they are also attending school, college, or university (35 per cent). The most common reason women worked part-time was that they are caring for children (31 per cent).¹⁵

The rate of take up of family leave also differs for men and women, with the take up rates by men of family leave (particularly unpaid parental leave) being low across OECD countries. As indicated in the States and Territory contentions to the Family Provisions Test Case, the rates are a little higher in instances where periods of paid paternity leave are available.¹⁶

Parents who take time off work after the birth of children generally take different forms of leave. The majority of women take longer periods of unpaid leave. Men tend to take short periods of leave – which are usually paid.¹⁷ Fathers report that they want to be

13 See State and Territory Governments' Proposals, Family Provisions Test Case, 2, Tab 4 at page 2.

14 See evidence of Robyn Fortescue (AMWU) ACTU Submission, Family Provisions Test Case 7, Tab 13 at paras 6 – 9; Graeme Pearce (Amcor) ACTU Submission, Family Provisions Test Case 7, Tab 28; Samantha Weiland (Primary School Teacher) ACTU Submission, Family Provisions Test Case 7, Tab 37 at paras 7- 11; Kathleen Drayton (SBS TV) ACTU Submission, Family Provisions Test Case 7 Tab 9 at paras 28 – 32; Tracey Bastin (VCE Co-ordinator) ACTU Submission, Family Provisions Test Case 7, Tab 1 at paras 7 – 8; Daniel Dalladay (Qantas Reservations Sales Consultant) ACTU Submission, Family Provisions Test Case 7 Tab 6; Jacqueline Luttick (Target) ACTU Submission, Family Provisions Test Case 7, Tab 22 at paras 15 – 19.

15 HILDA Wave 2 January 2004 Release (2002).

16 Bittman, Hoffman and Thompson, *Men's Uptake of Family Friendly Employment Provisions*, Policy Research Paper No 22, Department of Family and Community Services, ACTU Submission, Family Provisions Test Case 6B, Tab 27 at pages 29 – 34.

17 See ABS Career Experience 2002. State and Territory Governments' Proposals, Family Provisions Test Case, 3 Tab 3 at page 4, page 35; Commonwealth Contentions in Response 2 July 2004 at para 7.24 and see further ACTU Submission, Family Provisions Test Case 6B, Tab 27 at pages 41 – 42 Tables 18, 19 20.

more involved in parenting.¹⁸ However, fathers also report that they perceive barriers associated with work as the most critical factor preventing them from being the father they want to be.¹⁹ Indeed, men tend to spend long hours at work while their children are young – the reason being that the age at which men are likely to have children is the age at which they are likely to work the longest hours.²⁰ Fathers report that, despite their desire to be more involved in parenting, they take up parental leave at low rates for reasons including money, career (fear of losing status or position), and workplace culture and work pressure.²¹ The granting of the award variations proposed by the states and territories would have provided fathers with more opportunities to take leave or to access flexibilities in order to spend more time with children and become more involved in parenting.

7.3 Encouraging change in workplace cultures to promote a better balance between paid work and family responsibilities

Research shows that businesses that provide flexible workplace practices are rewarded with improved productivity, reduced absenteeism, and turnover. They are also more able to attract and retain the best possible talent.

Through the *Action Agenda for Work and Family Balance* (2003), (see paragraph 15.2.5) the Victorian Government committed to support industry to adopt practices that enhance work and family balance.

As part of this commitment, IRV has implemented the *Better Work and Family Balance Grants Program*. Grants provide on the ground support for small business to encourage change in workplace cultures to adopt innovative and flexible solutions to work and family balance that promote a better balance between paid work and family responsibilities.

Three rounds of grant funding have resulted in innovative programs across a range of individual small businesses and non-government organisations. Across industry, partnerships have also been funded in the hospitality and health sectors.

The outcomes of these grant projects have been developed as case studies to show other organisations how they might promote a better balance between paid work and family responsibilities. Successful recipients have also been encouraged and promoted by Industrial Relations Victoria through presentations at a series of regional forums.

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- 18 Thornwaite, *Work – Family Balance: International Research on Employee Preferences*, ACCIRT Working Paper No 79, August 2002, ACTU Submission, Family Provisions Test Case 6B, Tab 24 at pages 259 – 262; Hand and Lewis, *Fathers' Views on Family Life and Paid Work*, Australian Institute of Family Studies, Family Matters, Autumn 2002, ACTU Submission, Family Provisions Test Case 6B, Tab 19 at pages 77 – 78; Bittman, Hoffman and Thompspon, *Men's Uptake of Family Friendly Employment Provisions*, Policy Research Paper No 22, Australian Department of Family and Community Services, ACTU Submission, Family Provisions Test Case 6B, Tab 27 at pages 1, 4.
- 19 ACTU Submission, Family Provisions Test Case 6A, Tab 4 at pages 347 – 348, para 3.3.5. See also Weston, Qu and Soriano, *Implications of Men's Extended Work Hours for their Personal Happiness*, Australian Institute of Family Studies, Family Matters, Autumn 2002, ACTU Submission, Family Provisions Test Case 6B, Tab 17 at pages 64 – 65.
- 20 ACTU Submission, Family Provisions Test Case 6B, Tab 27 at page 1.
- 21 Bittman, Hoffman and Thompson, *Men's Uptake of Family Friendly Employment Provisions*, Policy Research Paper No 22, Department of Family and Community Services, ACTU 6B, Tab 27 at pages 53 – 56, See also Table 27 at page 57.

The *Action Agenda for Work and Family Balance* (2003) (see paragraph 15.2.5) also includes a commitment to targeted research on work and family balance issues of significance to Victorian industries and businesses.

The *Quality Part-Time Work Project*, undertaken by Industrial Relations Victoria formed a major part of this research (see paragraph 15.2.2). As part of this Project, best practice case studies, highlighting employers with good quality part-time work in place in the retail, hospitality, local government, health, and law were developed. These case studies provide models for how other organisations can put in place quality part-time work.

7.4 Summary and conclusions

The purpose of this section was to provide a context in relation to the questions from the HREOC discussion paper dealing with the workplace.

Workplace entitlements and practices relating to work and family balance vary considerably depending on whether a workplace has a predominance of male or female staff. Furthermore, the access to entitlements and attitudes of individual workers vary considerably between male and female workers and whether or not an individual has dependants.

Section Three: Workforce Participation

8 Workforce Participation

8.1 Definition and scope

This section outlines a range of IRV policy areas and projects broadly related to workforce participation, which address the questions outlined in Table 29 below:

Table 29: HREOC questions identified in Section Three

HREOC Questions	
3.	Would equality between men and women require a more equal sharing of paid work?
13.	What are the relationship, health and other effects of paid work and family conflicts on Australian parents and carers? Do the effects differ for men and women, particular groups of people, particular family types, or different types of carers?
16.	Do women's and men's different paid and unpaid work obligations affect their economic outcomes, health, relationships and life chances? Do men and women or particular groups of people experience any such effects differently?
17.	Do men's and women's paid and unpaid work arrangements have an effect on productivity in Australia?
18.	What will be the effect of the ageing population upon men's and women's willingness and abilities to undertake unpaid caring work?
36.	What are the barriers to changing attitudes towards a more equal division of paid work and family responsibilities?

8.2 Outline of Section Three

Section Three broadly addresses the workforce participation of men and women in Victoria and is structured as follows.

In the first part of this Section, the issue of pay equity or *inequity* in the Victorian and Australian workforce is addressed. The findings of the Victorian Pay Equity Inquiry, which completed its work in February 2005, are presented as a summary, with some of the key data highlighted. Equal remuneration for work of equal value is of fundamental importance to any consideration of equality between men and women, and pre-figures any consideration of any requirement to an equal sharing of paid work.

The second part addresses a series of important policy matters that are fundamental to women, work, and family life: health, age, education, wage opportunities, family makeup, and how these events through the life course contribute or otherwise to a women's financial wellbeing. The *Paving the Way for Older Women in the Workforce 2025* research project was constructed to identify the impediments to women continuing to work and to find ways of removing these barriers.

The third part of this Section outlines Industrial Relations Victoria's *Quality Part-time Work* project, which took as its premise: that *quality* part-time work is one effective solution to balancing work and family. As with the *Paving the Way* project, this project

recognised the changing labour force demographics, the need for increased flexibility and the importance of a skilled engaged workforce.

9 Pay Equity in Victoria

9.1 Background

The Victorian Government is committed to 'continuing action to close the continuing earnings gap between men and women.'²² Victoria is unique among the Australian states in having transferred its industrial relations powers to the Commonwealth. In doing so, its capacity to replicate the advances in other State jurisdictions has been complicated by its reliance on the Federal *Workplace Relations Act 1996* ('WRA'). *Part VIA – Minimum Entitlements of Employees, Division 2 – Equal remuneration for work of equal value* of the WRA embodies the equal remuneration provisions, which are untested, and arguably limited and uncertain.

The Victorian Government established an Inquiry into Gender Pay Equity in Victoria on 25 March 2004, in order to determine the status of pay equity and to identify action, which might be taken.

To assist with its deliberations, the Inquiry initiated research into pay equity in Victoria, including national and international comparisons, and some comment on the implications of different legal initiatives.

The report is the outcome of research which has included an analysis of current and historical data to identify the extent of the gender pay gap in Victoria, a review of Australian and international debates as to the causes of the gender pay gap and an analysis of Australian and international models used to regulate and advance pay equity. In addition, focus groups with employer, union, community, and Government were held to gather the views of representatives of these key stakeholder groups.

9.2 Summary of URCOT's findings

9.2.1 Gender pay equity profile

Gender pay equity is measured in terms of ratios, which convert female earnings into a proportion of male earnings. For example, a gender pay ratio of 90 means that on whatever measure being considered, whether it be full-time ordinary hourly earnings, or weekly total earnings for all employees, or some other employment category, women are receiving 90 per cent of the equivalent male rate.

From Australian Bureau of Statistics (ABS) data, using hourly earnings for non-managerial full-time adult employees, the gender pay equity ratio in Victoria is 89.8 per cent (see Table 30). There has been no sustained improvement in women's pay as a percentage of men's between 1986 and 2002 – an increase of only 1.8 percentage points. If earnings for full-time managerial employees are taken into account the ratio falls to 81.6 per cent (see Table 30), which is slightly higher than the national ratio of 81.4 per cent.

22 'Labor: Listens then Acts: Labor's Plan for Building a Stronger and Fairer Community in Victoria', Chapter 10, Fairness and Safety at Work, 2002 Platform of the Australian Labor Party, available at: <http://www.vic.alp.org.au/policy/platform.html>

Table 30: Women’s earnings as a percentage of men’s, Victoria 1986 – 2002

Full-time adult non-managerial employees		Part-time adult non-managerial employees		All full-time adult employees	
Ordinary hourly earnings	Total hourly earnings	Ordinary hourly earnings	Total hourly earnings	Ordinary weekly earnings	Total weekly earnings
90.0	88.0	98.2	97.9	83.5	79.5
90.5	88.3	98.0	96.9	84.2	80.0
90.2	88.2	94.4	93.9	83.6	79.2
92.2	90.6	95.9	95.9	86.0	82.5
93.7	91.8	97.3	96.1	86.0	82.0
89.4	87.5	93.5	93.2	83.4	79.3
90.9	89.2	96.0	95.7	84.0	80.5
91.7	90.0	99.4	99.5	84.4	81.1
90.8	89.8	94.4	93.9	84.4	81.6

Source: ABS, Catalogue Number: 6306.0, unpublished data

The gender pay equity ratio for total hourly earnings for part-time non-managerial employees, at 93.9 per cent in 2002, was four percentage points lower than in 1986 (Table 31). The available data suggests a decline in hourly earnings for part-time employment relative to full-time employment, a fall of 2.1 percentage points for male employees and 8.4 percentage points for female employees (Table 31). The distinct difference in the trajectory of full-time and part-time earnings, for women, indicates that increases in earnings realised by women in full-time employment have not been replicated to the same degree in areas of part-time employment.

Table 31: Part-time hourly earnings as a percentage of full-time hourly earnings, adult non-managerial employees, Victoria 1986 – 2002

Male part-time hourly earnings as a proportion of male full-time earnings		Female part-time hourly earnings as a proportion of female full-time earnings		Part-time earnings as a proportion of all full-time earnings	
Ordinary hourly earnings	Total hourly earnings	Ordinary hourly earnings	Total hourly earnings	Ordinary weekly earnings	Total weekly earnings
94.8	92.8	103.5	103.2	96.6	95.3
99.2	97.0	107.5	106.5	101.2	98.8
99.4	97.3	104.1	103.5	98.3	96.4
100.3	98.1	104.4	104.0	100.1	98.4
96.9	95.3	100.7	99.7	97.4	95.6
94.3	92.1	98.6	98.2	93.2	91.2
90.3	88.6	95.4	95.0	90.6	89.5
87.4	85.5	94.7	94.5	89.5	88.5
91.1	90.7	94.8	94.8	90.5	90.0

Source: ABS, Catalogue Number: 6306.0 – Unpublished data

There is naturally some variation in gender pay equity ratios across industry and occupation sectors in Victoria (see Table 32). Among occupations, the ratio is lowest among tradespersons, advanced clerical and service workers, intermediate, production and transport workers, and labourers and related workers. Across industry sectors, the gender pay equity ratio is lowest among the finance and insurance, property and business services, and personal and other services, sectors. The public sector (94.5 per cent) has a lower gender earnings gap than that evident in the private sector (86.6 per cent).

Table 32: Gender pay equity ratios and total hourly earnings by industry, Victoria, 1996, 2002

ANZSIC industry group	1996			2002		
	Male earnings	Female earnings	Pay equity ratio	Male earnings	Female earnings	Pay equity ratio
Electricity, Gas & Water Supply	\$20.70	\$15.90	76.8	\$27.90	\$23.90	85.7
Finance & Insurance	\$19.30	\$15.60	80.8	\$27.50	\$21.30	77.5
Construction	\$17.90	\$14.50	81.0	\$25.70	\$21.10	82.1
Mining	\$19.10	\$17.50	91.6	\$25.70	\$18.10	70.4
Communication Services	\$20.00	\$17.30	86.5	\$25.60	\$23.50	91.8
Education	\$20.40	\$18.20	89.2	\$25.50	\$24.60	96.5
Property & Business Services	\$18.70	\$15.80	84.5	\$24.40	\$19.70	80.7
Government Administration & Defence	\$17.40	\$17.10	98.3	\$23.70	\$22.60	95.4
Personal & Other Services	\$20.20	\$14.30	70.8	\$22.90	\$16.40	71.6
Transport & Storage	\$18.20	\$15.50	85.2	\$22.50	\$21.30	94.7
Cultural & Recreational Services	\$17.40	\$16.10	92.5	\$21.60	\$22.40	103.7
Health & Community Services	\$19.20	\$16.90	88.0	\$21.30	\$20.40	95.8
Manufacturing	\$17.50	\$14.30	81.7	\$21.10	\$19.70	84.4
Wholesale Trade	\$16.40	\$14.40	87.8	\$19.00	\$17.70	93.2
Retail Trade	\$14.90	\$12.50	83.9	\$16.10	\$15.70	97.5
Accommodation, Cafes & Restaurants	\$14.10	\$12.30	87.2	\$15.60	\$15.40	98.7
Public Sector	\$19.90	\$17.80	89.4	\$25.30	\$23.90	94.5
Private Sector	\$17.30	\$14.70	85.0	\$21.70	\$18.80	86.6

Source: ABS, Catalogue Number: 6306.0 – Unpublished data

9.3 What causes the gap? – Contributing factors

9.3.1 'Women's work' – Undervaluation

One of the issues for women is the intersection of the domestic division of labour and undervaluing of work that is seen to be an extension of domestic or women's work (childcare, for example). The critical gender pay equity issues for women in low paying feminised occupations (dental nursing, for example) and industries (retail, for example) arise from the lower rates of pay that attend women's work compared to those in masculinised areas. This distinction is more important than the comparative assessment of female and male rates of pay within an occupation or industry sector. Undervaluation is often obscured because men and women are seen to be doing

different work and assumptions are made about the expertise required by women workers and their contribution to the infrastructure that supports productivity. These issues have not been addressed by wage fixing principles and job evaluation systems.

Most data on pay equity is derived primarily from quantitative research. However, case studies conducted for the New South Wales (NSW) Pay Equity Inquiry provided a stark illustration of how seemingly benign award and agreement structures perpetrate the undervaluation of women's work. This was evident through:

- the absence of appropriate classification structures;
- poor recognition of qualifications;
- the absence of previous and detailed assessments of the work;
- gendered characterisations of the work undertaken by women; and
- inadequate application of previous equal pay measures.

Given that Victorian workers have been covered by similar approaches to wage fixing, it is reasonable to conclude that the situation in Victoria would not be vastly different from that in other states and that many feminised occupations are also undervalued.

9.3.2 Part-time and casual work

Currently, the solution to providing 'family friendly' workplaces is seen to be part-time work. However, despite regulation, part-time employment has a negative impact on life long earnings and reinforces a women's subordinate role in the labour market and the household. Lower earnings are a result not only of the lower number of hours worked but also the type of part-time positions that are available. Permanent part-time work is marginalised through the lack of higher earnings, promotion, and training opportunities that it provides. There are a low proportion of part-time positions in higher paying managerial, administrative, and professional positions compared to sales and service positions. Although there has been an increase in the number of men entering part-time employment, it remains a feminised form of employment – almost 72 per cent of part-time employment is undertaken by women.

A substantial amount of part-time work is casual employment, which has grown from 16.0 per cent of all employment in 1985 to 27.6 per cent in 2003. In 2003, 31.9 per cent of employed women in their main job were employed on a casual basis – the comparable figure for men was 24.9 per cent. In 2003, 64.9 per cent of casuals were employed on a part-time basis. Men comprise 70.2 per cent of all full-time casuals while women comprise 67.2 cent of all part-time casuals.

The rationale for the increased use of part-time and casual employment and women's disproportionate engagement in these forms of employment is the subject of debate across the available research, both domestically and internationally. The age of a family's youngest child continues to affect mothers' overall labour market participation and engagement in part-time rather than full-time work. Only 32 per cent of mothers with a child under one year of age are in the labour force, with the comparative figures standing at 52 per cent and 66 per cent when the youngest child is two years of age and six years of age respectively (ABS Cat. no. 4442.0). Regardless of whether part-time workforce participation is voluntary or represents under-employment, many part-time workers risk having their skills underutilised and they are likely to have less access than their full-time counterparts to bonuses and shift allowances and to promotional and training opportunities. Pay inequity affects women's livelihood not only

during their working lives, but in retirement also. Preston and Austen (2001) have demonstrated that even under a fully matured Superannuation Guarantee system, women are likely to remain heavily dependent on the age pension. This is an inevitable consequence of women's broken or otherwise marginal involvement in the labour market throughout their working lives.

9.3.3 Methods of wage fixing

Recent research has examined the influence of wage structure and wage setting on earnings differences. Generally, although not unanimously, the research indicates that pay compression favours women. Greater income dispersion may also mean that improvements in the gender pay equity ratio may arise because of a relative fall in men's earnings. That is, the narrowing of the gap may be caused by a reduction in earnings for men and not an increase in women's earnings, which does not represent a positive outcome for men or women

Four dimensions of the collective bargaining system are said to shape earnings differences between men and women:

- Weaknesses in the collective bargaining system arise not only from women's lower representation within collective bargaining agreements but also from the level of wages negotiated and the content of collective bargaining.
- Generally, the evidence suggests that the greater the degree of decentralisation the wider the gender pay gap.
- Gendered norms and valuations concerning masculinised and feminised work remain embedded in minimum wage systems, collective bargaining systems, and job gradings at an individual workplace.
- A range of forces that include the influence of more individualised and performance related systems and their promotion in female dominated industries.

This international work on collective bargaining provides a background to the local debate on the impact of the policy shift to more decentralised forms of bargaining in Australia. Official accounts of enterprise bargaining assert that gender pay equity ratios have improved in the era of enterprise bargaining (DEWRSB 2000a, p. 113), Whitehouse (2001) observes, however, that the nominally benign trend in gender pay equity ratios for full-time workers masks a growing disparity between the hourly earnings for full-time and part-time employees and falling returns to part-time work. Whitehouse observes that the regulation that formerly attended part-time work (through pro rata entitlements in awards) has altered in favour of arrangements that promote the use of non-standard employment (Whitehouse 2001, pp. 69–70).

9.3.4 Award dependency

Men are therefore doing better out of enterprise bargaining than women, but there is also an issue about whether women are gaining access to the benefits of this sort of bargaining at the same rate as men. This difference in access is most apparent for women employed on a part-time basis and women employed in the private sector. Workplaces in accommodation, cafes and restaurants, and property and business services have been slower to embrace enterprise bargaining and, while the rate of bargaining in feminised sectors has improved since the early years of enterprise

bargaining, workplaces in these sectors have not experienced multiple rounds of enterprise bargaining, as have sectors in construction and manufacturing.

There are large-scale differences in pay according to the form of industrial agreement – awards, registered collective agreements, and individual agreements. Award earnings are lower than those available through collective and individual agreements, and consequently the gap in earnings between men and women is lower among award-covered employees. The pay equity outcomes for women in Victoria under award regulation differ from those evident in New South Wales and other states and territories. This may reflect the impact of Schedule 1A arrangements. However, considerable uncertainty attends the collection of data in this area, including the correct classification of Schedule 1A employees.

The comprehensive Victorian system of wage determination was replaced in 1992 and in 1996; the majority of Victoria's industrial relations powers were referred to the Commonwealth. The group of Schedule 1A workers comprised those workers who were not covered by federal awards or agreements at the time of the referral. Between 1992 and 1996, 18 industry sectors were created. These were used in place of comprehensive awards to determine minimum hourly rates of pay. These industry sectors were used as a reference point for wage determination under Schedule 1A.

The Federal Awards (Uniform System) Act brought a large section of the Victorian labour force, (former Schedule 1A workers), under the operation of the federal award system. This was achieved by a referral of further industrial relations power to the Commonwealth. Federal legislation (*Workplace Relations Amendment (Improved Protection for Victorian Workers) Act 2003*) was passed to apply federal award standards (20 minimum conditions) to Victorian Schedule 1A workers. The amendments, which came into effect on 1 January 2004, and provided for the AIRC to make common rule awards for Victorian employees and provided for the minimum conditions in Schedule 1A to be improved, principally, to include a right to be paid for hours worked beyond 38 in any one week, two days bereavement leave and an increase in sick leave from five to eight days (to include carer's leave).

The critical issue for women arises from their greater reliance on award earnings and lower participation in workplace bargaining. Women are more likely to depend on minimum wage regulation. Nearly a third of women in the private sector rely on award movements to determine their wage rates as compared to 17 per cent of private sector men.

9.3.5 Education and experience

Some part of the gender pay gap can be attributable to differences in education and workforce experience between men and women. Yet international research indicates that the explanatory force of these factors is falling as women increase their participation both in education and the labour market (for example, architects, medical practitioners and lawyers).

The research suggests that occupational segregation and women's disproportionate representation in part-time employment contribute to the gender pay gap in total earnings. The research assessing those factors that explain some part of the gender pay gap also notes that some of these factors may be gendered in that they are based on the assumption that level of education, qualifications, length of service, and occupation are the result of free choices made by men and women.

The weight to be afforded women's disproportionate representation in part-time work is contested within the research. Some analysts argue forcefully that it is individual choice and women's attitudes, which explain the polarisation of women into those pursuing careers in the paid labour market and those who pursue other options. Yet the research also indicates that any assessment of women's 'preference' for part-time work should acknowledge the way in which industrial notions of full-time work preclude family responsibilities. 'Choice' is thus contextualised by a range of labour market and social policy constraints and 'attitudes' are significantly shaped by the circumstances in which women find themselves.

These factors are, however, unable to explain all of the pay gap – thus part of the earnings gap, even when adjusted to account for education, sectoral and workforce experience differences, remains unexplained.

Most econometric studies show that, when differences in job and personal characteristics are accounted for, women still receive less income than men. Most studies define this unexplained gap as sexual discrimination.

9.4 Regulatory measures

The research undertaken for the Victorian Pay Equity Inquiry has established that there is a pay gap. It has outlined at least part of the cause, and has considered possible interventions. There is some consensus both in Australia and overseas that regulatory measures are needed to improve pay equity. Drawing on experience in a range of pay equity regulatory regimes in place internationally, their distinguishing characteristics include:

- whether they are located through industrial/employment based tribunals or human rights type frameworks;
- whether they are complainant based or proactive in nature, and if the latter, whether they are voluntary or mandatory;
- whether the remedies are limited to an individual, or group of individual complainants, a single workplace or employer, or industry and occupation;
- whether the remedies are capable of providing retrospective relief;
- their capacity to examine disparate areas of work; and
- their capacity to examine market rates of pay.

9.4.1 Australia

No jurisdiction entirely matches the distributive measures for pay equity relief that were in place in Australia – both the Federal and the majority of state jurisdictions – following the 1972 equal pay for work of equal value decision. The institutional measures at that time had a distinct effect on the trajectory of Australia's gender pay equity ratio and remedied a significant proportion of gender pay differences, as they were understood at that time. The increase in Australia's gender pay equity ratio arose from changes in legislation and the wage determinations of industrial tribunals rather than sudden and differential improvements in the human capital among men and women in a short period of time (Gregory 1999). The strength of Australia's institutional measures was grounded in the mechanism through which pay equity relief was granted. Pay increases were awarded through a centralised system, with increases in award wages being granted on an industry basis.

The regulatory framework, which framed the institutional measures available to Australian women, has altered from that in place post 1972. More so than in the past there are differences in the remedies available to women employed in Federal and particular state jurisdictions. New equal remuneration principles have been introduced in New South Wales, Queensland, and Tasmania. However, due to the transfer of industrial powers to the Commonwealth Government in 1996, Victorian workers are covered solely by the Federal industrial relations jurisdiction.

9.5 Are the current measures sufficient?

The Inquiry looked at what pay equity is, how it is caused, and what can be done. This raised specific questions about the options available in Victoria to advance pay equity as a policy goal. The first issue was the relevance of the Workplace Relations Act, which covers all Victorian workers.

9.5.1 The Workplace Relations Act

In Victoria, the applicable institutional measures are primarily those in the Workplace Relations Act. The provisions available in industrial jurisdictions carry key significance because they usually provide a more effective means than the discrimination jurisdictions to provide collective and prospective solutions for gender pay inequity. In part, this arises from Australia's historical and current forms of wage determination and system of industrial awards and agreements.

What is at issue is whether the institutional measures in place under the Workplace Relations Act are sufficient to address present gender pay inequity.

9.5.2 Equal remuneration provisions

The analysis of the Federal equal remuneration provisions obtained by URCOT notes that the existing equal remuneration provisions have been under-utilised and there is a limited capacity to assess what form of equal remuneration orders the Commission can issue, given the absence of any equal remuneration orders to date. This observation indicates that the Federal provisions provide a nominal right to equal remuneration for work of equal value. Yet a number of limitations and ambiguities weaken the enforcement of these provisions.

The current provisions are limited by their terms and their interpretation. A key feature of the Commission's current interpretation of the provisions is the reliance on discrimination as a threshold test of whether the objective of equal remuneration is met. There is a lack of clarity as to the meaning to be afforded to the term discrimination. The reliance on discrimination provides that the applicants need to establish a discriminatory cause for any male/female earnings disparity that is the subject of an equal remuneration claim – effectively the test becomes one of sex-based discrimination in the setting of pay rates. This approach is problematic because it suggests gender pay inequity can only be proved by comparing a female dominated job with a male dominated job. Such a comparator methodology is notoriously difficult to prove and fails to incorporate the latest understandings of undervaluation.

The terms of the Federal equal remuneration provisions are further limited by the context in which they have been introduced. The direction of industrial relations reform has dictated that the scope for award-based remedies to labour market inequality has been effectively reduced. This orientation confounds earlier equal pay reforms, which

provide remedies on an industry wide basis. The across-the-board solutions provided through the 1969 and 1972 equal pay principles are only available in limited circumstances.

9.5.3 Discrimination or undervaluation?

It is not clear that the current Federal provisions have the capacity to assess whether there has been undervaluation of work based on the gender of the worker. The new equal remuneration principles in New South Wales and Queensland overcome the assumption of earlier rates being correctly set but do not require that the applicant parties demonstrate that the rates have been incorrectly set by way of sex discrimination.

While the existing equal remuneration provisions in the Workplace Relations Act are under-utilised, the analysis provided to URCOT suggests that they lack the capacity to remedy gender pay equity in the manner provided by the equal remuneration principles recently determined in New South Wales and Queensland.

The state based tribunals in New South Wales and Queensland have been explicit about the limitations of an approach that utilises discrimination as a threshold test. Accordingly, both the equal remuneration principles in New South Wales and Queensland utilise undervaluation rather than discrimination as their key construct.

In pressing the case for a more effective model the Victorian Government should adopt as a minimum starting point the model recently adopted in Queensland. This model comprises legislative provisions, which provide that the equal remuneration principle applies when the Commission makes, amends or reviews awards, makes orders, arbitrates industrial disputes about equal remuneration, values or assess the work of employees in female industries, occupations, or callings. The principle utilises undervaluation rather than discrimination and identifies areas worthy of investigation in identifying potential undervaluation. The model also recognises the need for funds to support the investigation and remedy of gender pay inequity.

10 Paving the Way for Older Women in the Workforce 2025

10.1 Background

On 3 September 2004, at the Premier's Annual Women's Summit, the Premier, Steve Bracks announced a research project to examine ways of improving the participation of older women in the workforce.

Population ageing and weaker population growth are predicted to have a significant impact on workforce participation in Victoria. Demographic trends suggest that workforce participation is likely to decline significantly and that there will be greater dependency on the active economy to support an increasing proportion of older people not in the workforce. The Victorian Department of Treasury and Finance discussion paper, *Shaping a Prosperous Future: Prospects, Issues and Choices*, examines some of the key long-term economic and fiscal issues confronting the State.²³

23 This paper can be accessed from:
<[http://www.dtf.vic.gov.au/DTF/RWP323.nsf/0/835d685471958d62ca256d1000d6b5a/\\$FILE/78001_DTF_TEXT.pdf](http://www.dtf.vic.gov.au/DTF/RWP323.nsf/0/835d685471958d62ca256d1000d6b5a/$FILE/78001_DTF_TEXT.pdf)>

The ageing of the workforce will have a significant impact on Victoria's future labour supply and economy. Current projections suggest that the labour supply will be insufficient to meet economic growth in both the public and private sectors and that the dependency ratio will change from 4 active employees to 2.5 active employees per older person.

This issue was seen as a concern to all Victorians. Government, business, employees, families, and the wider community will all experience the effects of the ageing workforce. In particular, increased female labour market participation may address potential labour and skill shortages. However, the ageing of the workforce is of particular significance for women's future attachment to the labour market, their economic independence, their retirement income, and their role in family and community caring.

Issues of concern to women as they age relate to:

- Maximising their labour market participation in order to increase their financial independence and retirement income.
- Being treated fairly in all aspects of employment, based on not only gender but also age, so that they can continue to work and progress their careers regardless of their age.
- Balancing their work and family responsibilities as they age – as there is strong evidence that women's caring roles do not stop once their children have grown up, but that they are then responsible for caring for parents, other ageing family members and increasingly for grandchildren. These responsibilities may limit women's opportunities for on-going employment, unless workplaces provide fair and flexible work arrangements that allow for an accommodation of on-going work and caring responsibilities.
- Being in workplaces that are responsive to the employment needs of older female workers.
- Being able to re-enter the labour market when they are older, if they have taken career breaks for family or other reasons.
- Ultimately, avoiding poverty in older age.

The Paving the Way for Older Women in the Workforce 2025 Project was designed to examine these issues and to contribute towards a more productive Victorian workforce and economy, where businesses recognise and capitalise on the significant skills and experience of older women.

The project examined workforce demographics in Victoria, charting the gaps between the expected supply and demand for labour in 2025, and what this will mean in terms of maximising female labour market participation in 2025 and identify the main employment, industry, and workplace factors that may impede and encourage female labour market participation throughout their lives, especially as they age. The cohort of women who are currently forty-five years (45) old would be a particular focus of the project.

10.2 Research findings – Executive summary

Paving the Way for Older Women in the Workforce examined how the future size of the Victorian workforce will vary if the female participation rate increases. Utilising scenario analysis and ABS population data, the report demonstrates how important women's

participation rates will be in determining the future size of the Victorian workforce. The effects of changing participation rates are compared to the effects of higher levels of overseas migration.

One scenario, using a high increase in women's participation in the workforce is predicted to have greater effect on the labour force than increasing overseas migration to 25,000 per year, over the 2005-2030 periods.

Increasing women's participation in the workforce, especially in the 25 – 65 age groups, is one way to offset the effects of declining participation rates projected because of demographic change.

The report identifies a number of other factors that could push age-specific female participation rates higher. These include:

- An improvement in the average educational qualification level of Victorian women
- An increase in women's employment in the strongly growing services sector of the economy

Employment opportunities for women in the services sector are expanding at different rates across Victoria. For example, industries currently experiencing the most rapid increases in employment, such as property, business and accommodation, cafes and restaurants, are some of the most important business activities in Melbourne.

Employment opportunities for women differ across Victoria. Although the challenges created by demographic change appear to be largest in regional Victoria, the employment opportunities for women in some regions are not, on the face of the statistical evidence reviewed, as large as they are in Melbourne. There appears to be something of a 'blind spot' in the economic literature when it comes to older women in the workforce. While there are many studies about the female participation rate as a whole, and of older men's participation behaviour, very few studies are specifically designed to explore the range of issues that are important in determining whether an older woman is able or willing to participate in the labour market.

Most economic studies of participation behaviour are based on the idea that a person has a choice about participating in the labour market or not. However, the participation decision by a particular woman is determined first, by the opportunities available to her in the labour market; second, by her ability to respond to these opportunities; and, third, by her financial need to engage in paid work.

10.2.1 Wage opportunities

The available literature on older women's participation behaviour indicates that the decision to participate in the paid labour market is significantly affected by available wage opportunities. The 'wage opportunity' is the trade-off between how much a woman could earn if she stayed in continuous paid employment or not.

Studies of the issue have found that the responsiveness of participation behaviour of women in their forties to wage opportunities is high when compared to younger women, older women, and men. Higher net wages seem likely to attract women in their forties to the workforce. Conversely, changes in wage opportunities do not significantly affect the participation behaviour of women in their fifties and sixties: An increase in wages (or a decrease in tax rates) will not produce a significant change in participation or hours of work for women in their fifties and sixties.

10.2.2 Education and participation

An important finding of the review of the theoretical and empirical literature was the strong link between education and participation. However, it is difficult to isolate the effects of education on participation behaviour from those produced by other factors, such as workforce experience.

From the current literature, English skills appear to be a crucial factor in determining older women's ability to participate in the labour market. Older women from CALD communities may also confront a greater financial need to participate in the labour market.

10.2.3 Health and participation

Other factors that appear in the current literature as key determinants of older women's participation behaviour include their health status and the caring roles that women take on in their families and communities.

Several studies have reported women with poor health have less likelihood of participation in the labour market. Most studies also conclude that the presence of young children in a household reduces the chances of participation by a woman. However, the presence of older children does not significantly impede participation and, indeed, several studies have identified a positive link between the number of older children in a household and the likelihood of labour market participation by a woman.

10.2.4 Retirement income

Paving the Way surveyed the literature on the connections between older women's participation in the paid workforce and their access to a 'decent' retirement income. This is largely a Federal Government responsibility.

Key studies in this area have identified a positive but limited role for lifting the level of retirement savings by increasing participation rates of older women. This is largely because the greatest benefits from savings for retirement accrue early in a person's working life.

There is a need for a broad range of policies to address such issues as access to:

- A decent retirement income for women who have 'invested' in the care of their families and communities
- Employment for women of all ages
- Suitable information on how to save for retirement

Paving the Way also explored the role of factors such as health status and children in determining older women's participation chances. It also added a unique 'dynamic' analysis of women's participation behaviour by focusing on the role of prior labour force experience in determining the likelihood of later life participation in the labour market.

10.2.5 Living alone

Findings in the report indicate that poor health is a major barrier to the chances of labour market participation for older Australian women. However, these effects appear to be less severe for partnered women than non-partnered women in their forties. One possible explanation for this difference is that partnered women are more able than

their single counterparts to access the support they need to continue with paid work when their health is poor.

10.2.6 Children and partners

The findings also show that the presence of young children in a household acts as a substantial constraint on the participation chances of women in their late thirties and early forties. These effects were particularly strong for women who did not possess tertiary qualifications in 1997. This leads to an important general conclusion, that the possession of tertiary qualifications makes it more likely that an older woman will be involved in paid work no matter what other events are occurring in her life.

An additional finding was that the participation behaviour of older partnered women is affected significantly by their partner's employment status.

10.2.7 Earlier employment status

The dominant finding of the study was of a very strong linkage between participation chances as an older woman and earlier labour market involvement. A woman who did not participate in the labour market when she was younger is quite unlikely to be involved when she is in her late forties, regardless of her current family and economic circumstances.

These findings applied to all women in the study but were especially pronounced in the results for the group of women without tertiary qualifications. It appears that for women with lower levels of qualifications later life participation behaviour is largely determined by the age of 35. For tertiary educated women later life participation is largely determined by the age of 45.

10.3 Overall assessment

The tentative assessment of the policy implications of these statistical findings are:

- that higher levels of education will contribute to women's ability to remain engaged (and to re-engage) with paid work over the whole of their life course. This creates further arguments for ensuring that education is accessible and affordable for women;
- that the group of women who encounter the greatest barriers to re-engagement with paid work are women with relatively low levels of education. Policies aimed at increasing skill levels, addressing a potential lack of job contacts, and improving women's confidence in approaching the job market are likely to be especially important for this group of women; and
- that action to increase older women's involvement in paid work must take a long-term perspective. Measures that, for example, increase the ability of younger women with children to either remain engaged in paid work, or pursue additional study, are likely to have a substantial effect on the chances that they will be labour market participants in the future.

10.4 Different life course scenarios

Several of the findings can be brought together to describe some possible 'life course' scenarios for Victorian women over the period to 2025.

10.4.1 Tertiary education scenario

A 'life course' experience that is likely to be increasingly common is that of a woman who gains a tertiary education and does not have children until at least the age of 30. If she is living in Melbourne, and if she is able to remain in good health, this woman's involvement in paid work is likely to be very high and less affected by her partner's employment status than her mother's was.

It is unlikely that she will have more than two children and, although having a child is likely to affect her career experience, it is probable that she will return to the paid workforce after she has children and continue to participate in the workforce when she is older.

If she is able to maintain a high rate of participation and average work hours, and if she is also able to secure well-paid work, then this woman is likely to have access to an independent source of retirement income. However, her level of retirement income is likely to be compromised by periods of workforce absence, reduced hours of work, and/or acceptance of jobs that pay wages that do not reflect her skill level. In other words, if she continues to take on a key role in caring, then under current workplace, tax, and retirement income arrangements, she is likely to be penalised in her retirement.

10.4.2 High school qualifications

Another type of life course that will be common over the period to 2025 is that of a woman who has only secondary school qualifications.

The pattern of her involvement in the paid workforce is likely to be less certain, and be more affected by life events, than that of her tertiary educated counterpart. Her involvement in the paid workforce when she is in her thirties will vary depending on her early career experiences, the number of children she has, and her ability to stay in good health, .

If her early experiences of paid work are positive and her health remains good, she is likely to have a high level of involvement in the world of paid work in her thirties and early forties. This, in turn, is likely to cause her to face fewer barriers if she chooses to continue working as an older woman. It is also likely to contribute to her chances of having access to an independent source of retirement income, although she will face the penalties associated with caring responsibilities.

10.4.3 Lower education scenario

This scenario is not as positive, although it must be emphasised that these scenarios are only based on 'averages' and the experiences of individual women within each group are likely to vary considerably.

A woman with a lower level of education who, because of either poor early workforce experiences or absence from the workforce due to childbirth/caring or poor health, is likely to encounter several obstacles to labour force participation as an older woman.

Her chances of securing an independent source of income both in her pre-retirement and post-retirement years are, on average, poor. She is likely to remain either dependent on income from other family members and/or meagre Government 'welfare' support as an older woman.

10.5 Common experiences

Across all scenarios, some experiences are likely to be common to all women.

10.5.1 Balancing work and caring responsibilities

Carer responsibilities – attempting to balance involvement in paid work with caring for older family members or a sick spouse – is a common experience for many women. The ability to access workplace conditions that enable these caring needs to be met without compromising employment chances and future income security will increasingly define women's economic and social wellbeing.

10.5.2 Work and personal health

Another experience that is likely to become more commonplace is that of trying to manage continued involvement in paid work with a personal health problem.

Much of the discussion of the effects of extended absences from work for women's employment and retirement income prospects has centred on maternity. However, as more women (and men) move into their forties, fifties and sixties, the need for leave entitlements, re-entry programs, and/or income support for people encountering health crises is likely to become more pronounced.

10.5.3 Gender and age

The experience of ageism and, possibly gendered ageism, is likely to become more commonplace. The fact that relatively few women have continued to attempt to work into their sixties has meant that most of the focus of research and policy on sex discrimination has been on the experiences of younger women.

Changes to the retirement income system are increasing the financial imperative for many women to continue working. The responsibility for this is clearly in the hands of the Federal Government. Changes in education and women's own life aspirations are causing many women to want to stay in rewarding work longer. However, these needs will be frustrated if attitudes to older women in the workforce are outdated and discriminatory.

11 Quality Part-Time Work – Working Better for Everyone

11.1 Background

An effective solution to balancing work and family creates a productive workplace and a rewarding family life. Today's workplace must respond to changing labour force demographics, the need for increased workplace flexibility, and the importance of a skilled and engaged workforce. Quality part-time work is about attracting and retaining skilled workers who also have family responsibilities. Putting quality part-time work firmly on the agenda is one-step towards an effective solution.

In assisting to meet this challenge, Industrial Relations Victoria undertook the Quality Part-Time Work Project in partnership with business and unions to:

- raise employee, business and community awareness;
- provide practical assistance and support to employees and employers; and
- ensure that the Victorian Government policies and programs reflect and reinforce the pursuit of a better balance between work and family life.

11.2 Project findings

The Quality Part-Time Work Project was conducted in four separate stages:

11.2.1 Stage 1 – Statistical overview of part-time work

Stage 1 included a comprehensive statistical overview of part-time work in Australia and Victoria. It was based largely on Australian Bureau of Statistics labour force survey data, which defines a part-time worker as an employed person who usually works less than 35 hours per week.

Across Australia:

- Almost one-third (29 per cent) of employed persons work part-time.
- Just under half (46 per cent) of all employed women work part-time.
- Women make up just under three-quarters (70 per cent) of all part-time employed persons.
- Employed women aged 25-54 years with dependants make up just over a quarter (28 per cent) of all part-time employment.
- Employed women aged 25-54 years without dependants constitute one fifth, (20 per cent) of all part-time employment across Australia.
- Men's share of part-time work is increasing. The ratio of male to female employed persons working part-time has steadily increased from 1:6 in 1978 to 1:3 in 2004.
- Well over four-fifths (85 per cent) of employed men working part-time were employed on a casual basis, as were well over half (55 per cent) of all employed women working part-time.
- The most common main reason for working part-time was going to school, college or university (23.4 per cent), followed by caring for children (23.1 per cent) and a preference for part-time work (21.4 per cent).

Within Victoria, the pattern of part-time employment reflects that for Australia as a whole:

- Men aged between 25 and 54 years make up only 10 per cent of all employed persons working part-time, women aged 25 to 54 years make up 45 per cent.
- The proportion of 15-24 year old Victorians employed part-time is increasing. Between 1985 and 2004, the proportion of women aged 15-24 working part-time more than doubled from 25 per cent to 58 per cent, while the proportion of men aged 15-24 and working part-time tripled from 14 per cent to 42.0 per cent.
- Seven out of ten part-time employed persons do not want more hours of work - a greater percentage of men working part-time would prefer more hours (28 per cent), than would women (22 per cent).
- Just over half (51 per cent) of all employed persons in the industry sector Accommodation, Cafes and Restaurants worked part-time. In Retail Trade 48 per cent of employed persons worked part-time, while in Cultural and Recreation Services 47 per cent worked part-time and in Health and Community Services 44 per cent worked part-time.
- Across Victorian industry, part-time employment is concentrated in Retail Trade where almost a quarter (24 per cent) of all Victoria's part-time workers

are employed, Health and Community Services (16 per cent) and Property and Business Services (11 per cent).

- Part-time employment is concentrated across three occupational groups: Intermediate Clerical, Sales and Service Workers (23 per cent), Elementary Clerical, Sales and Services Workers (21 per cent) and Professional (17 per cent).

11.2.2 Stage 2 – Review of international and national research

Stage 2 reviewed national and international literature on the growth of part-time work, the role of part-time work in facilitating work and family balance and approaches used by Government, unions and business to promote quality part-time jobs.

The literature indicated that part-time work does have a major role in assisting workers to balance their work and family responsibilities; however, the form that it takes differs according to gender and life stage.

While the literature varied on how the quality of jobs might be measured, the review identified the following as objective indicators of the quality of part-time work:

- access at all occupational levels and for both men and women;
- the same protections as full-time work in respect to job protection, predictability of hours and protection against discrimination;
- pro-rata wages and access to benefits;
- equal access to training and promotion;
- possibility of moving either way between full-time and part-time work;
- inclusion in the workplace culture and work group; and
- recognition that people have a life outside work.

11.2.3 Stage 3 – Case studies of private and public sector organisations which have introduced quality part-time work

The Quality Part-Time Work Project involved extensive consultation with employer associations and unions in industries with high proportions of part-time workers. This consultation identified organizations where quality part-time work had been successfully introduced.

Stage 3 of the project provided practical examples that show how the issues identified in Stages 1 and 2 of the Project have been addressed at the workplace level.

The case studies came from the following organisations:

- Alexandra District Hospital: quality part-time work for nurses
- City of Port Phillip: quality part-time work in Local Government
- Compass Group: quality part-time work in hospitality
- Epworth Hospital: quality part-time work for nurses
- Irish Murphy's: quality part-time work in hospitality
- Moorabool Shire Council: quality part-time work in Local Government
- Ritchies Supermarkets: quality part-time work in retail
- Robinson Gill Lawyers: quality part-time work in law

The outcomes of the first three stages provide the necessary background to the fourth stage, which is the development of best practice guidelines for business in creating part-time employment to ensure that jobs are employment opportunities of quality. Future policy options are also recommended.

11.3 Research recommendations

The Quality Part-Time Work – working better for everyone project concluded with recommendations to improve the quality of part-time work available to workers with family responsibilities. The recommendations included action for business and unions, further action for Government and further action for all parties in partnership.

Section Four: Legislative Framework

12 Legislative Framework

Victoria has adopted a vigorous policy approach to work and family matters and is among other activities, reflected in, active intervention in the Australian Industrial Relations Commissions (AIRC) and legislative enhancements.

12.1 Definitions and scope

A number of questions raised in the discussion paper that relate to legislative arrangements are addressed in this section. These questions are identified in Table 33 below:

Table 33: HREOC Questions identified in Section Four

HREOC Questions	
24.	Why do men with family responsibilities not make more use of the family responsibilities provisions of the Sex Discrimination Act?
27.	Are amendments to the workplace relations system needed to give greater assistance to men and women to address any workplace disadvantage they may face on the basis of their family responsibilities? If so, what particular amendments are necessary? If not, why not
31.	How can Australian workplaces be made more family-friendly?

12.2 Outline of Section Four

In *Section Four* of this Submission, IRV highlights the possible impact of the Federal Government's industrial relations legislative reforms and some changes to workplace relations that could have a positive impact on men, women, and family responsibilities.

13 Impact on Striking the Balance from Federal Government's Legislative Reforms

The Federal Government's proposed changes to the industrial relations system outlined in *WorkChoices: A New Workplace Relations System*, will have a major impact on work and family balance. A possible role for HREOC would be to monitor and publish a report on a regular basis.

There are amendments to the workplace relations system, which would assist both men and women in the balance of work and family. These flow from the recent AIRC decision on the Family Provisions Test Case. The provision that the AIRC decided upon, which reflects the States and Territory submission to the Test Case, is as follows:

"P. Right to request

P.1 An employee entitled to parental leave pursuant to the provisions of clause [1] may request the employer to allow the employee:

P.1.1 to extend the period of simultaneous unpaid parental leave provided for in clause [1] up to a maximum of eight weeks;

P.1.2 *to extend the period of unpaid parental leave provided for in clause [1] by a further continuous period of leave not exceeding 12 months;*²⁴

24 Australian Industrial Relations Commission (AIRC) (2005) *Family Provisions Decision* – August 2005 at paragraph 396, page 104.

Section 5: References

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Section 6: Appendices

15 Appendices

15.1 IRV Submission and HREOC Questions

The relationship between the range of questions posed in the HREOC Discussion Paper (at page 134) and the relevant section of the IRV submission is outlined in Table 34 below.

Table 34: Relationship between IRV Submission and HREOC Questions

IRV Submission: Relevant Sections	HREOC Questions
Section 2: Gender and the Workplace	1. How do changes in arrangements for paid work in Australia affect the family responsibilities of women and men, particular groups of people or particular family types?
Section 2: Gender and the Workplace	2. Do women and men need different Gender and the Workplace to assist them to balance their paid work and family obligations? Why or why not?
Section 3: Workforce Participation	3. Would equality between men and women require a more equal sharing of paid work?
Not addressed within the scope of the IRV submission	4. Why was there so little change in the proportions of unpaid work done by men and women between 1992 and 1997? Are there signs of change since then?
Not addressed within the scope of the IRV submission	5. Does the imbalance in sharing of paid and unpaid work by men and women affect children, and if so, how?
Not addressed within the scope of the IRV submission	6. Does the amount of unpaid work done by women affect their capacity to participate in paid work, and if so how?
Not addressed within the scope of the IRV submission	7. Would equality between men and women require a more equal sharing of unpaid work?
Section 2: Gender and the Workplace	8. Are there particular difficulties in balancing paid work with caring for grandchildren, frail aged parents, or family members with disabilities?
Section 2: Gender and the Workplace	9. Do the experiences of people caring for grandchildren, frail aged parents, or family members with disabilities differ for men and women?
Section 2: Gender and the Workplace	10. What workplace flexibilities are useful for particular types of carers?
Not addressed within the scope of the IRV submission	11. Are there particular difficulties in balancing paid work with volunteering, and if so, should particular workplace flexibilities be available to promote volunteering?
Not addressed within the scope of the IRV submission	12. What effects, if any, do external factors such as partner and community attitudes, social policy or workplace relations have in shaping men's and women's decisions about paid work and family arrangements?

IRV Submission: Relevant Sections	HREOC Questions
Section 3: Workforce Participation	13. What are the relationship, health and other effects of paid work and family conflicts on Australian parents and carers? Do the effects differ for men and women, particular groups of people, particular family types or different types of carers?
Not addressed within the scope of the IRV submission	14. What are the effects on children where their parents have difficulty in balancing paid work with family responsibilities?
Not addressed within the scope of the IRV submission	15. Are children affected differently by mothers' and fathers' paid work and family conflicts?
Section 3: Workforce Participation	16. Do women's and men's different paid and unpaid work obligations affect their economic outcomes, health, relationships and life chances? Do men and women or particular groups of people experience any such effects differently?
Section 3: Workforce Participation	17. Do men's and women's paid and unpaid work arrangements have an effect on productivity in Australia?
Section 3: Workforce Participation	18. What will be the effect of the ageing population upon men's and women's willingness and abilities to undertake unpaid caring work?
Not addressed within the scope of the IRV submission	19. Are fertility rates sensitive to social and economic conditions and if so, what specific conditions and how sensitive are they to changed conditions?
Not addressed within the scope of the IRV submission	20. Is unpaid caring work important for developing social cohesion and social capital? If so, how?
Section 2: Gender and the Workplace	21. What effect would a balance between paid work and family responsibilities for Australia's workers have on Australia's productivity and international competitiveness?
Not addressed within the scope of the IRV submission	22. What effect would a more equal sharing of unpaid household work between men and women have on Australia's productivity and international competitiveness?
Not addressed within the scope of the IRV submission	23. Can anti-discrimination systems assist men and women better balance their paid work and family responsibilities? Why or why not?
Section 4: Legislative Framework	24. Why do men with family responsibilities not make more use of the family responsibilities provisions of the Sex Discrimination Act?
Not addressed within the scope of the IRV submission	25. Should the Sex Discrimination Act be amended to give greater assistance to men and women to address any workplace disadvantage they may face on the basis of their family responsibilities? If so, what particular amendments are necessary? If not, why not?
Not addressed within the scope of the IRV submission	26. Can an individual complaints mechanism adequately deal with discrimination on the basis of family responsibilities? If not, what other changes may be necessary?
Section 4: Legislative Framework	27. Are amendments to the workplace relations system needed to give greater assistance to men and women to address any workplace disadvantage they may face on the basis of their family responsibilities? If so, what particular amendments are necessary? If not, why not?

IRV Submission: Relevant Sections	HREOC Questions
Section 2: Gender and the Workplace	28. Do men make adequate use of the workplace relations system to assist them to balance their paid work with their family responsibilities?
Section 2: Gender and the Workplace	29. Do informal workplace policies work well to assist employees to balance their paid work and family responsibilities? Do they assist some employees more than others, and if so, is this appropriate?
Not addressed within the scope of the IRV submission	30. Have EEO policies and business case arguments produced a greater acceptance of the need for workplaces to be family-friendly?
Section 4: Legislative Framework	31. How can Australian workplaces be made more family-friendly?
Not addressed within the scope of the IRV submission	32. Is Federal Government assistance to families appropriately directed?
Not addressed within the scope of the IRV submission	33. Does the cumulative effect of this Government assistance facilitate choice for women and assist them to balance paid work and family roles? If not, how could this be achieved?
Not addressed within the scope of the IRV submission	34. What effects do Government policies have on decisions made by individuals and families about paid and unpaid work arrangements? Are these effects appropriate?
Not addressed within the scope of the IRV submission	35. What are the best ways of incorporating and supporting the value of care into Australian society?
Section 3: Workforce Participation	36. What are the barriers to changing attitudes towards a more equal division of paid work and family responsibilities?
Not addressed within the scope of the IRV submission	37. What are the best ways of engaging men in the work of caring (for children, elders or other family members) and other unpaid work?
Section 2: Gender and the Workplace	38. How important are workplace cultures, as opposed to workplace structures, as a deterrent to men's more active engagement with their family responsibilities and more equitable sharing between men and women of unpaid work in the home?
Section 2: Gender and the Workplace	39. How can workplace cultures be encouraged to change to promote a better balance between paid work and family responsibilities?
Section 2: Gender and the Workplace	40. What responses to paid work and family conflict would assist to promote equality between men and women?
Not addressed within the scope of the IRV submission	41. What are the possibilities for combining the lessons learnt by the women's and the men's movements to address inequitable paid and unpaid work arrangements?
Not addressed within the scope of the IRV submission	42. What do you think should be the key goals of paid and unpaid work arrangements in Australia?
Not addressed within the scope of the IRV submission	43. What do you think should be the role for each of Government, employers, and families for promoting appropriate divisions of paid and unpaid work by Australian families?

IRV Submission: Relevant Sections	HREOC Questions
Not addressed within the scope of the IRV submission	44. What options are needed for promoting appropriate change to the divisions of paid and unpaid work in Australian families?
Not addressed within the scope of the IRV submission	45. What evidence is lacking on the issues covered in this paper? What else does HREOC need to know in its consideration of these issues?

15.2 Industrial Relations Victoria – Projects and publications

The Victorian Government is committed to fostering fair, co-operative, and innovative workplaces. Industrial Relations Victoria (IRV) through a range of programs has created and developed a suite of evidence based policy documents and information papers, that promote and support this commitment.

15.2.1 State of Working Victoria Surveys – 2002

The *State of Working Victoria Project* is a comprehensive source of information about the working arrangements of Victorian employees and the work practices at Victorian workplaces. It is the most comprehensive and up-to-date source of this information in Victoria since the publication of Australian Workplace Industrial Relations Survey in 1995.

In 2002, Industrial Relations Victoria (IRV) commissioned ACIRRT to undertake a comprehensive survey of Victorian employers (based on workplaces) and employees (based on households) in order to provide an overview of the state of work in Victoria.

The *State of Working Victoria: Household Survey* asked Victorian households a range of questions related to their working lives.

The *State of Working Victoria: Employer Survey* was conducted at the same time and directed a range of questions to Victorian employers about their workplaces. Apart from the agriculture and mining industries, all workplaces with five or more employees were eligible for inclusion.

Eight information papers have been prepared by IRV based on the State of Working Victoria data. Each paper includes a separate Executive Summary. The following is an outline of the State of Working Victoria information papers that are relevant to this submission.

Information Paper 1: The Challenge of Balancing Work and Family Responsibilities

Men and women have differing challenges juggling work and family. Women are predominantly working part-time to allow them flexibility and many are taking on casual jobs, which offer fewer hours and little job security. Men, on the other hand, are working long hours.

Information Paper 2: The Low Paid in Victoria

Many Victorian workers are doing it tough - stuck in low-paid, low-skilled, and insecure jobs. Who are these low-paid workers? Where do they work? What do they think about

work and their workplaces? Low-paid work remains a significant problem in Victoria, especially in particular industries and occupations.

Information Paper 4: The Ageing Workforce

More than two-thirds of the Victorian workforce is aged 45 and over. Mature workers are more likely to be employed in the public sector and employed as managers or professionals. Older workers, aged over 50, are more likely to be satisfied with their jobs but also the most insecure about their future.

Information Paper 5: Non-Standard Employment

Most workplaces use some form of non-standard employment, mostly casual workers, and the proportion using these workers is increasing. Casual employees are most likely to be low-paid, young and have a lower level of job than ongoing workers. Contractors are older and have a much higher level of job satisfaction.

Information Paper 6: Working Time Arrangements in Victoria

Only a minority of Victorian employees work a standard working week. Working hours vary considerably by gender, industry, and occupation. Almost 40 per cent of Victorians worked more than 41 hours per week and a significant proportion received no compensation for extra hours worked.

15.2.2 Quality Part-time Work Report

On 11 May 2005, Minister Hulls opened a round table of business leaders, unionists, and academics to discuss the growth of part-time work and ways to ensure that quality jobs are created. The Minister also launched a research paper: [Quality Part-time Work: Working Better for Everyone](#) (PDF: 2,305KB), which includes industry case studies.

15.2.3 Pay Equity Inquiry

On 25 March 2004 the Minister for Industrial Relations, Rob Hulls MP, announced the establishment of a Pay Equity Inquiry to identify the extent of the gender pay gap in Victoria, the factors contributing to the continuing pay differential between male and female earnings and further action that could be taken to progress pay equity in this state.

In June 2004, a tripartite Working Party chaired by Commissioner Whelan of the Australian Industrial Relations Commission was established to oversee the Inquiry.

Independent research was commissioned to inform the Working Party's deliberations on the issue of pay equity and to guide its recommendations to Government, employers, and unions on advancing pay equity in Victoria into the future.

A consortium of researchers from URCOT was engaged to research and analyse:

- The extent of the gender pay gap in Victoria and the reasons for this
- The effectiveness of industrial relations and equal employment opportunity regulation for addressing pay inequity in Victoria
- Action that has been taken nationally and internationally to address pay equity
- Further action that could be taken by Government, business and unions in Victoria to address the gender pay gap in the future

Based on URCOT's research findings and extensive discussion, the Working Party's Report summarises the scope and impact of the gender pay gap in Victoria, what measures have worked in other States and overseas jurisdictions, and which of these measures could be implemented in Victoria, given its unique regulatory framework for industrial relations and the operation of its equal opportunity legislation. It also makes a series of recommendations to the Minister for Industrial Relations on practical measures that could be implemented by the Government, employers, and unions to improve pay equity for women in Victoria.

On 8 March 2005, Commissioner Whelan presented the Working Party's *Advancing Pay Equity* Report to the Minister for Industrial Relations. The Minister advised that the Working Party's recommendations would now be considered and that he saw merit in developing a Plan of Action to help close the gender pay gap in Victoria. The Final Reports can be accessed from:

[Advancing Pay Equity](#): Report by the Victorian Pay Equity Working Party to the Minister for Industrial Relations. February 2005. (PDF: 692KB)

[Pay Equity: How to Address the Gender Pay Gap](#): URCOT'S research report, February 2005. (PDF: 1,033KB)

15.2.4 Paving the Way for Older Women in the Workforce 2025

The ageing of the workforce will have a significant impact on Victoria's future labour supply and economy.

At the 2004 Premier's Annual Women's Summit, the Premier stated: *'The workforce is predicted to be much older by 2025... [we need to] identify options for Government, business, and unions to maximise opportunities for older women ... and identify the impediments to women continuing to work ...'*

In response to this, the Department for Victorian Communities and Industrial Relations Victoria developed a project brief and engaged researchers from Curtin University to conduct a study about older women in the workforce.

Entitled *Paving the Way for Older Women in the Workforce 2025*, the project analysed female workforce demographics and trends to 2025 for the 45-year-old cohort. This included studying the labour supply and identifying the major issues surrounding female labour market participation in particular age cohorts.

The completed research project is presented in a set of reports. The reports seek to contribute towards a more productive Victorian workforce and to help business recognise and capitalise on the significant skills and experience of older women.

The *Paving the Way for Older Women in the Workforce 2025* reports are organised as follows:

[Executive Summary](#): Paving the Way for Older Women in the Workforce, 2025: An Overview of the Research Findings and Key Issues

[Chapter 1](#): An Overview of Demographic Change in Victoria and Its Possible Consequences for the Employment Prospects of Victorian Women

[Chapter 2](#): The Determinants of Labour Force Participation for Older Australian Women: A Literature Review

[Chapter 3](#): Australian Women's Labour Market Participation and their Retirement Incomes: A Literature Review

[Chapter 4](#): The Determinants of Labour Force Participation for Older Women

[Chapter 5](#): A Cohort Analysis of Australian Women's Labour Force Participation Behaviour, 1984-1999

The Premier launched the research findings at the 2005 Premier's Annual Women's Summit.

In addition to the research reports, a [Summary Brochure](#) and a [Snapshot Sheet](#) were developed to summarise the outcomes of the research.

15.2.5 Work and Family Action Agenda and Report Card

On 21 November 2003, the Premier launched the Victorian Government's Action Agenda for Work and Family Balance.

The Action Agenda represents a whole of Government approach to better work and family balance in Victoria in the following areas:

- Leading the way in work and family balance
- Supporting industry to adopt practices that enhance work and family balance
- Working with the community on work and family issues
- Demonstrating good work and family practice in Victorian public employment

In April 2005, a [Report Card on the achievements under the Action Agenda for Work and Family Balance - April 2005](#) was released outlining major achievements under the Victorian Government's Action Agenda for Work and Family Balance, with the following documents providing further information:

[Action Agenda - Full Document](#) (PDF: 2.41MB)

[Action Agenda - Executive Summary](#) (PDF: 388KB)

15.2.6 Family Provisions Test Case Decision and Statement

AIRC Statement – 8 August 2005

The Australian Industrial Relations Commission, Family Provisions Decision Statement can be accessed from: http://www.airc.gov.au/fullbench/PR082005_statement.htm. As the AIRC stated at paragraph 2:

It is common ground that award provisions should encourage a working environment in which employees are able to adequately discharge their family responsibilities. All parties accept that there should be greater flexibility in the regulation of working arrangements to assist employees to reconcile their work and family responsibilities. Where the parties differ is in the kind of flexibility, which should be provided.

The Family Provisions Test Case Decision can be accessed from: <http://www.airc.gov.au/fullbench/PR082005.htm>. The decision outlines all the parties contentions, with the State and Territory Governments' proposals extracted as follows:

The State and Territory Governments' Proposals

[1] The State and Territory Governments (the States and Territories) supported the making of award provisions which contain a combination of employee entitlements, a number of 'rights to request' which an employer must not unreasonably refuse and the capacity for employers and employees to agree on periods of unpaid child-rearing leave before children reach school age.

[2] The States and Territories supported award variations which provide for an employee's right to:

- four weeks' simultaneous parental leave;
- meaningful consultation while on parental leave; and
- personal/carer's leave as agreed by the parties in conciliation.

[3] With respect to the right to request changes in working arrangements the States and Territories submitted:

'5. The States and Territories support award variations which provide that an employee has the right to request the following benefits conditioned by an obligation on the part of employers to consider and not unreasonably refuse them (having regard to a specific list of factors relevant to balancing the needs of the business and the employee with family or other caring responsibilities):

- *Extension of unpaid simultaneous parental leave after birth of child from 4 weeks up to 8 weeks*
 - *Extension of 12 months unpaid parental leave for a further 12 months (or up to a total of 24 months)*
 - *Return to part-time work after parental leave in one or more periods until child reaches school age*
 - *Flexible working arrangements: variation in hours, time and location of work to enable employee to provide care and support for an immediate family or household member*
 - *Up to 6 weeks additional unpaid or purchased leave in order to assist employees better balance work and family responsibilities*
 - *A reasonable period of unpaid leave immediately following a period of annual leave to assist balancing work and family responsibilities*
6. *The States and Territories submit that a requirement that an employer 'not unreasonably refuse' an employee's request in relation to the above matters ought be conditioned upon a requirement that the employer, in considering the employee's request, take into account the following criteria:*
- (i) The cost in accommodating the employee's request*
 - (ii) The capacity to re-organise work arrangements to accommodate the employee's request*
 - (iii) The impact on delivery of customer service*
 - (iv) The particular circumstances of the employee, especially the nature of his or her caring need*

(v) The impact on the employee and his or her dependants of the request not being granted.'

