

# Recent advances for working women in Australia

A paid universal parental leave of 18 weeks recently won in Australia is a development that South Africa might want to emulate. **Michael Walker** traces how this was won in Australia.



*Former Australian Prime Minister Kevin Rudd and then head of Australia's union movement, Sharan Burrow (now head of ITUC) at a press conference announcing paid maternity leave.*

From the time of an important labour tribunal decision in 1907, Australia's workplace system had been based on the male breadwinner and minimum wages were based on the principle that the wage-earner should be able to support a family.

For many decades, working women received only a proportion of the male wage: between two-

thirds and three-quarters. Women were also expected to resign from employment after getting married and thereafter focus on home-making.

Social changes, particularly the widespread acceptance and adoption of birth control, made this scenario increasingly untenable. Women have entered the paid workforce in larger numbers since

the 1960s and 1970s and set about removing barriers to their full participation.

Any discussion about gender and work in Australia ought to acknowledge the ideological divergence among women activists. There are a variety of viewpoints as to what policies are the most supportive of women. For the purpose of this article I am going to

broadly categorise them as a radical feminist camp and a moderate feminist camp.

The former school of thought is aimed at social change and policies that encourage women to be economically independent or even dominant while the latter promotes policies aimed at assisting women within existing social structures. The latter are more likely to acknowledge the financial benefit of forming two adult households.

Both camps agree that, at present, many women spend a large period of time out of the workforce caring for children or parents. The radical feminists want Australia's government to alter its entitlement schemes so that women are encouraged to participate in the workforce and therefore become masters of their own destinies. The moderates believe that marriage or at least long-term stable relationships give women more choices and that family stability should be encouraged.

Notwithstanding the different long-term goals, the different strands of feminism have together managed to achieve substantial policy and legal reform. Particularly during the 1970s there was momentum for social change and governments in Australia and elsewhere moved to advance labour rights by ratifying International Labour Organisation core standards.

- Equal Pay – per ILO protocol 100: the Equal Remuneration Convention of 1951. Australia's labour tribunals had fully removed overt gender differences in pay by the early 1970s.
- Sex Discrimination Act 1984 (Cth) – this Act implemented the 1979 UN Convention on the Elimination of All Forms of Discrimination Against Women
- Affirmative Action (Equal Employment Opportunity for Women) Act 1986 (Cth) – this implemented the 1958 Convention on Discrimination in Employment (ILO Protocol 111).

Some states had passed similar laws even earlier.

- Sexual harassment was outlawed as a result of common law court advocacy in the early 1980s
- Personal/Carer's leave, the right to take off short periods from work to deal with unexpected caring responsibilities was granted by the labour tribunal in 1996 after a 15-year campaign.

#### UNIVERSAL PAID PARENTAL LEAVE

The campaign for paid parental leave took more than three decades. The right to return to work after unpaid maternity leave was won in the labour tribunal in 1978. Over time, the right to paid maternity leave was also won in collective agreements for a number of employers.

The right to universal paid parental leave was always the next step but was not achieved until 2011. Under federal law, primary caregivers (usually the mother) now have the right to 18 weeks of paid leave at the national minimum wage, which amounts to approximately A\$10,000. It is paid, or at least 'topped-up', by the government but administered through the person's employer.

The act is a victory especially for the radical feminist position, as women who are not working prior to giving birth only have access to a social security entitlement called the Maternity Payment, which is a much lower A\$5,000 one-off payment.

Moreover, if a recipient decides at the end of their maternity leave that she does not want to return to work, the payment is then forfeited and has to be repaid to the government. In both of these ways it penalises women for choosing to stay out of the workforce.

The tax code still maintains preferential tax arrangements for households in which one spouse remains at home. One of these, the 'dependent spouse rebate', dates from the Depression of the 1930s and is now being phased out. Another, 'Family Tax Benefit B'

(originally the Family Allowance Supplement), was introduced in 1987 to counteract the gradual erosion of non-indexed social security payments due to inflation. This benefit still remains in place because it would be politically unpopular to remove it.

#### PAY EQUITY CASE

The Australian Services Union (ASU) represents employees of community-sector organisations such as charities. Its leadership is ideologically inclined towards the radical feminist position set out above. The union published research showing that, despite having the right to an equal hourly wage for the same work, the *actual* pay of women in proportion to men had been steadily falling ever since the advances of the 1970s because of divergent wage outcomes in male-dominated and female-dominated industries.

Emboldened by Australia's 2009 Fair Work Act, the ASU mounted a case in the labour tribunal to have this earning gap redressed. It was an audacious campaign as it was effectively requesting a significant pay rise for an entire sector of the workforce.

In early 2011 the case was decided in the ASU's favour.

Fair Work Australia, the labour tribunal, accepted the ASU's main argument that community sector employees' work is undervalued and, because they are overwhelmingly female, this amounts to discrimination. It set a precedent by recognising discrimination against a class of persons, not individuals.

Rather than simply issuing an order for wages to be increased overnight, Fair Work Australia gave the ASU, employers and the government time to plan in detail how to redress the situation. The government announced that it would subsidise the resulting pay rises because community sector employers are mostly charities. If they have to pay their staff more, it

will reduce the resources they can allocate to alleviating poverty and homelessness.

It might sound odd that the government should have to pay. The reason is that it already provides much of these charities' funding because they are contracted as service providers to administer services which the government has outsourced.

At the time of writing, negotiations continue. The federal (labour) government recently increased the funds it has pledged to implement the decision, raising the amount to A\$3-billion.

There is disagreement with state governments however who also provide funding for many of the organisations employing these workers. The governments of the largest states are all conservative and have not been cooperative. If they hold their ground as appears likely the decision will have to be implemented and the cost shifted onto community-sector employers who will be forced to cut jobs or cut services, unless some circuit-breaker is devised.

### FUTURE BATTLES

The ASU and its allies aren't going to stop there; another issue they have highlighted is the disparity in retirement savings between men and women which comes about because women who are out of the workforce do not receive employer contributions towards their pension fund.

Meanwhile moderate feminists have achieved increased recognition that the country's flexible, deregulated economy creates a tension between people's work and personal lives.

This affects women more than men because women continue to be primary caregivers in most cases, and find themselves trying to manage uncertain work patterns with care of children, maintaining friendships and volunteering their time for civic and community groups.



*Take the time campaigner, Christine Goldring collected over 500 signatures for the petition.*

This is difficult to address head-on but several current union campaigns address separate aspects of it:

1. Secure Jobs Better Future ([www.securejobs.org.au](http://www.securejobs.org.au)) is a major campaign being run by Australia's peak union body. This is a campaign to promote ongoing jobs with predictable hours instead of contract, casual or labour-hire employment which today covers 40% of the workforce. Workers employed under one of these forms of employment do not get paid sick leave or paid holidays, which other ('permanent') workers do.
2. Save Our Weekend ([www.saveourweekend.org.au](http://www.saveourweekend.org.au)) seeks to preserve the nation-wide entitlement to a higher rate of pay for work done on Saturdays and Sundays. This entitlement dates all the way back to the 8 Hour Day Movement, which achieved legal recognition for a 40 Hour Week shortly after the Second World War. Not only is there a social benefit in having

most people take the same days of rest but many workers would suffer a substantial pay cut if the higher weekend pay rates were removed.

3. Take The Time ([www.takethetime.org.au](http://www.takethetime.org.au)) seeks to prevent stores from opening on Christmas Day and Boxing Day (December 25 & 26), Australia's biggest holiday. Annual extended family get-togethers are very common across these two days. If stores open, their employees would have to go to work instead of being able to spend the time with their families.

These three campaigns all seek to put the corporate agenda back in its box and make governments and employers realise that human beings live in a web of relationships and have other obligations in their lives besides working. ■

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