

DEC 2011



SUBMISSION TO THE INDEPENDENT INQUIRY ON

# INSECURE WORK IN AUSTRALIA

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# SUBHEADING

## 1 | INTRODUCTION

UnitingJustice Australia, the policy and advocacy unit of the Uniting Church National Assembly, welcomes the opportunity to provide comment to the Independent Inquiry into Insecure Work in Australia. We provide these comments as a continuation of the Uniting Church in Australia's involvement in the public discussion and policy-making with regards to employment and industrial relations.

The Uniting Church's commitment to workplace justice arises from the Christian belief that labour is not simply another commodity in the economic sphere. Those engaged in employment must not have their intrinsic value as human beings measured in only economic or monetary terms. The overriding concern of the Church is for low-paid and vulnerable workers; the principles we espouse on this matter not only reflect our Christian beliefs, but are also grounded in universal human concerns regarding dignity for all.

A Christian vision of a nation at work is of a community where all people, including those most vulnerable, are supported to contribute to their own wellbeing and to broader society, through meaningful work – in the workplace, home or broader community, paid or unpaid. In the performance of their work, each person is entitled to dignity and respect from the community; similarly, our work should support families and communities to flourish.

The Uniting Church's commitment to employment justice is longstanding. In our 1977 Statement to the Nation, the Church committed to

Challenge values which emphasise acquisitiveness and greed in disregard of the needs of others and which encourage a higher standard of living for the privileged in the face of the daily widening gap between rich and poor.<sup>1</sup>

In 2003, the Uniting Church adopted the resolution, 'A Call for Justice Concerning Employment'.<sup>2</sup> In this statement, the Church emphasised that flexible employment options that accounted for the needs of individuals and families must be a priority for the Australian government and businesses. In part, it states that:

Australia should adopt the goal of paid employment for all who seek it, providing adequate income and safe working conditions, in the context of a socially just and economically sustainable economy, and adopt appropriate measures to ensure that this goal is met, through the cooperation of government, business and unions.

The importance of our First Peoples was also emphasised in this document:

Dealing with the problem of unemployment must not be at the expense of Australia's Indigenous peoples. Legislation which protects Indigenous rights should provide administrative processes which are as efficient as possible without compromising those rights.

These beliefs inform our comments to the Independent Inquiry into Insecure Work in Australia. Additionally, our submission is grounded in the international treaties to which Australia is a signatory, specifically

- International Labour Organisation Convention 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (1981),
- International Labour Organisation Convention 155 concerning Occupational Safety and Health of the Working Environment (1981),
- International Labour Organisation Convention 175 concerning Part-Time Work (1994),
- International Labour Organisation Convention 111 concerning Discrimination in Respect of Employment and Occupation (1958),
- Convention on the Elimination of All Forms of Discrimination Against Women (1981),
- International Covenant on Civil and Political Rights (1996),
- Universal Declaration of Human Rights (1948).

<sup>1</sup> <http://www.unitingjustice.org.au/component/content/article/15-uniting-church-statements/190-statementtothenation-1977.html>

<sup>2</sup> [http://www.unitingjustice.org.au/images/pdfs/issues/economic-justice/assembly-resolutions/7\\_justiceemployment.pdf](http://www.unitingjustice.org.au/images/pdfs/issues/economic-justice/assembly-resolutions/7_justiceemployment.pdf)

## 2 | INSECURE WORK IN AUSTRALIA

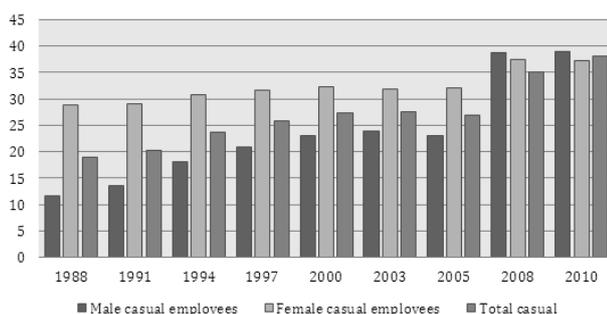
Insecure or precarious modes of employment are important issues for Australians. Significant economic changes have transformed our workplaces: privatisation, contracting-out of labour, corporatisation and the continuing dominance of a neo-liberal economic agenda, have seen the livelihood and wellbeing of all but the upper echelons of workers subsumed by the drive for profit. The pace and scope of these changes “serves to remind all employees that they may be the next ones to lose their jobs.”<sup>3</sup>

Over the last three decades, we have seen a veritable ‘hollowing out’ of the Australian labour market, with an ever-widening chasm between well-paid jobs and low-paid, insecure positions – the latter which are increasing at a rapid rate.<sup>4</sup> This submission will examine a number of issues most pertinent to vulnerable workers in Australia: casual modes of employment; underemployment and working poverty; gender equity in the workforce; work-life balance; Indigenous Australians and employment; and, employment issues faced by those from a refugee background.

## 3 | CASUAL EMPLOYMENT IN AUSTRALIA

Over the last twenty years, non-standard employment has steadily increased, with Australia now having one of the highest rates amongst OECD countries.<sup>5</sup> While there are several forms of employment that may be classified as ‘non-standard’, including temporary and shift work, part-time and fixed-time employment, and independent contractors, the increase is dominated by growth in both the frequency and spread of ‘casual’ work, with casual employees now representing approximately one quarter of the Australian workforce.

Rates of Casual Employment 1988 - 2010



3 Allan, C., O'Donnell, M. & Peetz, D. (1999). "Three Dimensions of Labour Utilisation: Job Broadening, Employment Insecurity and Work Intensification," *Current Research in Industrial Relations*, Volume One.

4 Strazdins, L., Shipley, M., Clements, M., O'Brien, L. & Broom, D.H. (2010). "Job quality and inequality: Parents' jobs and children's emotional and behavioural difficulties," *Social Science and Medicine*, 70: 2052 – 2060.

5 Campbell, I. (2004). "Casual work and casualisation: How does Australia compare?" *Labour and Industry*, 15(2): 85 – 111.

Table One: Australian Bureau of Statistics, "Employee Earnings, Benefits and Trade Union Membership" Cat. No. 6310.0

In the Australian context, 'casual' employment is most commonly understood as work that attracts an hourly rate of pay but very few – if any – of the benefits and rights we traditionally associate with full-time employment. The Australian Bureau of Statistics (ABS) defines casual employees as those "who are not entitled to either annual leave or sick leave in their main job."<sup>6</sup> While commonly thought to be particular to the retail and hospitality industries, research has demonstrated that the 'casualisation' of the Australian workforce has affected all major industrial and occupational groups and is common in both the public and private sectors.<sup>7</sup>

Australian labour awards and agreements generally have special clauses that allow for exemptions such as the classification of casual employment. These clauses have created a new working class in Australia where statutory regulation and common law protection are both limited and disadvantageous to the employee.<sup>8</sup> Originally instituted to enable particular industries to hire employees on an hourly basis without standard rights and benefits, in order to meet short-term and irregular needs, we support the argument that the shifts in Australia's industrial terrain that have brought about the casualisation of our workforce have used populist notions of 'individuality', 'choice' and 'flexibility' to disguise the efforts of employers who seek to further their own interests.<sup>9</sup>

It is clear that casual work "offers user firms access to labour without obligation;"<sup>10</sup> that is, labour without many of the legal and social responsibilities that we traditionally attach to employment. Additionally, while there is certainly an increased demand for part-time employment (driven largely by students and women attempting to balance work and family commitments), there is simply no evidence to suggest that casual work, devoid of rights and benefits, is preferential for those seeking non-standard employment.<sup>11</sup>

6 <http://www.abs.gov.au/ausstats/abs@.nsf/featurearticlesbytitle/1D092D8F58D782B2CA2569DE0021ED33?OpenDocument>

7 Romeyn, J. (1992). "Flexible Working Time: Part-time and Casual employment," *Industrial Relations Research Monograph no. 1*, Canberra, Department of Industrial Relations; Wooden, M. (1998). "The Changing Nature of Employment Arrangements," *The Transformation of Australian Industrial Relations Project, Discussion Paper no. 5*, Adelaide, National Institute of Labour Studies; Smith, M. & Ewer, P. (1999). "Choice and Coercion: Women's experience of casual work," Sydney, Evatt Foundation; Campbell, I. (2000). "The Spreading Net: Age and Gender in the Process of Casualisation in the Australia," *Journal of Australian Political Economy*, no. 45, 68 – 98

8 O'Donnell, A. (2004). "Non-Standard Workers in Australia: Counts and Controversies," *Australian Journal of Labour Law*, 17: 1 – 18; Campbell, I. (2004). "Casual work and casualisation: How does Australia compare?" *Labour and Industry*, 15(2): 85 – 111.

9 For further elaboration of this argument, see: Edwards, A. & Magarey, S. (Eds.). "Women in a restructuring Australia: Work and welfare," St Leonards: Allen and Unwin.

10 Burgess, J. & Conell, J. (2005). "Reworking work: What are the issues for Australia?" AIRAANZ.

11 Pocock, B., Buchanan, J., & Campbell, I. (2004). "Meeting the challenge of casual work in Australia: Evidence, past treatment and future policy," *Australian Bulletin of Labour*, 30(1): 16 – 32

In fact, a study conducted by the Australian Bureau of Statistics determined that thirty two per cent of casual workers would prefer to work more hours,<sup>12</sup> while a second study revealed that fifty nine per cent of casual workers would prefer their employment to be more permanent.<sup>13</sup>

While the argument of higher wages is commonly offered in support of casual forms of employment, research suggests that only a small number of casuals in fact receive the compensatory loading that originally accompanied this mode of employment.<sup>14</sup> Across all labour and industry areas, the average hourly rate for casual employees is \$17.09, compared with \$22.29 for permanent employees in the same field.<sup>15</sup> Wave 1 of the Household, Income and Labour Dynamics in Australia (HILDA) survey revealed that, in relation to income, casual employment is the least beneficial to employees of all modes of work.<sup>16</sup>

There is much debate in both the Australian and international literature as to whether this trend towards casualisation is beneficial for workers.<sup>17</sup> The overwhelming majority of literature points to the fact that “workers involved in casual jobs suffer a substantial deficit in their rights and benefits, compared with employees in standard ‘permanent’ jobs.”<sup>18</sup> Those who are particularly at risk are those whose sole form of income is from their casual position. Any deleterious effects of a casualised workforce are – importantly – not only felt by employees; a workforce that primarily engages casual or temporary staff may negatively impact important aspects of our economic performance, particularly with regards to skills formation.<sup>19</sup>

12 Australian Bureau of Statistics, (ABS). (2005). “Australian Social Trends,” Cat. No. 4102.0. ABS: Canberra

13 Watts, R. (2001). “The ACTU’s Response to the Growth in Long-Term Casual Employment in Australia,” *Australian Bulletin of Labour*, 27(2): 137 – 149.

14 Campbell, I. (2004). “Casual Work and Casualisation: How Does Australia Compare?” *Labour and Industry*, 15(2): 85 – 111.

15 Australian Bureau of Statistics, (ABS). (2005). “Australian Social Trends,” Cat. No. 4102.0. ABS: Canberra.

16 The 2005 HILDA survey was used as the grounds for research conducted by Watson, I. (2005). “Contented workers in inferior jobs? Re-assessing casual employment in Australia,” *Journal of Industrial Relations*, 47(4): 371 – 392.

17 See, for instance: Maslen, G. (2001). “Casual employment growing,” *New Zealand Education Review*, April; Standing, G. (2007). “Economic insecurity and global casualization: Threat or promise?” *Social Indicators Research*, November; Perkins, D., Scutella, R. & Flautau, P. (2008). “Introduction to the Special Issue on low paid work in Australia: Realities and responses,” *Australian Journal of Labour Economics*, 11(1): 1 – 6.

18 May, R., Campbell, I. & Burgess, J. (2005). “The rise and rise of casual work in Australia: Who benefits, who loses?” *Centre for Applied Social Research*, RMIT, <http://apo.org.au/research/rise-and-rise-casual-work-australia-who-benefits-who-loses>

19 Hall, R., Bretherton, T. & Buchanan, J. (2000). “It’s not my problem: The growth of non-standard work and its impact on vocational education and training in Australia,” *Leabrook, SA, National Centre for Vocational Education Research*; Buchanan, J. (2004). “Paradoxes of Significance: Australian casualization and labour productivity,” conference paper delivered at “Work Interrupted, Melbourne, August 2.

Many of those engaged in casual employment face pitfalls particular to this mode of employment. These include (but are not limited to):<sup>20</sup>

- delayed ability or failure to form relationships;
- poor economic security;
- inability to balance work and family or social lives;
- increased and sometimes unreasonable pressure to take shifts and prioritise work over life;
- arbitrary treatment and underpayment;
- greater risk of workplace bullying;
- unpredictability of income;
- difficulties relating to borrowing and credit;
- restricted possibilities for training and/or promotion;
- unpredictable hours;
- no notice of dismissal or redundancy pay;
- insecure tenure; and
- increased risk of moving into unemployment.

*UnitingJustice makes the following recommendations to the Panel:*

1. *Introduction of basic rights for casual employees, including minimum wages, the right to access dispute resolution services and paid entitlements (including leave)*
2. *Transferable entitlement schemes so as not to penalise workers who engage in a number of positions within the same industry*
3. *Standardisation of the casual loading rate across all industries and occupations. We recommend this rate be initially set at twenty five per cent, to be reviewed at regular intervals to ensure it keeps pace with the rising cost of living in Australia*
4. *Extension of the right to dismissal notice and redundancy pay to long-term casuals employed in the same workplace for a period of twelve months or longer.*

20 See: Birell, B. & Rapson, V. (2004). “Men and women apart. Partnering in Australia,” *Monash University, Australian Family Association and the Centre for Population and Urban Research*; Pocock, B. & Prosser, R. (2004). “Only a casual: How casual work affects employees, households and communities in Australia,” *Adelaide, Labour Studies, University of Adelaide*; and, Pocock, B. & Masterman-Smith, H. (2006). “Work Families and Affordable Housing,” *Centre for Work & Life, Hawke Research Institute for Sustainable Societies, University of South Australia, CWL Discussion Paper 2/06.*

#### 4 | UNDEREMPLOYMENT AND WORKING POVERTY IN AUSTRALIA

The Uniting Church in Australia is concerned about the use of outdated modes of accounting by the Federal Government when reporting on employment figures in Australia. We believe that the definitions used and the methods for collecting data are overly rigid and do not reflect the realities of employment (and employability) within the workforce. A recent report undertaken by The Australia Institute revealed:

The current system of labour force statistics is inadequate for providing insight into the important issues of today's labour market. Those interested in the extent of underemployment, the amount of overwork and changes in the efficiency of the labour market in matching the needs of workers and employers will find little of use in the published labour statistics. The current Labour Force Survey (LFS) was designed to measure an economy in which full-time work was the norm. In a labour market with high rates of unemployment and large numbers in non-standard employment arrangements, new measures are needed.<sup>21</sup>

Currently, the Australian Bureau of Statistics states that people are 'unemployed' if they did not work for at least one (paid) hour in the previous week, were actively seeking work and were able to accept a job in the next week if it were available. An individual is classified as being 'employed' if she or he has worked for one hour or more in the previous week. To comment that this definition is appallingly inadequate is to state the obvious. While the ABS has responded to this by introducing the measurement of 'underemployment', we strongly believe that more work must be done in the area of defining these measures and in the collation of labour statistics.

Currently in Australia, one in seven workers are 'underemployed' – again, one of the highest rates amongst OECD nations.<sup>22</sup> Generally, 'underemployment' describes workers who wish to work more hours, although there is much contention in the literature as to the precise definition. The Australian Bureau of Statistics (ABS) draws upon what the International Labour Organisation (ILO) calls 'time-related underemployment'. According to the ILO, underemployed persons satisfy the following three criteria:

1. willing to work additional hours, i.e. wanted another job (or jobs) in addition to their current job (or jobs) to increase their total hours of work; to replace any of their current jobs with another job (or jobs) with increased hours of work; to increase the hours of work in any of their current jobs; or a combination of the above;

2. available to work additional hours, i.e. are ready, within a specified subsequent period, to work additional hours; and
3. worked less than a threshold relating to working time, i.e. persons whose hours actually worked in all jobs in the reference period, were below a threshold, to be chosen according to 'national circumstances'.

We note that this definition, however, does not account for workers who wish to increase their hours, but are not able to do so due to family commitments, lack of adequate and affordable childcare, or ill-health. These workers, who may have a foothold in the labour force, are unaccounted for in official data and statistics, which are used to paint a comparatively 'rosy' picture of employment rates in Australia. In fact, we suggest that the relatively low jobless rate disguises a situation of widespread underemployment. The ILO has acknowledged on several occasions that the current definitions used to cover underemployment are insufficient, and that the issue warrants further attention from member states.

There are many documented negative effects of underemployment on workers, including (but not limited to):<sup>23</sup>

- less training;
- lower return to future wages;
- lower future earnings;
- higher levels of job dissatisfaction;
- lower levels of job involvement;
- lower self-esteem and psychosomatic symptoms of malaise;
- higher job turnover rates; and
- lower levels of productivity.

Importantly, we note that the effects of underemployment are being disproportionately borne by vulnerable, low-paid workers.

Many low-paid and vulnerable workers face financial pressures not dissimilar to those receiving welfare assistance. While these workers may benefit from some of the positive aspects of paid employment (such as income, social connections and better health), the drawbacks of belonging to the 'working poor' not only impact the individual, but the wider family networks to which they often belong. The underemployed in our workforce face the struggle of meeting what we refer to as the 'hidden costs of working', however they are not provided with sufficient income to meet and overcome this challenge.

<sup>21</sup> Dennis, R. (2001). "Measuring Employment in the 21st Century: New measures of underemployment and overwork," Discussion Paper No. 36, The Australia Institute.

<sup>22</sup> Watson, I., Buchanan, J., Campbell, I. & Briggs, C. (2003). "Fragmented Futures, New Challenges in Working Life," Sydney: The Federation Press.

<sup>23</sup> See: Burris, B.H. (1983). "The human effects of underemployment," *Social Problems*, 31(1): 96 – 110; Wilkins, R. (2007). "The consequences of underemployment for the underemployed," *Journal of Industrial Relations*, 49: 247 – 275.

These costs include (but are not limited to):<sup>24</sup>

- costs of job search;
- work-specific clothing;
- transport to and from work;
- meals;
- childcare;
- loss of benefits such as concessions; and
- loss of time to spend at home on self or family care.

The challenges of paying rent or saving for a home deposit are particularly daunting for the underemployed. For workers on the national minimum weekly wage of \$589.30, the competing priorities of managing day-to-day expenses and saving for the future are simply overwhelming.<sup>25</sup> For many vulnerable workers, it is not simply a matter of sacrificing extraneous 'luxuries' including social activities and entertainment. Rather, "many low paid workers are weighing up saving versus a visit to the dentist, paying for medicine or paying for school excursions."<sup>26</sup>

We believe that the existing tax and transfer system in Australia results in disincentives for some people to participate in the workforce. These disincentives are often assessed by examining effective marginal tax rates (EMTRs), the sum of an individual's marginal tax rate (taking into account various offsets and levies) and the withdrawal rate of their social security benefits. The particular outcome of high EMTRs is to discourage the second earner in a family from increasing participation in the workforce. Many people earning below-average wage rates face effective marginal tax rates higher than people earning three or four times as much. One in seven two-parent families and one in five sole-parent families faces an EMTR in excess of fifty per cent as a consequence of the withdrawal of family tax benefits.

*UnitingJustice makes the following recommendations to the Panel:*

1. *That the current outdated definitions utilised to define and monitor unemployment statistics are amended to more accurately reflect the realities of the working lives of Australians*
2. *Improving access to affordable high-quality childcare, which has a major impact on family wellbeing, particularly in the case of the primary caring parent returning to work while children are young*

24 Pocock, B. & Masterman-Smith, H. (2006). "Work Families and Affordable Housing," Centre for Work & Life, Hawke Research Institute for Sustainable Societies, University of South Australia, CWL Discussion Paper 2/06.

25 <http://www.fairwork.gov.au/pay/national-minimum-wage/pages/default.aspx>

26 Pocock, B. & Masterman-Smith, H. (2006). "Work Families and Affordable Housing," Centre for Work & Life, Hawke Research Institute for Sustainable Societies, University of South Australia, CWL Discussion Paper 2/06.

3. *Addressing the disincentives in our tax and transfer system by adopting the principle that no person should face an EMTR higher than the top marginal rate.*

## 5 | GENDER EQUITY IN THE WORKFORCE

It is commonly thought that developed nations such as Australia have moved beyond the gender equity issues that plagued workplaces of the past. A recent survey conducted by the Financial Services Institute of Australasia found that while eighty five per cent of female employees believe that there is a gender divide and that the negative effects are tangible, only twenty eight per cent of male employees believe that there is an issue to be addressed.<sup>27</sup> On its own, this is an alarming statistic; when a problem is not named, it cannot be addressed, and a quick glance at the statistics reveal that there are indeed a number of fundamental problems that require our urgent attention:

- women working full-time earn 83 cents for every dollar earned by a man;
- the average superannuation payout for women is one third of the payout for men;
- female executives earn twenty eight per cent less than their male counterparts;
- women hold just eight per cent of Board Director positions;
- only two per cent of Chairs of Boards are women;
- women who face intersectional discrimination are particularly marginalised;
- the gender gap in pay has increased over the last five years, currently sitting at seventeen per cent;
- despite the fact that women comprise sixty four per cent of all higher education graduates, their starting salaries and lifelong earnings continue to fall behind that of men; and
- women have less chance of being identified as potential managers or executives than men, and are therefore not offered the same development opportunities as their male colleagues from graduate entry level.

While more and more women are entering the workforce, they are doing so "in the context of a decline in the social power of labour."<sup>28</sup> This means two things for women: that they are more likely to enter into lower paid positions without the security of permanent hours, and – for those with family or carer responsibilities – their increased participation is not balanced by a reduction in the amount of household and childcare duties still attributed to them.

27 Fox, C. (2010). "Mythbusters: Seven myths about women and work," Financial Services Institute of Australasia, Sydney.

28 Moghadam, V.M. (1999). "Gender and Globalisation: Female Labour and Women's Mobilisation," *Journal of World-Systems Research*, 5(2): 367 – 388.

With women increasingly and disproportionately represented in casual and temporary employment, the “historically disadvantaged position of women” is simply exacerbated.<sup>29</sup> Additionally, “pre-existing inequalities, which include underrepresentation of women at all levels of economic decision making,<sup>30</sup> make it exceedingly difficult for women to obtain the type and level of agency required to overcome the systemic discrimination they face.

Recent research reveals that gender inequity as it relates to income is not only a significant feature of all developed economies, but that the mode of employment undertaken by women bears a direct correlation to this pay gap.<sup>31</sup> Women, more likely to undertake casual or part-time employment (often due to family commitments related to caring for children), are negatively affected not only by way of a lower hourly rate, but also a reduced superannuation payout as a result of career breaks. In a recent submission to the United Nations Special Representative for Business and Human Rights, the Global Unions IMF and IUF argued that casual employment is an obstacle to the human rights of women:

More and more workers – most of whom are women – find themselves in precarious jobs where they have no right to join a union, let alone to bargain collectively with their employer. Some are formally excluded because basic rights are denied in law. Others have rights on paper, but no rights in fact because laws are not enforced. And others are too afraid to exercise their rights because they could lose their jobs at any minute. As a result, millions of workers are effectively excluded from the reach of ILO Conventions.<sup>32</sup>

For too long, there has been a pervasive belief that a woman’s choice to have and raise a family is the most significant and concrete difference between men and women in the workplace. It is assumed that women voluntarily elect to undertake part-time or casual work to enable them the high level of flexibility required to balance work inside and outside of the home. However, we believe that the difficulties faced by women with children is both attitudinal and systemic. Women face gendered discrimination as soon as they graduate from higher educational settings – discrimination that continues well after women have returned to the workplace after having a career break. There is, in fact, a “motherhood wage penalty of about five per cent for one child and nine per cent for two or more children” – a penalty that emerges “over time due to reduced wage

29 International Labour Organisation (ILO), *Global Employment Trends*, 2010.

30 International Trade Union Federation (2011). “Living with Economic Insecurity: Women in Precarious Work,” ITUC, Sydney.

31 International Trade Union Federation (2010). “Gender (in)equality in the labour market: An overview of global trends and developments,” ITUC, Sydney.

32 “Precarious Work: Undermining Human Rights,” International Metalworkers Federation (IMF) submission to the UN Special Representative of the Secretary General for Business and Human Rights, May 2010.

growth rather than immediate reduction post-children.”<sup>33</sup>

The ‘motherhood wage penalty’ was examined in detail in a recent US study, which found:<sup>34</sup>

- mothers were consistently ranked as less competent and less committed than childless women;
- fathers were consistently ranked as more competent and more committed than non-fathers;
- a childless female candidate was twice as likely to be called for an interview;
- fathers experienced no penalty at the interview stage; and
- mothers are not perceived as hard working, and are judged by a harsher standard when it comes to taking time off or requiring sick leave.

Australia has recently implemented several key policy directives which were designed to improve the working lives of women and to overcome some of the structural disadvantage that persists in the workforce. The Paid Parental Leave Act, the Fair Work Act and the National Employment Standards that accompanied this legislation, reform of the Sex Discrimination Act, and the ratification of the ILO Convention on Part-Time Work, are all recent examples of positive legislative change. However, even with these new protections in place, systemic discrimination against women continues. Elizabeth Broderick, the Sex Discrimination Commissioner, while lauding the opportunities that are available to women today, argued that gender inequality “lingers malodourously in the workplace” and noted that “this idea that the problem of gender inequality can be traced to the institutional arrangements of organisations is one which has been put forward persuasively for many years, but I think the term ‘gender asbestos’ captures the issue well.”<sup>35</sup> Broderick here was drawing on the work of Wittenberg-Cox, who coined the phrase ‘gender asbestos’ – discrimination against women that is “hidden in the walls, cultures and mindsets of many organisations.”<sup>36</sup> It will take far more work to ensure that this particular form of discrimination is eliminated from the Australian workplace.

*Uniting Justice makes the following recommendations to the Panel:*

1. *That the Federal Government increase research around gendered pay inequity in Australia in order to inform future policies to address and remove the gender pay gap*

33 Livermore, T. (2009). “The effect of motherhood on wages and wage growth,” University of Wollongong.

34 Benard, S. & Correll, S. (2005). “Getting a Job: Is there a motherhood penalty?” Cornell University.

35 Speech given by Elizabeth Broderick, “Our Work, Our Lives: 3rd National Conference on Women and Industrial Relations.” Darwin, August 2010.

36 Wittenberg-Cox, A. (2010). “Why focusing on the gender gap misses the point,” available at [http://blogs.hbr.org/cs/2010/04/why\\_focusing\\_on\\_the\\_gender\\_pay.html](http://blogs.hbr.org/cs/2010/04/why_focusing_on_the_gender_pay.html)

2. *An extension of the right to request flexible working arrangements to all employees, regardless of length of employment*
3. *Those whose requests for flexible working arrangements are denied should have the right to an impartial review process to assess the decision*
4. *Workers who return to their place of employment following parental leave should have protected access to part-time employment until their youngest child begins school*
5. *Adequate funding be provided to investigate the feasibility of introducing gender quotas in workplaces.*

## 6 | WORK-LIFE BALANCE

Populist notions of negotiating the terrain of work-life balance seem to infer that it is simply up to the individual to juggle competing priorities in her or his life. Importantly, this narrative “denies the gendered, class and ethnic differences that shape work-life balance outcomes for individuals.”<sup>37</sup> Those who are in well-paid, secure employment often have access to a range of resources that are simply not available to low-paid and vulnerable workers. This makes it particularly difficult for those at the lower end of the income scale to achieve the same outcomes as their higher-paid counterparts. Additionally, while the levels of engagement in the workforce for women have increased, there has not been a corresponding decrease of their household and family responsibilities, exacerbating the pressures that women face in this area.

Across all industries and occupations, Australian workers report an increase in their workload, with twenty one per cent of those engaged in full-time employment working fifty or more hours per week. For those who work overtime, half are not paid to do so and those who receive time in lieu report that they are unable to take the additional time away from work due to their high workload.<sup>38</sup> This reflects the fact that “understaffing and workplace intensity have become workplace fixtures.”<sup>39</sup> Recent data from the Australian Bureau of Statistics shows that around sixty per cent of those who work very long hours would prefer to work fewer ones.<sup>40</sup>

Debate around this contested issue is traditionally focussed on how workers with families successfully manage their time. While we acknowledge that this is a pressing concern, we would also like to take this opportunity to raise the equally important issue of the way in which excessive working hours impact upon

37 Pocock, B. (2008). “Work-Life Balance in Australia?” Presentation to the International Workshop: Work-Life Balance in Japan, Australia and Canada, Institute for Gender Studies, Tokyo.

38 Watson, I., Buchanan, J., Campbell, I. & Briggs, C. (2003). “Fragmented Futures, New Challenges in Working Life,” Sydney: The Federation Press.

39 Watson, I., Buchanan, J., Campbell, I. & Briggs, C. (2003). “Fragmented Futures, New Challenges in Working Life,” Sydney: The Federation Press.

40 Australian Bureau of Statistics. (2006). “Australian Social Trends: Trends in Hours Worked,” Cat. 4102.0

an individual’s opportunities and ability to establish and nurture connections in the wider community. The development of strong social networks is not only an important part of an individual’s wellbeing, but also contributes to the overall social cohesion of communities, and should therefore be an important consideration when debating the work-life balance.

The most recent Australian Work and Life Index (AWALI) survey found the following with regards to work-life balance:<sup>41</sup>

- more paid work is being undertaken out of both dual-earner and sole parent homes, leaving many workers pressed for time – especially women who continue to undertake two-thirds of all unpaid work and care;
- over twenty five per cent of full-time employees are working more than forty eight hours per week;
- sixty per cent of women feel consistently time pressured, and nearly half of all men also feel this pressure;
- professional women are the hardest hit with regards to poor work-life scores and long hours of work;
- workers engaged in service industries such as health, education and retail have worse work-life interference than their full-time counterparts in other professions;
- casual employment does not help workers reconcile work and care, and while part-time work is preferable to casual employment, women who work part-time still report higher than average time pressures; and
- poor work-life outcomes negatively impact our society in terms of poorer health, increased use of prescription medications, increased stress and higher levels of dissatisfaction with personal relationships.

## 7 | INDIGENOUS AUSTRALIANS AND EMPLOYMENT

The Uniting Church in Australia believes that programs which are discriminatory in nature, when implemented without appropriate negotiation with the communities affected, fail to provide practical and sustainable outcomes of benefit to Indigenous peoples. Certainly the scope and level of Indigenous employment disadvantage – which has been quantitatively determined for over thirty years – may in part be attributed to a failure in governmental policy. The First Peoples experience disproportionately high unemployment rates, and lower workforce participation rates. Income rates are significantly lower when compared to non-Indigenous Australians, and there is a greater occupational concentration in low paid positions.

41 Pocock, B., Skinner, N. & Pisaniello, S. (2010). “How much should we work? Working hours, holidays and working life: the participation challenge,” The Australian Work and Life Index (AWALI), University of South Australia, <http://www.unisa.edu.au/hawkeinstitute/cwl/documents/AWALI2010-exec-summary.pdf>

While much of the debate surrounding this important issue seeks to lay the blame for the disadvantage on the relative geographical isolation of some Indigenous communities, and the skills deficit that some of these communities experience, close examination of the statistics reveal that these long-standing assumptions are fundamentally flawed. Indeed, the data demonstrates that regardless of where our First Peoples live or the level of qualification they possess, they are still subject to employment disadvantage. Over eight per cent of Indigenous Australians with a degree or diploma were unemployed, while non-Indigenous graduates experienced less than half that rate. Twice as many Indigenous as non-Indigenous people with vocational qualifications were also unemployed.<sup>42</sup>

The 2002 National Aboriginal and Torres Strait Islander Social Survey (NATSISS) revealed an Aboriginal unemployment rate of twenty three per cent.<sup>43</sup> More alarmingly, if the Commonwealth Development Employment Program (CDEP) figures are included in this statistical count, then that figure rises to forty three per cent. We believe that the statistical analysis should be performed in a way that encourages truth-telling with regards to Indigenous disadvantage. As it is currently configured, the CDEP program, which provides Indigenous Australians with an additional payment of \$20.80 per fortnight,<sup>44</sup> acts as an impediment to obtaining relevant skills training and the provision of genuine employment opportunities. A recent report investigating the CDEP revealed that “participants are paid for doing housework, mowing lawns, attending funerals, and for doing nothing at all. Consequently, Indigenous people regard CDEP pay contemptuously as ‘sit down’ money.”<sup>45</sup> This policy is the end result of a failure to engage with Indigenous Australians in a respectful manner and to honour not only the important skills of individuals and communities, but also the inherent potential of our First Peoples.

In February 2008, when then-Prime Minister Kevin Rudd offered an apology to members of the Stolen Generation, he acknowledged past policy failures and resolved to create a:

New partnership on closing the gap [that will] set concrete targets for the future within a decade to halve the widening gap in literacy, numeracy and employment outcomes and opportunities for Indigenous Australians.

And yet the alarming levels of disadvantage and the intersectional discrimination faced by many Indigenous Australians remains unresolved. Indigenous communities face the same negative effects of unemployment and

42 The only year that such comparative data was available was collected in 1996. The results were released by the Australian Bureau of Statistics in 1998. Cat No. 2034.

43 Australian Bureau of Statistics. (2004). Cat No. 4714

44 <http://www.facs.gov.au/sa/indigenous/progserv/families/cdep/Pages/default.aspx> and <http://www.centrelink.gov.au/internet/internet.nsf/services/cdep.htm>

45 Hudson, S. (2008). “CDEP: Help or Hindrance? The Community Development Employment Program and its Impact on Indigenous Australians,” The Centre for Independent Studies, Policy Monograph 86.

underemployment as their non-Indigenous counterparts. In addition, being unemployed is often associated with:<sup>46</sup>

- social exclusion in the form of disproportionately high rates of arrest and police harassment;
- low levels of social capital and civic engagement; and
- high levels of drinking-related offences which may be an indication of a loss of traditional societal values.

*Uniting Justice makes the following recommendations to the Panel:*

1. *That the current CDEP be assessed by an independent Indigenous commission to establish its value for progressing the rights of our First Peoples*
2. *That the CDEP be retained, but only in a way that genuinely assists our First Peoples to obtain job-readiness skills and access to meaningful and regular employment*
3. *That Indigenous communities in both regional and urban areas of Australia be engaged in genuine consultation to discover ways to overcome current employment disadvantage.*

## 8 | EMPLOYMENT AND REFUGEES

For those from a refugee background who have settled in Australia, employment opportunities have been consistently linked to not only the establishment of a positive self-identity, but also financial independence which aids in the overall settlement process. The economic freedom provided by meaningful and regular employment is referred to in the UN Handbook on Refugee Resettlement:

Economic self-sufficiency is one of the most important factors in successful integration, with earning capacity influencing the ability to ‘purchase’ many of the other resources required to rebuild life in a new country, among them housing, health care and education.<sup>47</sup>

Providing meaningful employment pathways for those from a refugee background must go beyond simply the provision of jobs. Rather, the systemic discrimination that many workers face must be addressed at a policy level.

Those from a refugee background who have not been able to secure regular and meaningful employment – that is, employment that is appropriate to their skills and experiences<sup>48</sup> – are at a disproportionately high risk of succumbing to depression, intergenerational unemployment and long-term health issues commonly

46 Hunter, B.H. (2000). “Social exclusion, social capital, and Indigenous Australians: Measuring the social costs of unemployment,” Centre for Aboriginal Economic Policy Research, No. 204.

47 United Nations High Commissioner for Refugees (UNHCR). (2002). “Refugee Resettlement: An International Handbook to Guide Reception and Integration,” available from <http://www.unhcr.org/protect/PROTECTION/3d9861584.pdf>

48 Colic-Peisker, V. & Tilbury, F. (2007). “Refugees and Employment: The effect of visible difference discrimination,” Murdoch University Centre for Social and Community Research.

associated with high levels of stress.<sup>49</sup> While skills shortages have been documented across a range of industries in Australia, scant policy attention has been paid to harnessing the skills and experiences that many people from a refugee background bring with them to Australia.<sup>50</sup>

Workers from a refugee background are often employed in inadequate modes of employment and positions. The Ethnic Communities Council of Victoria has identified three dominant forms of unsatisfactory employment for refugees:

1. unemployment occurs when a person does not receive any income in exchange for their labour;
2. underemployment is when a person is employed but the hours may be casual or insufficient to meet one's living costs; and
3. occupational downgrading is when a person is employed in an area that is below their level of skill and/or experience.

Each of these three barriers to meaningful employment have demonstrable negative effects on job seekers from a refugee background, and their families and wider social communities.

*UnitingJustice makes the following recommendations to the Panel:*

1. *While current resettlement services incorporate a limited amount of work experience opportunities and training programs to those from a refugee background to improve workplace English skills and develop professional networks, we would encourage the implementation of a standardised program that responds best to the need of recent arrivals in Australia.*

## 9 | CONCLUSION

The Uniting Church in Australia has a very particular stance on the validity of certain approaches to industrial relations and economics, arising from the Christian tradition of support and advocacy for the most vulnerable in our society.

We seek industrial relations policies that foster strong communities and protect the most vulnerable people in our society. These include working people on low incomes, people who are unemployed, and people who are dependent on the incomes of others to maintain a decent standard of living. We advocate for policies that support dignity in both employment and unemployment, and provide a decent basic wage. Australia's policies must focus on producing an economy that works for people, and not against them; that serves the interests of all in the community, providing a higher standard of living without sacrificing our most vulnerable in the service of capital gain.

<sup>49</sup> VicHealth. (2007). "More than Tolerance: Embracing Diversity for health," Melbourne.

<sup>50</sup> Ethnic Communities Council of Victoria. (2008). "Real Jobs: Employment for Migrants and Refugees in Australia," ECCV Policy Discussion Paper No. 3.