

## 4. Employment Equity

### Employment and Pay Equity

Women workers are entitled to fair treatment and equal pay in the workplace. Many states and territories have legislation in relation to equal opportunities in the workforce. Federal and State discrimination legislation also exists to provide women workers with an avenue for assistance when they are discriminated against either directly or indirectly. Below is a summary of some key legislation aimed at protecting and enhancing the rights of women workers in these areas.

### Affirmative Action Act 1986

This act was introduced initially by the Federal Government as a means of requiring private organisations and businesses with over 100 employees to implement affirmative action programs, to encourage more women to take on roles within the management structure. The act was amended in 1999 and renamed the Equal Opportunity for Women in the Workplace Amendment Act 1999". The Affirmative Action Agency set up in the late eighties to oversee the implementation of the Act is now referred to as the Equal Opportunity for Women in the Workplace Agency. The Principles of the new Act are:

- to promote the principle that the employment for women should be dealt with on the basis of merit
- to promote, amongst employers, the elimination of discrimination against, and the provision of equal opportunity for women in relation to employment matters;
- to foster workplace consultation between employers and employees on issues concerning equal opportunities for women in relation to employment.

### Equal Opportunity in Public Employment Act

In some states, legislation exists which requires public sector employers to report on areas of the workforce that have in the past, been treated unfairly.

These groups, referred to in the legislation as Target Groups, include;

- women
- Aboriginal and Torres Strait Islander people
- sexuality & gender identity
- people from Non-English speaking background
- people with a disability.

Under the EEOPE Act, public sector employers with 100 or more employees must report annually to the Public Service commissioner on their equal employment opportunity plan and achievements.

### Anti-Discrimination Legislation

Federal Discrimination Legislation is overseen by HREOC, the Human Rights and Equal Opportunity Commission, also established in 1986. The goal of HREOC is to foster greater understanding and protection of human rights in Australia and to address the human rights concerns of a broad range of individuals and groups. The commission has a particular focus on race, sex, sexuality & gender identity and disability discrimination, as well as the rights of Indigenous Australians. HREOC are an independent statutory organisation and report to the federal Parliament through the Attorney-General.

### What is discrimination?

Discrimination occurs when a person, or a group of people, are treated less favourably than another person or group because of race, colour, national or ethnic origin; sex, pregnancy or marital status; disability; religion; sexuality; gender identity; or some other central characteristic.

Discrimination happens when a person is denied the opportunity to participate freely and fully in normal day-to-day activities. It might include harassment or victimisation in the workplace; being unable to gain physical access to a building or facility; being denied goods and services; difficulty in obtaining appropriate accommodation and housing; or not being able to join a trade union.



## Legislation

The Commission is responsible for administering the following federal laws:

- *Racial Discrimination Act 1975; Sex Discrimination Act 1984; Disability Discrimination Act 1992;*
- *Human Rights and Equal Opportunity Commission Act 1986.*

Links to legislation and relevant state/territory commissions can be found on the website at <http://www.hreoc.gov.au/links/index.html>

## Equal Pay

The commission also has responsibilities in relation to Federal Awards and Equal Pay provisions within the Workplace Relations Act 1995.

The issue of Equal Pay is a long standing one for Australian women (and, indeed, women all over the world). Australia had a centralised wage fixing system which passed an Equal Pay principle in 1969 and then extended this in 1972 to "work of equal value". These decisions meant that, for a period of time, Australian women led the way with smaller wage differentials than in a number of other countries.

However, Australian women currently only receive about 65% of male average weekly earnings. (ABS 2003). There are many reasons for this disparity, (including casual and part time work, lower over award payments, less overtime etc). One of the main causes has proven very hard to correct. This is the undervaluing of women's work and women's skills. Work which involves caring for, or working with, people is historically valued at a lower rate than work with machinery or finance. For example, child care workers were paid less than garbage collectors.

A number of Gender Pay Equity Inquiries have recently been conducted (or are currently underway) in States around Australia. These GPE Inquiries are undertaking a "revaluing of women's work, skills and responsibilities with the gender bias removed". Already there have been results in QLD and NSW and these Inquiries offer a real hope for significant improvements in the pay situation for women.

Some states have legislation which enables them to develop a Pay Equity Principle, from which to make an Equal Remuneration Application.

- New South Wales was the first state to hold an Equal Pay Enquiry in 1999.
- The Queensland Council of Unions lodged a case an application on behalf of Dental Assistants and for Child Care Workers in December 2003. The case is still under consideration, with hearings scheduled for later in 2004.
- Victoria, in 2004, has also announced a Gender Pay Equity Inquiry using the considerations equal pay for equal work value principle.

## What Can I Do?

### Activism around Employment Equity

Women AEU members can assist in the fight for equal pay and fairer working conditions by:

- \$ participating in union women's conferences to hear first-hand how the union is campaigning and how they can assist at the local level
- \$ signing paper and electronic petitions sponsored by unions and other groups for better working conditions i.e. Paid Maternity Leave, Extra Childcare places, Save Medicare etc
- \$ participating in delegations to federal and state politicians on these and other issues i.e. the Public Education - It is Our Future" campaign
- \$ volunteering to be a witness in a test-case run by the unions through the ACTU in the forthcoming Work and Family Test Case or at a state level through the various Equal Remuneration Applications that might be relevant to your area
- \$ when your next workplace Agreement is being framed get together a group of women with your Women's Officer and formulate a "Women's Log of Claims" to ensure that the issues of importance to women are not overlooked in negotiations.  
Contact your Women's Officer, the ACTU or your State Government to find out about a Gender Pay Equity Inquiry in your State or Territory.

