

Senate Select Committee on Work and Care

QUESTION ON NOTICE Date of hearing: 16 September 2022

Outcome: Employment and Workforce

Department of Employment and Workplace Relations Question No. IQ22-000046

Senator Barbara Pocock on 16 September 2022, Proof Hansard page 4

Women's Workforce Participation / Various programs

Question

CHAIR: Thanks, both of you. Ms Wang, you mentioned the Jobs and Skills Summit. The presentation right at the beginning of Danielle Wood from Grattan Institute, who we'll be hearing from over the course of this inquiry, highlighted the lagging rate of participation amongst women and, by implication, carers in paid work. Given the very wide gap between our participation rates and those of most of our OECD trading partners and given the contribution that would be made to GDP and to the incomes of households and families if they were able to participate at the level they want to, including, of course, the many women in Australia and carers who work part time—an unusual pattern we have relative to others in the OECD—what's your evaluation and what existing material, evidence or analysis do you have of how effective what both of you have just named is in addressing our participation challenge and our skills shortage? I think this question is also relevant to the education department. What is your assessment of the effectiveness of the existing regime that you've just described?

Ms O'Regan: I might say that, in relation to the programs that I outlined, I'm happy to take on notice some further information about, for example, whether there's evaluation evidence available. Certainly, Career Revive has demonstrated innovative approaches to supporting women into male dominated workplaces. Those 90 businesses do cover many thousands of employees. When you look at it in that regard, it does have a relatively large influence. But, for the other projects, I would have to take on notice what information we might have about how they're going.

Answer

Local Jobs Program

The Local Jobs Program develops workforce solutions at a local level across all 51 employment regions in Australia, including a range of local projects targeted to specifically help women gain skills for employment.

An analysis commissioned by the Department in April 2021 found the collaborative nature of the program resulted in outcomes frequently being achieved indirectly through other programs and hidden to Employment Facilitators. As the focus of the Local Jobs Program is to improve the effectiveness of other local programs and regional supports, quantifying the effectiveness of the program is particularly challenging.

As part of ongoing program management, the department continues to monitor Employment Facilitator performance and outcomes. Between January and August 2022, Employment Facilitators reported details of more than 500 meetings to connect, coordinate and support local efforts aimed at helping women transition into the workforce. Common local initiatives included:

- forums and information sessions aimed at helping women return to the workforce, including by identifying support services to help address employment barriers; and
- improving pathways for women into sectors experiencing local labour shortages, including childcare and occupations less traditionally employing women such as trades and transport.

Career Revive

Career Revive provides support to medium and large businesses to build their internal capability and undertake cultural change processes to improve opportunities for women to commence work, or retain work after becoming parents, or return to work after a career break. As at 16 September 2022, 58 businesses have participated in Career Revive. This includes the 22 businesses currently participating in the program.

Mid-Career Checkpoint

The Mid-Career Checkpoint program assists eligible carers – primarily women – who are looking to return to the paid workforce or advance their career after taking time out to care for their family. Under the program, participants receive free skills and employment assessment services, tailored career advice and career coaching sessions. While the program targets women aged 30-45, all eligible working-aged Australians can access assistance and support under the program.

The program has three entry points: Stepping Back In which supports carers seeking to re-enter the paid workforce, Stepping Up which supports carers who have recently returned to the paid workforce and want to advance or change careers, and General Entry which provides assistance to existing workers in female-dominated, COVID-19 affected industries where women are at risk of unemployment. These industries are: Accommodation and Food Services, Education and Training, Arts and Recreation Services, Retail Trade, Administrative and Support Services, Residential Care Services and Child Care Services. Participants who complete the program may also be able to access up to \$3,000 (GST exclusive) to enrol in nationally accredited training to upskill or re-skill.

The program commenced on 1 July 2020 as a limited pilot delivering services in NSW and QLD. From 1 January 2022, the pilot program was expanded to VIC. Since it commenced in 2020, the program has assisted 1,584 participants, 90 per cent of whom were women.

Partnership Grants program

The National Careers Institute's Partnership Grants is a competitive, merit-based grants program that provides funding for organisations such as employers, training providers, schools and community organisations to work collaboratively to improve career outcomes and create education and training pathways. Four rounds of grant funding have been announced under the program.

Round 3 projects create greater awareness of career pathways and career information for women (ref IQ22-000048).

The 42 successful Round 3 projects commenced in May 2022 and are expected to be completed by June 2023.

A program evaluation will be undertaken following the completion of Round 3 to identify the outcomes achieved.

Senate Select Committee on Work and Care

QUESTION ON NOTICE Date of hearing: 16 September 2022

Outcome: Employment and Workforce

Department of Employment and Workplace Relations Question No. IQ22-000047

Senator Wendy Askew on 16 September 2022, Proof Hansard page 7

Launch in Work Projects

Question

Senator ASKEW: Earlier, we were talking about the Launch into Work program. Could we get a little bit more information about that and how many people it is supporting?

Ms Wearne: I have a little bit of information. The Launch into Work program itself is designed to support the delivery of pre-employment projects and to prepare individuals for specific entry-level roles. Projects are co designed with business and tailored to the needs of businesses. There is a specific focus on secure employment for women. One of the program's aims is to create long-term, secure employment for women. I understand there have been about 50 projects to date, with around 529 people supported. I will take that on notice and check how up-to date that information is, but I think that gives you a bit of a guide.

Answer

There have been 51 projects for 538 job seekers, of whom 81 per cent were women.

- 425 project participants (79 per cent of those who commenced) secured employment as a direct result of their participation in the project, of whom 84 per cent were women.

Some 72 per cent were still employed with the same business 6 months after the project completion, of whom 84 per cent were women.

Senate Select Committee on Work and Care

QUESTION ON NOTICE

Date of hearing: 16 September 2022

Outcome: Employment and Workforce

Department of Employment and Workplace Relations Question No. IQ22-000049

Senator Andrew Bragg on 16 September 2022, Proof Hansard page 9

Career Revive / outcomes and funding

Question

Senator BRAGG: I'll take the department back to the statements it made about the return-to-work scheme. Can you remind me what that was called.

Ms O'Regan: Are you referring to Career Revive, which I mentioned earlier? That is working with employers.

Senator BRAGG: Yes. Is that a pilot or is that up and running now?

Ms O'Regan: We are not referring to it as a pilot, but it started off relatively small and has expanded over time. As I mentioned earlier, employers apply to participate in the program. They are medium to large employers. We have contracted with KPMG to deliver these services to those employers to help them review their processes, policies and workplace culture. I think I mentioned 90 businesses earlier. I might have said that was currently the number, but I have to correct that, I think. Let me just check. There might be 90 over the life of the program.

Senator BRAGG: So it is pretty small?

Ms O'Regan: It's relatively small, but, as I mentioned, these are medium to large employers and so their footprints in terms of employees would be much larger, of course.

Senator BRAGG: How are you doing that? Are you going direct to these businesses or are you working with business chambers and the like?

Ms O'Regan: I would have to take on notice whether business chambers have been involved, but, as I mentioned, there's an expression-of-interest process and so businesses apply to the department to participate and they are selected to work with the consultant to build their capability.

Answer

As at 16 September 2022, 58 businesses have participated in Career Revive. This includes the 22 businesses currently participating in the program.

Of these:

- 15 are medium businesses (20–199 employees) and 43 are large businesses (200+)
- 32 businesses are located in regional areas
- 17 businesses are located in metro and regional areas
- 17 different industries are represented:

Industry	Count of Business
Accommodation and Food Services	1
Administrative and Support Services	1
Agriculture, Forestry and Fishing	2
Construction	5
Education and Training	1
Electricity, Gas and Water and Waste Services	1
Financial and Insurance Services	3
Health Care and Social Assistance	7
Information Media and Telecommunications	1
Manufacturing	8
Mining	2
Other Services	2
Professional, Scientific and Technical Services	10
Public Administration and Safety	5
Rental, Hiring and Real Estate Services	1
Transport, Postal and Warehousing	4
Wholesale Trade	4

Business selection process

Businesses are selected through an expression of interest (EOI) process run by the Department of Employment and Workplace Relations.

The expression of interest is advertised to medium and large regional and metropolitan based businesses through a range of mechanisms including notifying key stakeholders such as local business chambers, Australian HR Institute, Regional Development Australia committees, Industry associations/groups, and advertising on social media platforms.

Senate Select Committee on Work and Care

QUESTION ON NOTICE Date of hearing: 16 September 2022

Outcome: National Skills Commission (NSC)

Department of Employment and Workplace Relations Question No. IQ22-000050

Senator Linda White on 16 September 2022, Proof Hansard page 15

Trends in employment levels | COVID-19 period

Question

Senator WHITE: Sure, but you look at participation rates and who does what jobs. My question is: was there any correlation between the decrease in participation rates and areas where women were unable to access payments?

Ms O'Regan: We could take on notice to provide a sectoral break down of the employment numbers from our National Skills Commission colleagues, but I think it would be difficult to attribute cause and effect. But we could certainly provide an indication of the employment trends over that period in those sectors.

Senator WHITE: Part of what we're doing is looking at what happened during COVID and whether there were workforce shifts. There was more than one thing going on. There was COVID, clearly. There was working from home. There were industries that couldn't go on. There were job subsidies. There were a whole lot of things. I am not saying one is definitive. But it would be interesting to see if there is any correlation to whether people got JobKeeper or not.

Ms Wang: To clarify, would the employment figures by industry and by employment and form of employment assist? Would the breakdown of full time and part time assist?

Ms O'Regan: We can see what level of detail is available. Once you split it by sector, it might be hard to do form of employment as well, but we can see what's available in terms of those trends.

Senator WHITE: Thanks.

Answer

The National Skills Commission has provided the following response.

Sectoral employment data

Sectoral employment data are published by the Australian Bureau of Statistics (ABS) on the basis of the Australian and New Zealand Standard Industrial Classification (ANZSIC).

The Department of the Treasury's *Insights from the first six months of JobKeeper* October 2021 publication identified that the design of JobKeeper was industry neutral and that all 19 ANZSIC industry groups received JobKeeper payments. The Treasury report did not identify any more detailed groupings (at either 2-digit or 3-digit ANZSIC level) that were excluded from JobKeeper payments.

The most recent available data on total employment levels for each of the 19 ANZSIC industry groups is provided in Table 1 below:

Table 1: Total employment by ANZSIC industry group – August 2022 and comparison to February 2020

ANZSIC industry group	August 2022 employment level ('000)	Employment change since February 2020	
		('000)	(%)
Agriculture, Forestry and Fishing	287.3	-38.3	-11.8
Mining	270.5	28.3	11.7
Manufacturing	867.8	-42.8	-4.7
Electricity, Gas, Water and Waste Services	155.0	22.4	16.9
Construction	1262.2	77.3	6.5
Wholesale Trade	373.6	-18.9	-4.8
Retail Trade	1363.0	116.5	9.3
Accommodation and Food Services	923.2	-9.4	-1.0
Transport, Postal and Warehousing	692.0	41.1	6.3
Information Media and Telecommunications	201.8	-9.7	-4.6
Financial and Insurance Services	537.7	71.2	15.3
Rental, Hiring and Real Estate Services	241.8	22.8	10.4
Professional, Scientific and Technical Services	1306.2	152.3	13.2
Administrative and Support Services	435.3	2.4	0.5
Public Administration and Safety	859.8	29.3	3.5
Education and Training	1109.9	-23.8	-2.1
Health Care and Social Assistance	2025.4	231.2	12.9
Arts and Recreation Services	229.5	-18.2	-7.3
Other Services	531.2	43.3	8.9

Source: ABS, *Labour Force, Australia, Detailed*, August 2022, seasonally adjusted data

The most recent available data on full-time and part-time employment levels for each of the 19 ANZSIC industry groups are provided in Tables 2 and 3 below:

Table 2: Full-time employment by ANZSIC industry group – August 2022 and comparison to February 2020

ANZSIC industry group	August 2022 full-time employment level ('000)	Employment change since February 2020	
		('000)	(%)
Agriculture, Forestry and Fishing	201.4	-49.9	-19.9
Mining	256.3	27.2	11.9
Manufacturing	709.4	-66.3	-8.5
Electricity, Gas, Water and Waste Services	140.8	17.9	14.5
Construction	1068.7	67.9	6.8
Wholesale Trade	327.2	9.7	3.1
Retail Trade	646.2	12.2	1.9
Accommodation and Food Services	358.8	2.3	0.7
Transport, Postal and Warehousing	547.5	23.4	4.5
Information Media and Telecommunications	161.2	-1.5	-0.9
Financial and Insurance Services	448.5	49.0	12.3
Rental, Hiring and Real Estate Services	181.4	29.7	19.6
Professional, Scientific and Technical Services	1030.5	108.3	11.7

Administrative and Support Services	259.4	-10.8	-4.0
Public Administration and Safety	720.1	23.0	3.3
Education and Training	696.4	7.4	1.1
Health Care and Social Assistance	1148.0	153.7	15.5
Arts and Recreation Services	120.9	-16.2	-11.8
Other Services	363.5	23.9	7.1

Source: ABS, *Labour Force, Australia, Detailed*, August 2022, original data

Table 3: Part-time employment by ANZSIC industry group – August 2022 and comparison to February 2020

ANZSIC industry group	August 2022 part-time employment level ('000)	Employment change since February 2020	
		('000)	(%)
Agriculture, Forestry and Fishing	81.7	-4.8	-5.6
Mining	10.0	-0.1	-0.7
Manufacturing	125.3	-10.1	-7.5
Electricity, Gas, Water and Waste Services	16.8	3.4	25.6
Construction	170.5	-12.2	-6.7
Wholesale Trade	53.5	-15.7	-22.7
Retail Trade	664.1	36.7	5.8
Accommodation and Food Services	545.0	-27.4	-4.8
Transport, Postal and Warehousing	143.5	-0.1	-0.1
Information Media and Telecommunications	36.5	-12.4	-25.3
Financial and Insurance Services	87.7	12.3	16.4
Rental, Hiring and Real Estate Services	52.3	-10.3	-16.4
Professional, Scientific and Technical Services	253.1	2.8	1.1
Administrative and Support Services	181.2	1.0	0.5
Public Administration and Safety	120.6	-12.7	-9.5
Education and Training	440.4	30.7	7.5
Health Care and Social Assistance	885.1	76.8	9.5
Arts and Recreation Services	105.7	-8.8	-7.7
Other Services	160.9	6.8	4.4

Source: ABS, *Labour Force, Australia, Detailed*, August 2022, original data

Note: As full-time and part-time data is only available in original terms (that is, with no seasonal adjustments applied), figures in Tables 2 and 3 may not add up to total employment figures provided in Table 1.

Casual employment data

The ABS uses 'employees without paid leave entitlements' as the primary measure of casual employment. An employee is considered to be without leave entitlements if they self-identify, or their employer identifies them, as not having access to either paid sick leave or holiday leave or did not know their entitlements. The most recent available data on levels of casual employment (for the whole Australian labour market) for each quarter from February 2020 to August 2022 is provided in Table 4 below:

Table 4: Level of casual employment, quarterly data, February 2020 to August 2022

Date	Level of casual employment ('000)
February 2020	2624.7
May 2020	2084.3
August 2020	2310.2
November 2020	2476.9

February 2021	2498.1
May 2021	2601.8
August 2021	2427.9
November 2021	2536.4
February 2022	2591.2
May 2022	2641.1
August 2022	2663.1

Source: ABS, *Labour Force, Australia, Detailed*, August 2022, original data

Senate Select Committee on Work and Care

QUESTION ON NOTICE

Date of hearing: 16 September 2022

Outcome: Employment and Workforce

Department of Employment and Workplace Relations Question No. IQ22-000051

Senator Barbara Pocock on 16 September 2022, Proof Hansard page 17

Jobs, Education and Training program (JET)

Question

CHAIR: Well, I can't let go without one more question, and that's around programs. Many years ago we had quite active programs to assist women to participate in the labour market. I am thinking of the JET program, for example, many years ago in the 1990s, I understand. It was very active, supportive, educational childcare and work participation program. It was probably relatively expensive per person, but did have, as I remember from the evaluations, a real impact on the participation of women. I am curious about whether you have any evaluation or any intentions around improving or growing that kind of program. The other thing I am interested in, given the expansion we're expecting in transition employment as we decarbonise, is whether there is any effort to set targets or to encourage the participation of women in those kinds of growth, skills and employment opportunities. There was some discussion about that in this room by the National Electrical Contractors Association in relation to the Jobs and Skills Australia Bill. He made the point that women who do apprenticeships often come into it older, in their mid-20s, to take on that kind of training. We need gateways and support if we're really going to lift from the current one or two per cent of electricians, for example, that are women in Australia. What efforts have you afoot on programs that help make those things happen?

Ms O'Regan: Firstly, I am aware of the JET program, but I would have to take on notice more detail about it and whether there's any evaluation evidence available. I'm happy to provide that to the committee. On the second one, about decarbonising, that might be a question best directed to the department of industry. However, I think my skills colleagues have provided information about a women in STEM program which might be relevant. There is a Women in STEM Cadetships and Advanced Apprenticeships Program, I believe, which supports women working in paid employment to undertake higher education study in a STEM field at a cost of \$25.1 million from 2021 to 2024-25. I am aware of that one. I don't know if we have anything else.

Answer

The Jobs, Education & Training Program (JET Program) was introduced in March 1989 to support single parent welfare recipients by assisting them to enter or re-enter the workforce.

The JET program was replaced by *Jobs Education and Training Child Care Fee Assistance* in 2007.

A 1997 evaluation of the JET program is available on the National Library of Australia website at

<https://webarchive.nla.gov.au/awa/19980626132411/http://www.dss.gov.au/pubs/jet/contents.htm>.

An earlier, 1992 evaluation of the JET Program is also available on the National Library of Australia website at https://webarchive.nla.gov.au/awa/20120321004922/http://www.fahcsia.gov.au/about/publications/articles/research/dss/Policy_Research_Series/policyresearchpaperno62/Pages/default.aspx.

The December 1996 Social Security Journal also contains information on the JET program (ref pages 90-107). It can be found on the Department of Social Security website at <https://www.dss.gov.au/about-the-department/publications-articles/research-publications/former-department-of-social-security-dss-research-publications/social-security-journal-december-1996>.

The Department of Education has provided the following information.

The Australian Government has committed \$25.1 million from 2020-21 to 2024-25 to deliver the Women in STEM Cadetships and Advanced Apprenticeships Program, a collaboration between tertiary education providers and employers. The initiative has capacity to support around 600 employed women to continue to work while they pursue an industry-relevant higher education qualification (Diploma, Advanced Diploma or Associate Degree) in a STEM field.

Key objectives of the program are to increase the number of STEM-qualified women in the labour force by supporting higher education pathways that produce female graduates with STEM relevant skills and qualifications. The program will also assist employers to upskill their workers with job-relevant skills.

Senate Select Committee on Work and Care

QUESTION ON NOTICE Date of hearing: 16 September 2022

Outcome: Workplace Relations

Department of Employment and Workplace Relations Question No. IQ22-000053

Senator Linda White on 16 September 2022, Proof Hansard page 5-6

Fair Work Act | Flexible component

Question

Senator WHITE: I guess it's reasonably unattractive to take unpaid parental leave, because you don't get superannuation either. That's a disincentive too, isn't it?

Ms Wang: As I said, paid parental leave is in the social security portfolio. The payment from the government and the leave work together, because they provide the payment when the people are absent from work. With the paid parental leave payment, initially when it was designed it also needed to be taken in a block, but now there is a 30-day component that can be taken flexibly. Correspondingly, in the Fair Work Act there is a 30 days flexible component as well, allowing parents to take that. So they can be eligible to claim the payment. Also, we acknowledge that a lot of businesses do go beyond the minimum standards that are in the Fair Work Act and provide paid parental leave as their own workplace policy.

Senator WHITE: Are there any statistics that support the proposition you've put? Are there statistics that show what is actually happening? The NES and award standard is quite low. How many businesses offer above that, and what is the best practice you've seen in relation to that?

Ms Wang: The evidence—unfortunately, I don't have that in my folder. I can take that on notice.

Senator WHITE: Yes.

Ms Wang: There are a number of data sources that we can utilise to provide an answer to that.

Senator WHITE: I know there's analysis of the enterprise agreements at the Fair Work Commission, and it would be interesting to know how many actually do that. I guess my point—going back to unpaid parental leave—is that that doesn't attract superannuation, so if you're out for up to two years you're without superannuation. I'm not talking about the paid government scheme. That's pretty unattractive, isn't it?

Ms Wang: I'll have to take it on notice and consult my Treasury colleagues. Under the Fair Work Act framework, the unpaid parental leave for that period counts as a service—

Senator WHITE: It does.

Ms Wang: in terms of the superannuation payable, for example, for people on unpaid parental leave. But to receive a paid parental leave. But to receive a paid parental leave payment under workplace policies, and how the superannuation is payable—I'd have to take that on notice.

Answer

Question 1 – Employer-funded parental leave policies above minimum standards

The Department of Employment and Workplace Relations' Workplace Agreements Database shows (Table 1) that as at 31 March 2022, 18.5 per cent of current (not expired or replaced) agreements, covering 887,227 employees, provided employer funded paid parental leave with a weighted average entitlement of 13.2 weeks of leave.

Table 1: Paid parental leave in current enterprise agreements, as at 31 March 2022

Provision	Number and proportion of current agreements	Number and proportion of employees covered	Employee-weighted average entitlement
Paid parental leave	1,991 (18.5%)	887,227 (53.6%)	13.2 weeks leave

Source: Department of Employment and Workplace Relations, Workplace Agreements Database

The Department does not have data on individual arrangements which may also offer employer funded paid parental leave, in addition to the Government funded parental leave pay.

Question 2 – Superannuation

The Treasury has provided the following response.

The administration of Australia's superannuation guarantee (SG) is governed by the *Superannuation Guarantee (Administration) Act 1992* (Cth) (SGAA). In accordance with the SGAA, employers are required to make SG contributions to their employees on 'ordinary time earnings'.

Subsection 6(1) of the SGAA defines ordinary time earnings as "*earnings in respect of ordinary hours of work*". This includes annual leave, personal/carer's leave, sick leave and long service leave. The definition does not include overtime and parental leave (paid or unpaid).

Employers are not legally required to make SG contributions on any work not defined as 'ordinary time earnings' in the SGAA, unless there are specific provisions set out in an award or enterprise agreement.

Employers can however choose to voluntarily make SG contributions on any leave not defined as 'ordinary time earnings' in the SGAA.

Senate Select Committee on Work and Care

QUESTION ON NOTICE Date of hearing: 16 September 2022

Outcome: Workplace Relations

Department of Employment and Workplace Relations Question No. IQ22-000054

Senator Linda White on 16 September 2022, Proof Hansard page 6

Flexible Work Provisions

Question

Senator WHITE:.....Are you able to get any statistics on how many people have exercised their right to try to get flexible work provisions outside the denied request? You said the provisions have been strengthened to allow people to use their usual dispute procedures. How many have gone to the commission as the final part of that, without looking at the reasonableness of the decision? Are you aware of that?

Ms Wang: Yes, we're aware of that. I'll have to take it on notice, but my recollection is that maybe last year it was 49—around that range.

Senator WHITE: Forty-nine disputes?

Ms Wang: Forty-nine disputes. As I said, the data from the Fair Work Commission's report shows that the utilisation of that provision is not particularly high, and there are low numbers of disputes recorded. Most of the requests have been granted—I think that's my recollection of what the commission has found, but noting that the number of requests is not particularly high—and last year there were about 49 disputes. But I will take it on notice to confirm that figure. If that assists, we can provide figures for previous years as well.

Answer

The Fair Work Commission released its General Manager's report into the operation of the provisions of the National Employment Standards relating to requests for flexible working arrangements and extensions of unpaid parental leave under section 653 of the *Fair Work Act 2009* (2018-2021) in November 2021.¹

This report presents findings for the period from 26 May 2018 to 25 May 2021 from the research conducted on the operation of the provisions of the National Employment Standards relating to employee requests.²

The data in table 3.1 below on the number of applications to deal with a dispute in relation to requests for flexible working arrangements made under section 739 of the Fair Work Act is

¹ [General Manager's report into the operation of the provisions of the National Employment Standards relating to requests for flexible working arrangements and extensions of unpaid parental leave under section 653 of the Fair Work Act 2009](#) (2018-2021) (General Manager's report 2018-2021).

² General Manager's Report 2018-2021, page 2. Note Section 653(1A) of the Fair Work Act provides that the General Manager is required to review and undertake research for the three year period from commencement of the provision and each later three-year period. Section 653 commenced operation on 26 May 2009 (see s.2 of the Fair Work Act). The initial reporting period concluded 25 May 2012.

sourced from administrative data held by the Commission.³ Table 3.1 shows that there were 113 applications to the Commission made under section 739 during the period 1 July 2018 to 30 June 2021 to deal with a dispute relating to a request for flexible working arrangements under section 65.⁴ From 1 July 2020 to 30 June 2021, there were 49 applications.

The 2020-21 data on the number of applications to deal with a dispute in relation to requests for flexible working arrangements is the latest publicly available data from the Fair Work Commission. The Fair Work Commission also publishes data on the number of disputes heard in its Annual Report, however its 2021-22 Annual Report is yet to be published.

Table 3.1: Number of applications to deal with a dispute in relation to requests for flexible working arrangements made under s.739 of the Fair Work Act

Financial year	Number of applications
1 July 2018–30 June 2019	35
1 July 2019–30 June 2020	29
1 July 2020–30 June 2021	49

Source: Fair Work Commission.

³ Page 10, General Manager’s Report 2018-2021.

⁴ Page 10, General Manager’s Report 2018-2021.

In the reporting period from 1 July 2015 to 30 June 2018, there were 125 applications as shown in table 3.1 below.⁵

Table 3.1: Number of applications to deal with a dispute in relation to requests for flexible working arrangements made under s.739 of the Fair Work Act

Financial year	Number of applications
1 July 2015–30 June 2016	32
1 July 2016–30 June 2017	52
1 July 2017–30 June 2018	41

Source: Fair Work Commission, *Annual Report 2015–16*; Fair Work Commission, *Annual Report 2016–17*; Fair Work Commission, *Annual Report 2017–18*.

In the reporting period from 1 July 2012 to 30 June 2015, there were 128 applications as shown in table 3.1 below.⁶

Table 3.1: Number of applications to deal with a dispute in relation to requests for flexible working arrangements made under s.739 of the Fair Work Act

Financial year	Number of applications
1 July 2012–30 June 2013	37
1 July 2013–30 June 2014	50
1 July 2014–30 June 2015	41

Source: *Fair Work Commission Annual Report 2012–13*; *Fair Work Commission Annual Report 2013–14*; *Fair Work Commission Annual Report 2014–15*.

⁵ Page 8, [General Manager’s report into the operation of the provisions of the National Employment Standards relating to requests for flexible working arrangements and extensions of unpaid parental leave under s.653 of the Fair Work Act 2009 \(Cth\) \(2015-2018\)](#).

⁶ Page 9, [General Manager’s report into the operation of the provisions of the National Employment Standards relating to requests for flexible working arrangements and extensions of unpaid parental leave under s.653 of the Fair Work Act 2009 \(Cth\) \(2012-2015\)](#).

Senate Select Committee on Work and Care

QUESTION ON NOTICE

Date of hearing: 16 September 2022

Outcome: Employment and Workforce

Department of Employment and Workplace Relations Question No. IQ22-000055

Senator Wendy Askew on 16 September 2022, Proof Hansard page 8

Jobs Fairs | Regional areas

Question

Senator ASKEW: That leads me to a question. You've got the care and support workforce, and I know we've already had some questions about it. What do you think needs to be done further in that area to encourage more people into the care and support workforce? Obviously it's so undermanned at the moment, and we need to get more staff working in that area. Is there anything that's been planned already or that is coming that will increase those numbers?

Ms Wearne: There are some other activities. As my colleague mentioned earlier, there's the Local Jobs Program, which helps support jobseekers to reskill and upskill into employment. The department also runs jobs fairs which help connect people with employers, and it has run a dedicated care and support element of jobs fairs. Other things that may be relevant relate to some webinars that the department has conducted that help businesses attract and recruit workers. In partnership with the Department of Health and Aged Care, there have been three webinars to inform employers of programs and services available to them to find and prepare a suitable workforce. Coming up, in mid-October, I think, there are plans to deliver a care and support sector jobs showcase, which will target and provide information to people who are interested in finding out more about working in the sector. That will talk about the types of roles available, tips on how to apply for jobs, guest employer speakers and links to current jobs and things like that. Previous showcases have attracted over 500 attendees, but they have had a different focus, so we can provide more detail on the upcoming showcase if you need it.

Senator ASKEW: Are those showcases going nationally, or are they just in particular areas of shortage?

Ms Wearne: I understand they're in particular areas, but I could take that on notice since the relevant officers aren't here at the moment. I can get more information.

Senator ASKEW: That would be very handy. Obviously that sort of thing—the showcases—is something you would want to have in regional areas as well, because there seems to be a disproportionate rate of underemployment in those regional areas, so I would be interested to know whether that is actually happening in regional areas as well. Very good.

Answer

- The Jobs Showcase is a national webinar series delivered by the department, which each month features a different industry sector with significant demand for workers.

- While the webinars are national, they often include jobs located in regional areas. All people who register for a Jobs Showcase receive links to the jobs available following the webinar.
- The webinars are recorded and made available for future viewing on the Jobs Hub.
- The next Jobs Showcase is scheduled for Tuesday 11 October – 12pm (AEDT) and features the Care and Support sector.
- The [Jobs Showcase](#) series is promoted on the Jobs Hub on the DEWR website; through the employment services provider network; to broader networks through the department's Employer Liaison Officers and Employment Facilitators; and through the department's Jobs Community which currently has over 1400 members.

Senate Select Committee on Work and Care

QUESTION ON NOTICE Date of hearing: 16 September 2022

Outcome: Workplace Relations

Department of Employment and Workplace Relations Question No. IQ22-000056

Senators Barbara Pocock and Linda White 16 September 2022, Proof Hansard page 14

Productivity Commission studies | COVID-19 pandemic

Question

CHAIR: Can I follow up on that. There's been quite a bit of discussion about the expanded boundaries of work for people who worked at home. It's often a flexibility thing that workers welcome, but on the other hand work can grow its tentacles into your home and expand the hours of work. What are your reflections on that? Is there evidence on that? Do we have any evidence or analysis about working from home and how that is changing as the pandemic effects recede?

Ms Wang: I might take the details on notice, but I'm aware the PC has done some studies into work from home and that impact. As you said, it provides flexibilities to the employees but at the same time it might have a detrimental effect on the work-and-life balance. I can take that on notice, particularly about the PC's studies on that.

CHAIR: Thank you

Senator WHITE: I'm certainly interested in work from home and whether or not there are studies about whether that does increase flexibility and participation rates. If there are any studies that you've seen in relation to that, I am interested to see whether that would increase participation rates. On the COVID experience: have you seen any studies or anything that indicates there was an increase in access to carers leave or flexible work arrangements during that time? You talked about the award changes that were made about hours, but I am unsure as to whether that was accessed as much as you might think; you had to register in a number of awards to show that you accessed that. I don't think it was a high level of access, but I'm happy to be corrected. Have you got any other evidence about access to carers leave in those arrangements? Have you seen anything through that?

Ms Wang: Not that I'm aware of. As with all national employment standards, there is no requirement for the employee or employer to record the utilisation of the entitlements. Just anecdotally, I would think there would be higher access to the personal and carer leave categories, because of the nature of a pandemic—people who contract this virus and need to care for a child during an unexpected school closure, for example. They all would be, generally, permissible occasions for people to use that leave category. But I haven't seen any official statistics that record the access of those leave categories. I might add, in the Fair Work Commission's report, in terms of flexible work arrangements, are the legislated statutory provisions, but also there might be informal arrangements made between employers and

employees to make temporary or permanent workplace arrangements, and that wouldn't be recorded either. I'll take it on notice, to see what I can find, particularly the stats in the last two years and compare them to the historical trend, to see what we can infer from those observations.

Answer

Regarding flexible work arrangements including work from home:

The study referred to was the Productivity Commission's research paper 'Working from Home', released on 16 September 2021.¹ The report investigates how the move to working from home during the COVID-19 pandemic may impact Australia's economy generally and individuals' income, employment opportunities, and health and wellbeing.

The effect of working from home on wellbeing is discussed in Chapter 5 of the Productivity Commission's research paper. In its key points from Chapter 5, the Productivity Commission noted that there is evidence from before the pandemic about working from home and wellbeing that suggests that:

- Working from home improved the work–life balance of some people, whereas others found it difficult to switch off and maintain work–life balance when working from home,² and
- Working from home was not associated with a more even distribution of unpaid work in the home. Working men were often assessed as 'doing less than their fair share' by their partners, regardless of their work-from-home status.³

The Fair Work Commission *General Manager's report into the operation of the provisions of the National Employment Standards relating to requests for flexible working arrangements and extensions of unpaid parental leave under section 653 of the Fair Work Act 2009* presents findings for the period from 26 May 2018 to 25 May 2021 from the research conducted on the operation of the provisions of the National Employment standards relating to employee requests.⁴

This report notes that alternative arrangements which provide better flexible working arrangements are not requests pursuant to the National Employment Standards, meaning many flexible working arrangements do not fall within the scope of the report.⁵ The report further found that while there was an increase in flexible working arrangements during COVID-19, however, there were few reports of formal requests under the National Employment Standards.⁶

¹ Productivity Commission (16 September 2021) ['Working from Home' research paper](#) (PC Research Paper 2021).

² Page 73, PC Research Paper 2021.

³ Page 73, PC Research Paper 2021.

⁴ [General Manager's report into the operation of the provisions of the National Employment Standards relating to requests for flexible working arrangements and extensions of unpaid parental leave under section 653 of the Fair Work Act 2009](#) (2018-2021) (General Manager's report 2018-2021).

⁵ Page 14, General Manager's Report 2018-2021.

⁶ Page 22, General Manager's Report 2018-2021.

The Australian Bureau of Statistics' working arrangements and forms of employment note released on 14 December 2021 also provides insights on working from home and notes an increase in working from home since 2020.⁷

Regarding the use of personal and carer leave:

The Household Income and Labour Dynamics in Australia (HILDA) survey collects data on the use of paid leave by employees. The latest available data (Table 1) shows that in 2020 an average of 3.2 days of paid *sick leave* were taken in the last 12 months, and an average of 3.2 days of paid *maternity, paternity, bereavement, family and carers leave* were taken in the last 12 months. These results have been broadly stable since 2016. The latest wave of survey collection included in the dataset was conducted from 4 August 2020 to 7 February 2021.

Table 1: Average days of paid leave taken in last 12 months, by leave type

	2020	2019	2018	2017	2016
Sick leave	3.2	3.3	3.3	3.2	3.3
Maternity, paternity, bereavement, family and carers leave	3.2	3.5	3.1	2.8	3.0

Source: HDA Survey, wave 20, employees

Note: Days taken on maternity, paternity

⁷ [Working arrangements, August 2021 | Australian Bureau of Statistics \(abs.gov.au\)](https://www.abs.gov.au/working-arrangements-august-2021).

Senate Select Committee on Work and Care

QUESTION ON NOTICE Date of hearing: 16 September 2022

Outcome: Workplace Relations

Department of Employment and Workplace Relations Question No. IQ22-000057

Senator Barbara Pocock on 16 September 2022, Proof Hansard page 16

Gender participation data

Question

CHAIR: When we think about gender roles in Australian society and the low level of participation, for example, of most Australian fathers in taking paid parental leave, we often focus on men and paid parental leave, but I think hours of work are also very significant in the Australian context, with a proportion of Australian men doing long hours. Could you tell us, or provide us with an analysis of, the hours of work worked by men and women—particularly, focusing on men who do longer hours—so we can see what that proportion is like and how it is tracking over time, because it certainly impacts on who does the domestic work and the care at home.

Ms Wang: I might see whether my colleague has the data here, but there are ABS publications that we can use to estimate the average hours men and women work.

Ms Wettinger: I will need to take that one on notice to get that specific dataset for you.

CHAIR: Terrific.

Answer

Table 1 shows that, overall, men consistently work more hours than women; on average, in August 2021, men worked 34.5 hours per week compared to 28.1 hours per week for women, and this result has been persistent since 2006 although it has narrowed, with the average hours worked by men decreasing over time.

Noting that women are far more prevalent in part-time roles compared to men, Table 1 also provides analysis for full-time employees and part-time employees. For full-time employees in 2021, men work more hours, on average, than women (38.7 and 36.1 hours respectively) and for part-time employees, women work more hours than men (17.6 and 15.7 hours respectively).

Table 1: Average hours worked by employees in main job, by gender and part-time/full-time status, August 2006-2021

	August 2021		August 2016		August 2011		August 2006	
	Males	Females	Males	Females	Males	Females	Males	Females
Full-time employees	38.7	36.1	40.4	37.1	41.1	37.8	41.3	37.8
Part-time employees	15.7	17.6	17.1	17.7	16.7	17.6	16.1	17.3
All employees	34.5	28.1	36.1	28.3	37.3	28.8	37.6	28.8

Source: ABS, *Labour Force*, unpublished data request.

Consistent with the prevalence of men in full-time work and women in part-time work, Table 2 shows that men work longer hours compared to women. For example, in 2021 26.6 per cent of men reported working 41 or more hours per week, compared to 12.2 per cent of women. This result is broadly consistent over time.

Table 2: Actual hours worked by employees in main job, by gender, August 2006-2021

	August 2021		August 2016		August 2011		August 2006	
	Males ('000)	Females ('000)						
0-10 hours	701.2 (13.0%)	952.9 (17.8%)	530.3 (10.6%)	785.6 (16.3%)	446.6 (9.5%)	690.7 (15.6%)	401.9 (9.5%)	634.2 (16.1%)
11-20 hours	383.9 (7.1%)	756.4 (14.1%)	381.0 (7.6%)	788.7 (16.3%)	303.5 (6.4%)	697.3 (15.8%)	271.7 (6.4%)	604.8 (15.4%)
21-30 hours	503.1 (9.3%)	988.1 (18.5%)	441.0 (8.8%)	880.2 (18.2%)	344.9 (7.3%)	789.3 (17.9%)	294.0 (7.0%)	673.7 (17.1%)
31-40 hours	2,380.2 (44.0%)	2,003.5 (37.4%)	2,130.9 (42.4%)	1,730.8 (35.8%)	2,017.8 (42.8%)	1,622.0 (36.7%)	1,759.8 (41.7%)	1,431.6 (36.4%)
41-50 hours	997.4 (18.4%)	489.6 (9.1%)	1,026.5 (20.4%)	492.8 (10.2%)	1,043.7 (22.1%)	466.4 (10.6%)	980.9 (23.2%)	456.2 (11.6%)
51-60 hours	295.4 (5.5%)	124.3 (2.3%)	339.8 (6.8%)	104.1 (2.2%)	384.4 (8.2%)	113.4 (2.6%)	357.8 (8.5%)	103.2 (2.6%)
61+ hours	145.4 (2.7%)	40.0 (0.7%)	174.6 (3.5%)	45.7 (0.9%)	174.3 (3.7%)	37.9 (0.9%)	157.5 (3.7%)	29.5 (0.7%)
Total	5,406.7 (100.0%)	5,354.9 (100.0%)	5,024.0 (100.0%)	4,828.0 (100.0%)	4,715.2 (100.0%)	4,417.0 (100.0%)	4,223.7 (100.0%)	3,933.2 (100.0%)

Source: ABS, *Labour Force*, unpublished data request.

Note: proportions are based on more detailed data and totals may not sum to 100 per cent.