



THE SENATE
SENATE FINANCE AND PUBLIC ADMINISTRATION
REFERENCES COMMITTEE

Inquiry into gender segregation in the workplace
Public Hearing – Monday, 10 April 2017
Questions Taken on Notice – Australian Services Union

1. HANSARD, Page 42

Ms Biddlestone: The other problem, I think, is that men are trying to access the same legislation as women in trying to achieve flexible working arrangements. So, if the legislation is not supporting women, it is certainly not supporting men either. We have many examples in retail where male employees seek flexible working arrangements so that they can take up caring responsibilities and parenting responsibilities, and their employer will not allow them to do that and uses business reasons because the legislation enables them to do that.

Senator McKENZIE: Can you quantify that for me, please. I would be very interested to know how many of your male members have sought to avail themselves of shifting to part-time work, for instance, in order to care for children.

2. HANSARD, Page 42

Senator MOORE: The Broderick report found—and I am sure all of you are across it—that, even at the very early stages of post-parental leave, blokes were copping much the same discrimination in their workplaces when they asked for leave, let alone women. It is a double whammy. It is the principle of flexibility of work, and flexibility has almost become a dirty word. It is like 'reform'—the word itself has values attached to it. Trying to find flexibility of work so that workers are being looked after is overlaid on the cultural perception that it is only women who have to make the sacrifice, so it is about balancing the two things.

Thank you so much for all your evidence. It really reflected each of your industries very clearly. In the evidence we have received, both in submissions and verbally today, there is this issue that so many of the people in unions are wanting intervention of some kind, usually legislative intervention around regulation. Employers groups, who have given very good evidence as well, are saying that is the wrong way to go; we should have more creative, individual responses. I refer you to section 80 of ACCI's submission, where it claims that having these interventions, as each of your unions has recommended, would have a negative impact. They say would cause more disunity in the workplace and women would be less able to be flexible in their work. Would you look at that from the point of view of the work that you are all doing and respond on notice? We do not have time to cover it now, but it is not a new argument. If you could respond, that would be really useful for us—because that dynamic has clearly come out in the submissions.

Answer:

The ASU disagrees with the position put by ACCI at paragraph 80 of its submission. We are of the view that in circumstances where longstanding and deeply engrained inequity exists the government has a role to play in regulating measures to narrow the inequity. It is an analogous argument to those which have been used against gender equity measures such as pay equity and paid parental leave, and the negative impact that those reforms would have on women's workforce participation. As is borne out by extensive evidence of persistent and widespread gender inequity in the workforce, the current policy and regulatory settings are not adequate, and action must be taken. The appropriate way in which to combat any discrimination or adverse action taken against

women workers is industrial legislation and the various State and Federal anti-discrimination jurisdictions.

Further, we note that in sectors that are wholly or substantially funded by government, it is only through regulation that organisations will be funded adequately to provide relevant flexibility or additional wages, for example. Community Sector employers aren't funded above what is necessary to meet their industrial and legislative obligations. Accordingly, in the absence of regulatory intervention, even the most supportive employers will be hamstrung to some extent.

A further comment from Deb Batterham, ASU member, who appeared before the Committee on 10 April 2017 is as follows:

A problem with the ACCI's submission is its general fear mongering about the possible implications of regulations without addressing the concrete possible outcomes of any specific regulation.

It's hard to see regulations such as: "Prohibiting companies from taking adverse action against employees who disclose information about their pay to colleagues." Or "Commonwealth and State Governments ensure that future successful pay equity cases are fully funded by increases in the grants, subsidies and payments provided by Government to the service provider/employer, where necessary" will be overly burdensome on employers?