



**Submission
to the
Finance and Public Administration Legislation
Committee on Workplace Gender Equality Amendment
(Setting Gender Equality Targets) Bill 2024**

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Introduction

The Australian Education Union (AEU) represents over 185,000 members employed in the public primary, secondary, early childhood, and TAFE sectors throughout Australia, and we welcome the opportunity to submit our views on the Workplace Gender Equality Amendment (Setting Gender Equality Targets) Bill 2024.

The AEU has had the benefit of reviewing the Australian Council of Trade Unions' draft submission to the Bill; the AEU supports all the ACTU recommendations. As AEU members are employed by State and Territory governments, the AEU submission will focus on the following recommendation:

Recommendation: Form an intergovernmental taskforce that also includes unions and other stakeholders, with the goal of bringing state and territory government and related entities under either the Workplace Gender Equality Agency (WGEA) system of reporting and target setting, or states schemes that achieve the same or better outcomes.

The AEU supports the intentions of the Bill to close the gender pay gap by placing obligations on certain employers through the development of a targets scheme. It is an important action; however, its efficacy will be limited by its narrow scope, lack of accountability, and a top-down model that minimises the voice of women workers via their union.

Regarding the education sector, it is highly feminised, and state and territory public sector agencies are the largest education employers. Yet these employers continue to be excluded from WGEA reporting obligations. This exclusion means that the data omits a significant number of employees from across Australia, mostly women. It obscures the data in the education sector. Broadly, it means there is not a truly comprehensive national data set on pay equity across all sectors and occupations and limits any contribution to the understanding of gender equity in workplaces more broadly.

The AEU recommends that state and territory public sector agencies must be accountable and subject to transparent gender reporting obligations and target setting under the Workforce Gender Equality Act, or a similar mechanism, so that true workforce and Australian gender pay gap data is publicly available.

Education Labour market

Education is a significant industry within the Australian economy: both in size and function. In August 2021, Australian Bureau of Statistics (ABS) reported there were 384,807 school teachers,¹ making up 3.2% of the total Australian workforce of 12,049,410, and 8.5% of the workforce in managerial and professional occupations. This figure, limited to only one cohort within the broader teaching profession – which includes early childhood education, and post-

¹ Australian Bureau of Statistics, 367,972 in the School Education Industry (INDP)

secondary vocational education, demonstrates the significant size of a labour market of strategic importance to Australia's society and economy.

74% of all school teachers are female. This varies across the learner levels, from 67% in secondary schools, through to 84% of primary teachers, and the greatest segregation occurring in early childhood education services with women making up 99% of the workforce. Technical and further education (TAFE) is less gender segregated, with women making up 59% of the workforce, however there is still gender segregation amongst occupations and faculties within the organisation². The proportion of women working in education continues to increase³.

School teachers work in the public or private sector; however, the majority are employed in the public sector by state and territory governments. There are some characteristics that distinguish the public sector teaching workforce from the private: a greater proportion of whom are younger teachers, Aboriginal teachers and Torres Strait Islander teachers. Similarly, a larger proportion of the public sector teaching workforce lives in remote or very remote localities, and low socio-economic localities. These characteristics are extremely relevant to the gender pay gap, due to the impact of intersectionality on compounding discrimination, any exclusion of this group of workers represents a significant gap in the data⁴.

Impact of A Gendered Segregated Labour Market in Education

Women working in education typically earn less than the men employed in education, have less job security, and retire with less wealth, including superannuation. The education workforce is subject to the impacts of gendered assumptions and discrimination that is experienced and amplified within feminised industries. The causes of the gender pay gap in education are the gendered rates of insecure employment in education, the disparity in career breaks to accommodate caring and cultural responsibilities, and gendered promotion discrimination⁵.

Most teachers work full-time hours, however 28% work part-time and 6% are recorded as away from work or working zero hours⁶. The percentages of women teachers working part-time or away from work (on leave) fluctuates greatly by age. Unsurprisingly and across all age brackets: male teachers were more likely than females to be working full-time and female teachers were more likely to be working part-time and away from work. The following figure illustrates these patterns of labour force status by age and gender:

² Commission for Gender Equality in the Public Sector, 'Workforce gender composition and segregation' webpage, accessible [here](#).

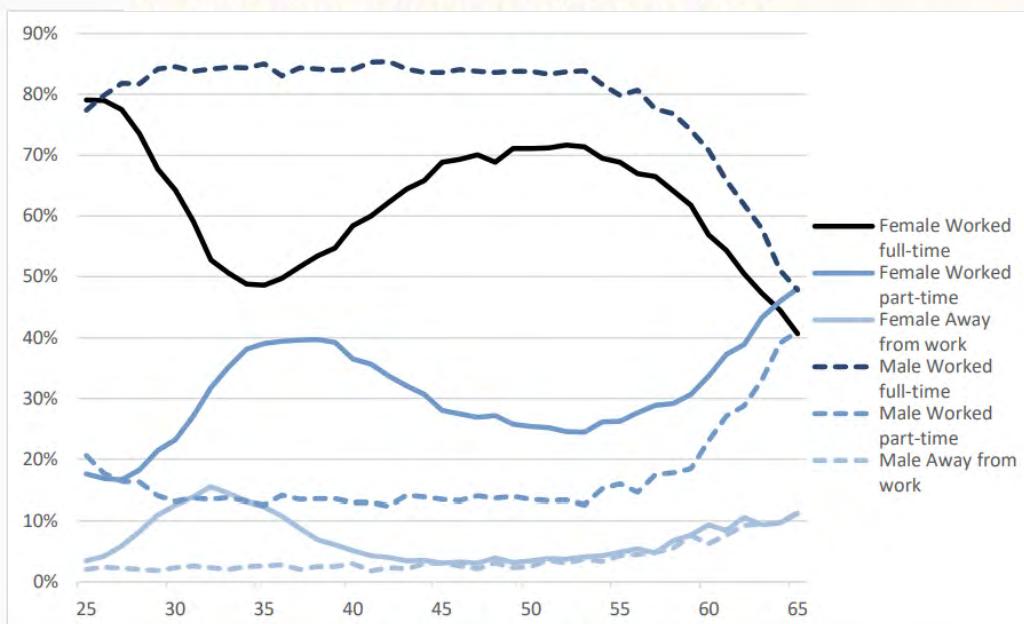
³ [WGEA](#), 'Education and Training Industry Snapshot' webpage, accessible [here](#).

⁴ [Women's Agenda](#), 'A lack of intersectional data hides the real gender pay gap', webpage, accessible [here](#).

⁵ Australian Institute for Teaching and School Leadership, Australian Teacher Workforce Data reports, accessible [here](#).

⁶ Preston B, 'The Australian School Teaching Workforce', October 2023, accessible [here](#).

Figure 3. Percentage of female and male teachers who worked full-time, part-time or were away from work, at each age, 25 to 65, 2021



Source: ABS 2021 Census (2023a). Census classifications: OCCP Occupation (custom classification for School Teachers); Sex SEXP; Age AGEP; LFSP Labour Force Status

Taking time away from paid work to perform caring roles negatively affects both women teachers' take-home pay and further reinforces gender promotion discrimination within the sector, which is both symptomatic and reinforcing of gender stereotypes.

Whereas there is a disproportionately lower representation of women in educational leadership roles, men are over-represented among leaders and teachers with leadership responsibilities.⁷ Men were 1.5 times as likely to be a leader (31%) than working as a classroom teacher (21%); and were 1.3 times as likely to be in the position of principal (35%) than a deputy principal (26%).⁸ On average, school leaders who are men are promoted to their positions in fewer years after they commenced teaching than women leaders⁹.

Whilst these patterns of work are not unique to women working in education, and mirror the broad and overlapping reasons for the gender pay gap existing irrespective of industry, it demonstrates the significant flaw in continuing to exclude state and territory government and related entities from WGEA reporting obligations. Their exclusion obscures the reality of the gender pay gap in education. Their exclusion results in an incomplete national data set and negatively impacts the entire work of WGEA.

⁷ The Australian Institute for Teaching and School Leadership, Australian Teacher Workforce Data: National Teacher Workforce Characteristics Report December 2021, December 2021, p 46, accessible [here](#).

⁸ Ibid. p.31.

⁹ Ibid.

Impact of non-reporting vs reporting

In every state and territory, public sector agencies are large employers, of workforce that is predominantly women. The New South Wales public sector is the largest employer in Australia, and 66.5% of its employees are women¹⁰. This is provided as an example to show the breadth of the exclusion. Put simply: the largest employer in Australia is missing from this crucial national data set.

Beyond the impact of accurate data, non-reporting negatively impacts the gender pay gap of women employed by those employers. In public sector jurisdictions without robust reporting obligations the gender pay gap is growing, and particularly so far within the public sector. Yet this reality is hidden.

By way of example:

In NSW, the public sector gender pay gap is at highest point over the last decade¹¹. This is partly attributable to the former state government's policy of wage caps¹².

Similarly in Western Australia, the public sector workforce continues to increase in number of employees. As of June 2023, it represented 10.6% of the total Western Australian workforce¹³. This increase has primarily been in the education and health sectors: where more than three quarters of employees are women¹⁴. Western Australia has worst gender pay gap in the country, demonstrating the urgency for the collection and analysis of a complete pay equity data set¹⁵.

South Australia has no gender pay gap reporting obligations. Whilst its gender pay gap is lower than the national average, it concerningly appears to be increasing¹⁶. A recent report by The Australia Institute highlights the extend of public sector wage suppression in the state¹⁷: given that approximately 70% of this workforce are women¹⁸, it would suggest mostly women are impacted by public sector wage suppression.

By contrast, the two state jurisdictions (Queensland and Victoria) with robust reporting obligations have had the greatest average annual decline in their gender pay gap¹⁹.

¹⁰ <https://www.psc.nsw.gov.au/assets/psc/PSC-2023-Workforce-Profile-Report.pdf> Public Service Commission, Workforce Profile Report 2023, December 2023, accessible [here](#).

¹¹ Ward M, 'The \$6205 a year pay gap between men and women public servants', *Sydney Morning Herald*, 25 February 2024, accessible [here](#).

¹² Stanford J, 'The Cumulative Costs of Wage Caps for Essential Service Workers in NSW', November 2022, accessible [here](#).

¹³ Public Sector Commission, 'State of WA Government Sector Workforce 20220-23', accessible [here](#).

¹⁴ Ibid.

¹⁵ UnionsWA, 'Gender Pay: WA Worst, Actioned Needed', webpage, accessible [here](#).

¹⁶ ACTU, 'Mind the gap: improvements in narrowing the gender pay gap', webpage, accessible [here](#).

¹⁷ The Australia Institute, 'Economic Prosperity, Public Sector Restraint', December 2024, accessible [here](#).

¹⁸ Office of the Commissioner for Public Sector Employment, 'Workforce Information Report 2022-23', accessible [here](#).

¹⁹ Above n 16.

Queensland has a robust and transparent gender equity reporting mechanism. It is designed to deliver accountability across the public sector by measuring progress and informing improvements to policy, procedure and practice²⁰. By way of example, this enabled a reform to pro rata-based yearly pay progression to better support part-time employees. In workplace arrangements where an employee's salary classification increases according to years of service, such progression may be caveated that part-time employees have a pro rata reduction in progression, due to their reduced hours of work. The pro rata reduction in part-time employees' progression disproportionately affects women teachers, who are more likely to work part-time due to gendered caring obligations. To address this inequity, AEU members in Queensland have successfully bargained for the elimination of pro rata salary progression²¹. Accordingly, in Queensland state schools, part-time teachers progress through the time-based salary scales at the same speed as full-time teachers. This has helped reduce the gender pay gap in Queensland.

Similarly, the Victorian Gender Equality Act of 2020 has been instrumental legislation in this regard. This legislation imposes more detailed reporting obligations than those imposed by entities covered by WGEA in that entities must both report and take meaningful and demonstratable action on gender equity²². It has resulted in tangible improvements for women working in education. Of note, the analysis considered the proportion of women in leadership roles, and thus allowed for the employer and union to work together on a strategy to address this. The result of which is a policy to support and fund flexible work and job sharing amongst school principals²³. The goal of this is specifically to encourage more women to take on school leadership roles, and thus addresses a driver of the gender pay gap. Since its inception, this policy has had a strong uptake and positive impact on the overall attitudes towards flexible work.

The Queensland and Victorian examples highlight what can be achieved with transparent reporting and accountability that mirror and/or supersede WGEA obligations.

Barrier

The Act explicitly does not cover employers that are a State, a Territory or related entities²⁴. Yet, it is unclear to the AEU what the barrier to coverage is. There are no clear constitutional reasons for this exclusion. It was recently suggested that the barrier may be compatibility with the Commonwealth Privacy Act²⁵. However, the 2021 – 2022 progress report makes no reference to this, and instead states:

²⁰ [Public](#) Sector Commission, 'Gender pay equity in the Queensland public sector', September 2024, accessible [here](#).

²¹ *Department of Education State School Teachers' Certified Agreement 2019*, cl 5.9.2, accessible [here](#).

²² See for example, Department of Education, '2022-25 Gender equality action plan', accessible here.

²³ <https://www2.education.vic.gov.au/pal/flexible-work-principals/policy-and-guidelines/flexible-work-school-leaders-funding>

²⁴ WGEA Act s. 4(2) Meaning of *relevant employer*

²⁵ Stakeholder Roundtable into the Bill, 5 December 2024.

WGEA is also engaging State and Territory governments to report on a voluntary basis following the in-principle agreement at National Cabinet in December 2021 to share public sector workforce data with WGEA²⁶.

Similarly, according to the WGEA website:

What about the state public sector?

State and Territory public sector employers are not required to report to WGEA.

In December 2021 National Cabinet made an in-principle agreement for jurisdictions to report public sector workforce data to WGEA. WGEA continues to work with States and Territories on an approach to gender equality data collection and reporting to WGEA²⁷.

This implies there is no constitutional or legislative barrier to overcome.

Conclusion

To continue to exclude state and territory public sector agencies is to deliberately not count many women employees.

The AEU recommends that these agencies must be accountable through relevant and transparent gender reporting obligations and target setting under the Workforce Gender Equality Act, or a similar mechanism, so that true Australian workforce and gender pay gap data is publicly available. These entities are operationally similar that do have reporting obligations; these entities are significant employers of women; there is often significant gender pay gaps within these entities and the gender composition of senior roles in these entities tends to be predominantly men, and by imposing reporting obligations on these entities this allows for transparency regarding and the opportunity to address the gender pay gap and the under-representation of women in these entities.

²⁶ https://www.wgea.gov.au/sites/default/files/documents/WGEA-2022-Progress_Report.pdf

²⁷ <https://www.wgea.gov.au/about/our-legislation/publishing-employer-gender-pay-gaps>