

Submission by the Australian Nursing and Midwifery Federation

Workplace Gender Equality Amendment (Setting Gender Equality Targets) Bill 2024

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Australian
Nursing &
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Australian Nursing and Midwifery Federation / Workplace Gender Equality Amendment (Setting Gender Equality Targets) Bill 2024

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Introduction

1. The Australian Nursing and Midwifery Federation (**ANMF**) is Australia's largest national union and professional nursing and midwifery organisation. In collaboration with the ANMF's eight state and territory branches, we represent the professional, industrial and political interests of more than 330,000 nurses, midwives, assistants in nursing and personal care workers across the country. Approximately 89% of the ANMF's members are women.
2. Our members work in the public and private health, aged care and disability sectors across a wide variety of urban, rural and remote locations. We work with them to improve their ability to deliver safe and best practice care in each and every one of these settings, fulfil their professional goals and achieve a healthy work/life balance.
3. Our strong and growing membership and integrated role as both a trade union and professional organisation provides us with a complete understanding of all aspects of the nursing and midwifery professions and see us uniquely placed to defend and advance our professions.
4. Through our work with members, we aim to strengthen the contribution of nursing and midwifery to improving Australia's health and aged care systems, and the health of our national and global communities.
5. The ANMF thanks the Finance and Public Administration Legislation Committee for the opportunity to provide feedback on the *Workplace Gender Equality Amendment (Setting Gender Equality Targets) Bill 2024* (the **Bill**). This submission should be read in conjunction with that of the Australian Council of Trade Unions (**ACTU**), with which the ANMF is affiliated. The ANMF supports the submission of the ACTU.

Overview

6. The Bill introduces a gender equality targets scheme for designated relevant employers (**DREs**), those with 500 or more employees, and aims to accelerate progress in closing the gender pay gap and fostering gender equality in the workplace.



7. Under the current *Workplace Gender Equality Act 2012* (the **Act**), employers must publicly report on their Gender Equality Indicators (**GEIs**) but are not required to set gender equality targets. The Bill proposes that DREs must:
 - (a) Select specific gender equality targets.
 - (b) Achieve or show improvement in these targets over a three-year ‘target cycle’.
 - (c) Publicly report on progress towards these targets.
8. The Bill does not specify which gender equality targets employers should choose or the rules for selecting them. Instead, the Minister for Women will set targets related to specific gender equality indicators and target cycles and will specify rules for target selection by designated relevant employers.
9. Additionally, the Bill allows for rules that:
 - (a) provide for classes of targets;
 - (b) require the selection of a specified number of targets;
 - (c) require the selection of a specified number of targets of a specified class;
 - (d) require a DRE to nominate the level of improvement against a specific target that is required for the employer to have met the target.¹
10. Currently, the Act permits the Workplace Gender Equality Agency (**WGEA**) to publicly name employers who do not comply with reporting obligations. The Bill seeks to extend these powers, allowing WGEA to publicly name employers which fail to meet their selected gender equality targets or cannot demonstrate improvement against their baseline data without reasonable excuse.
11. Furthermore, WGEA may withhold a certificate of compliance from non-compliant employers, which can significantly impact their ability to procure services, as Australian Government agencies and departments may consider the possession of a WGEA certificate

¹ s17B(3) of the Bill



of compliance when procuring services.

12. The ANMF views the Bill as a step in addressing systemic inequities, particularly those affecting women in feminised professions such as nursing and midwifery, who have long faced undervaluation of their work. Despite great strides being made in recent decades, female nurses and midwives are underrepresented at senior levels of nursing and midwifery.
13. We commend the Government's commitment to implementing the 2021 Review of the Act, which highlighted the need for more ambitious and action-oriented measures to achieve workplace gender equality,² however we believe even more should be done.

Support for the Bill's objectives

14. The ANMF strongly supports the Bill's objectives, particularly its emphasis on measurable gender equality targets that align with Australia's international obligations under conventions such as the Convention for the Elimination of All Forms of Discrimination Against Women (**CEDAW**), International Covenant on Civil and Political Rights (**ICCPR**) and the International Covenant on Economic, Social and Cultural Rights (**ICESCR**).
15. By requiring DREs to select and achieve targets related to the current six GEIs, the Bill ensures a structured and transparent approach to improving gender equality outcomes.
16. The establishment of a three-year cycle for achieving targets provides a balanced framework that promotes sustained action without imposing undue burdens on employers.
17. We welcome the provision for public reporting on progress, which enhances accountability and transparency, allowing employees and stakeholders to monitor employers' efforts toward gender equality.

² Department of Prime Minister and Cabinet, *WGEA Review Report: Review of the Workplace Gender Equality Act 2012* (December 2021)



Key recommendations

Expansion of reporting obligations

18. The ANMF recommends extending the reporting obligations to employers with fewer than 500 employees, particularly those in the health, aged care, and disability sectors. At the very least, the Bill should define DREs as employers with 100 or more employees, similar to provisions concerning “relevant employers” as defined in section 4 of the Act.
19. The ANMF also recommends extending the reporting obligations to all Australian public sector employers including state, territory and local government, which have no obligations under the Bill. This recommendation is in line with our submission concerning the *Workplace Gender Equality Amendment (Closing the Gender Pay Gap) Bill 2023*.³
20. Many ANMF members are employed by smaller organisations and state/territory and local governments that will continue be excluded from the reporting requirements and targets, omitting critical data on gender pay inequities.
21. The ANMF notes that in December 2021, National Cabinet made an in-principle agreement for state and territory governments to report public sector workforce data to WGEA on a voluntary basis.⁴ However, this has still not occurred and without meaningful legislative change the ANMF doubts this will ever occur.
22. Expanding the scope of reporting will ensure a more inclusive dataset and provide a clearer picture of the gender pay gap across the entire healthcare, aged care and disability sectors. The Commonwealth clearly has the legislative ability to implement the ANMF’s recommendations as the CEDAW, ICCPR and ICESCR give it the ability to use the external affairs power available under the Australian Constitution.⁵

³ ANMF, *Closing the Gender Pay Gap Bill 2023 submission* (March, 2023)

⁴ Workplace Gender Equality Agency, *WGEA 2022 Progress Report* (2023) p5

⁵ Commonwealth of Australia Constitution Act, s51(xxix)



Secure jobs target

23. A lack of job security significantly impacts the well-being of healthcare workers, often leaving their lives in limbo. Without a guarantee of consistent hours or long-term employment, workers are vulnerable to financial instability, physical and mental strain, and diminished access to professional development opportunities. They also face challenges in balancing work with family or caregiving responsibilities.
24. Part-time work dominates the health care and aged care⁶ sectors in Australia. Women are more likely to experience insecure employment due to the disproportionate demands they face in balancing paid work and care duties. Women are overrepresented in casual or fixed-term positions within the healthcare sector.
25. The Australian Government has acknowledged the importance of job security in promoting gender equality through the *Secure Jobs Better Pay* legislative reforms. These reforms amended the *Fair Work Act 2009* to include promoting "...job security and gender equality..." as an objective.⁷
26. Given the crucial role of job security in supporting gender equality in the workplace, the ANMF recommends establishing a job security target within GEI1 of the Gender Equality Targets. This would increase the representation of underrepresented genders in secure employment, fostering a more equitable and stable workforce.

Enhancing public accountability and transparency

27. The ANMF commends the Bill's emphasis on public reporting and recommend that employers be required to provide detailed breakdowns of their progress toward achieving gender equality targets.
28. Increased transparency will empower employees to make informed decisions and foster a culture of accountability within organisations. The WGEA should ensure that public reports

⁶ Australian Government Productivity Commission, [Aged care employment Study report](#), (October 2022) p11

⁷ [Fair Work Act 2009, s3\(a\)](#)



are accessible in a timely manner and are user-friendly, enabling stakeholders to easily track employers' performance in meeting gender equality goals.

Conclusion

29. The ANMF broadly supports the Bill and its potential to drive meaningful progress in closing the gender pay gap. We believe the Bill's framework will help dismantle long-standing systemic barriers to gender equality, particularly in feminised professions such as nursing and midwifery.
30. We urge the Senate Committee to consider our recommendations and those of the ACTU to enhance the Bill's effectiveness. The ANMF remains committed to collaborating with the Australian Government and other stakeholders to achieve the Bill's aims and advance gender equality across Australia's workplaces.