

MINDING THE GAP

**The 20 reforms that are
closing the gender pay gap
faster**

November 2024

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Sources: This report relies throughout on two key ABS survey series from the Australian Bureau of Statistics (ABS): Average Weekly Earnings (AWE) (May 2024) and Employee Earnings and Hours (EEH) (August 2023). Where another source is used it is referenced.

SUMMARY

When the Albanese Government came to office in May 2022, a woman working full time was earning \$260 less per week, or 14.1% less than a man on average. Today, that gap has shrunk to \$231 or 11.5%.

The gap is now shrinking by 1.3 percentage points on average each year, more than three times as fast as the average annual rate of decline under nearly a decade of Coalition governments of just 0.4 percent.

That means that today, a woman working full time is now \$36 a week, or nearly \$1,900 a year better off, than if the Coalition's lacklustre progress had continued under this term of government.¹

To put it another way, on current progress the gap could close completely within nine years. But if women in Australia had to persist with the Coalition's slow progress, they'd be waiting another 35 years.

This ACTU report also finds the gender pay gap shrinking more rapidly on every measure.

Considering the earnings of all workers – and not just those working full time – the gender pay gap is shrinking by 1.0 percentage points per year under this term of Government, compared to 0.8 percentage points under the Coalition.

Measured on an hourly basis, the gender pay gap actually worsened under the Coalition's time in office, going from 7.0 percent to 7.2 percent. Since then it has nearly halved under this Government, shrinking to just 4 percent.

This report also examines trends in the gender pay gap across the public and private sector, industries and states.

This progress has not happened by accident. This report outlines 20 major reforms under this term of Government that have all contributed to the quicker narrowing of the gender pay gap. Key ones include:

- Strong wage outcomes in the past three Annual Wage Reviews and in public sector bargaining, where most workers covered by these arrangements are women.
- Progress in winning equal pay across female-dominated occupations, especially in aged care and now early childhood education and care (ECEC).
- Strong growth in women's full-time employment and workforce participation, post-pandemic.
- Better rights supporting women to remain connected to work, including a stronger right to request flexible working arrangements, improvements to Commonwealth Paid Parental Leave, paid family and domestic violence leave, and improved childcare subsidies.
- Greater transparency about pay, including the outlawing of pay secrecy clauses in employment contracts and improvements to company gender pay gap reporting via the Workplace Gender Equality Agency (WGEA).

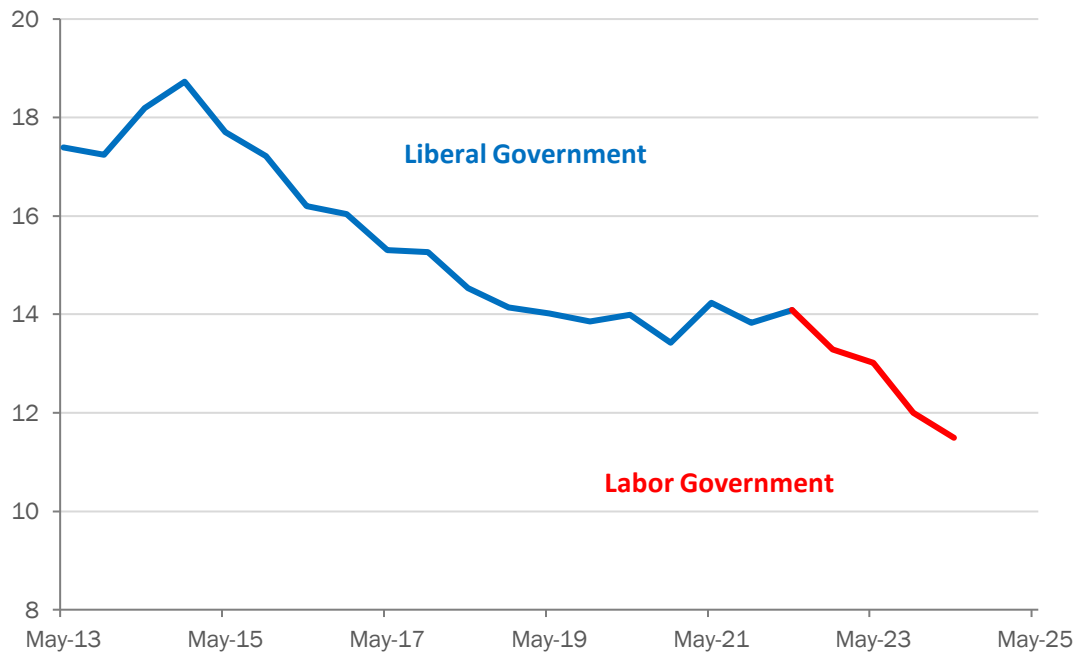
¹ This is assuming that male average weekly full-time earnings grew at their actual rate, but that female average weekly full time earnings grew at a reduced rate to accommodate the wider gender pay gap that would persist if the slow rates of reduction continued under this term of government.

- Improved protection from discrimination and sexual harassment at work and stronger obligations on employers to prevent and respond to such unlawful conduct.

Such progress is likely to continue as the full impact of most of these reforms is yet to be felt. But that is only if they stay.

Peter Dutton and the Coalition in opposition have opposed nearly every single one of these 20 reforms supporting fairer pay for women, and have already threatened to tear up some of them if re-elected. This includes multi-employer bargaining which is already supporting women workers across the care economy to gain significant wage increases. Working women cannot afford a Dutton Government.

Chart 1: The gender pay gap in full time earnings (%).



Equal Pay Day

The current gender pay gap can also be expressed as the number of days each year women effectively work for free. On the latest figures that is 42 days. That means that from 19 November this year, women are effectively working for free until the end of the year. When the Coalition left power, that days was much earlier, on 10 November 2024.

Many countries mark this day as equal pay day. In Australia the Workplace Gender Equality Agency (WGEA) marks equal pay day as the point after the financial year that women have to keep working to be paid the same as the average man.

I. ABOUT THE GENDER PAY GAP

The gender pay gap is the difference in pay of women and men, usually measured across workplaces, industries, occupations and the workforce as a whole. It is an important measure of gender inequality, showing the reduction in women's earning capacity from the day they join the workforce until they retire.

There are three key measures of the Gender Pay Gap:

Official full-time measure: this compares the full time average ordinary time earnings of men and women. It does not include bonuses, overtime or superannuation, which men typically earn more of.

Total earnings measure: this compares the pay of all employees, including part time workers, the majority of who are women. This enables a clear comparison of exactly what men and women earn.

Hourly measure: this compares the pay gap on an hourly basis across all employees. This enables a clear comparison of rates of pay by controlling for the variability in hours worked by men and women.

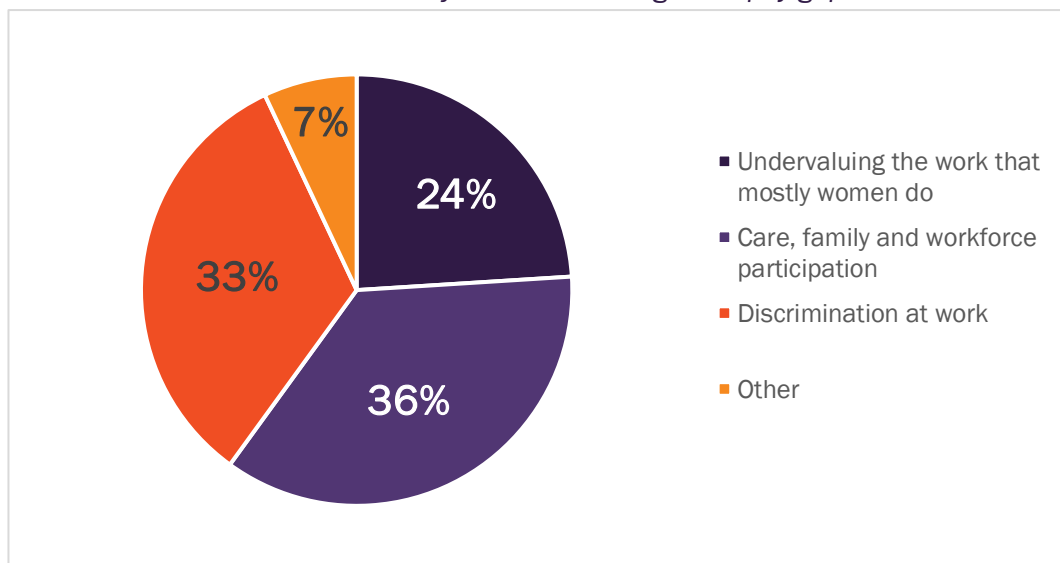
All three measures can provide helpful insights into different aspects of the gender pay gap problem.

Why are women paid less than men across these measures? There are three main barriers to women receiving the same pay as men. They are:

1. The undervaluing of work in occupations that mostly women do.
2. Barriers to participating in work, especially the unpaid care and domestic work that women do the most of; and
3. Discrimination in hiring, promotion and pay, among others.

The contribution of each of those factors to the gender pay gap is covered below in Chart 2 based on the latest analysis commissioned by the Diversity Council Australia and WGEA.

Chart 2: The contribution of the major drivers of the gender pay gap



Source: KPMG (2022), *She's Price(d)less: The economics of the gender pay gap*, 4th edition.

This report describes those barriers in more detail before going through the key reforms under the Albanese Government that have sought to tackle those barriers.

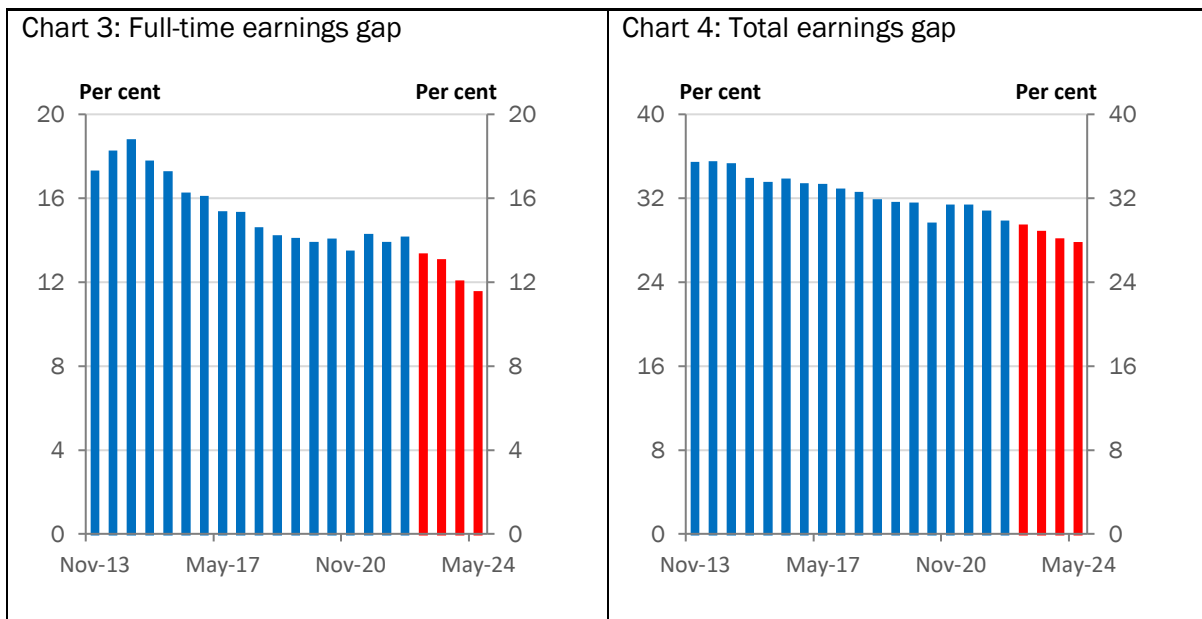
But first, it examines key trends in the pay gap under this term of Government in contrast to the previous nine years of Coalition governments. It examines those trends across each of the key national measures before diving deeper into trends across the public and private sectors, states and territories and industries.

II. CURRENT TRENDS WITH THE GENDER PAY GAP

From stagnation to progress

After four years of stalled progress in reducing the gender pay gap, the election of the Albanese Government in May 2022 marked a turning point, achieving quick progress in reducing the gap. While the gender pay gap declined overall under the Coalition, there was a period of significant stagnation between November 2018 and May 2022. This meant that on the eve of the 2022 Federal Election, the gender pay gap was 14.1 per cent of male full-time earnings, the most used measure, which is exactly where it was four years prior in November 2018.

The gender pay gap in total average earnings, which includes part-time workers (which are disproportionately women) fared only slightly better. Between May 2013, just prior to taking office, and May 2022, the gender pay gap fell 7.6 percentage points overall, but with periods of significant stagnation. Between November 2015 and May 2017, the total average earnings gap declined only 0.2 percentage points. Then, between May 2019 and May 2021, the total earnings gap only eased by 0.3 percentage points.



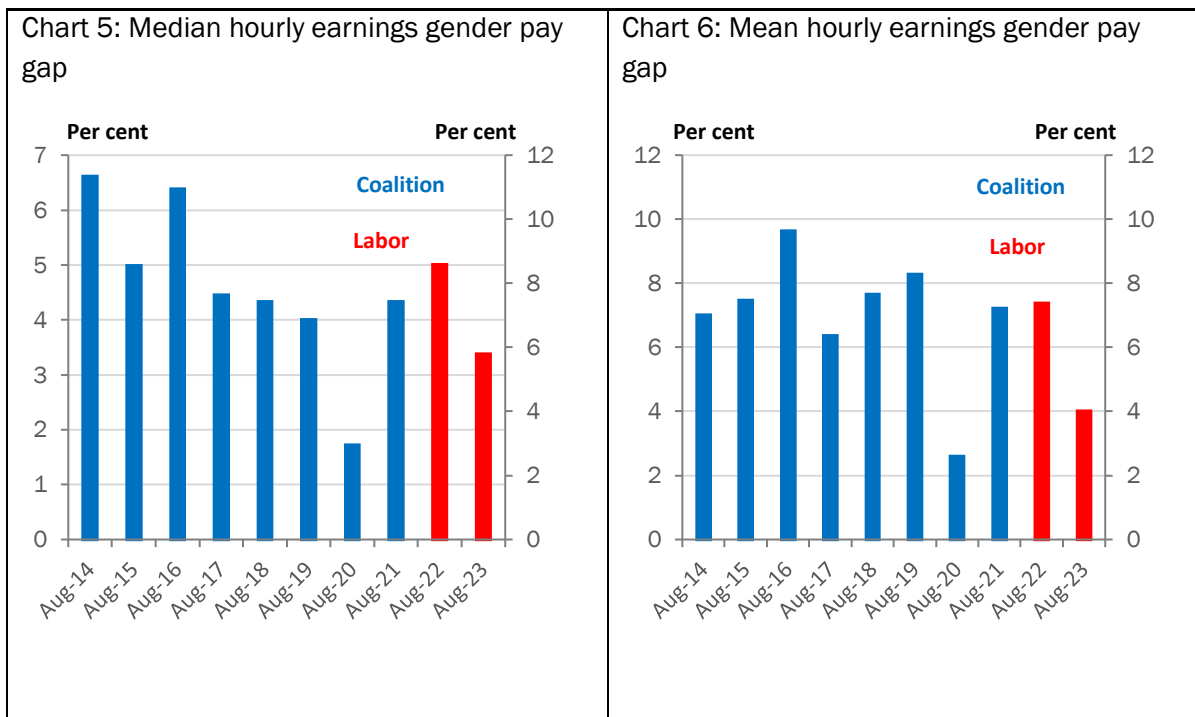
In contrast, the Albanese Government's commitment to gender equality has driven the full-time earnings gap down sharply. In the two years between May 2022 and May 2024, the full-time earnings gap has fallen by a total of 2.6 percentage points, covering 79 per cent of the ground managed under nine years of Liberal National Party rule. Further, the pay gap under Labor has closed 0.5 percentage points more than the full-time pay gap declined in the six years between May 2016 and May 2022, just shy of the full length of the combined tenure of Turnbull and Morrison, when the gender pay gap fell only 2.1 percentage points. The annual rate of decline has averaged 1.3 percentage points under the Labor Government, almost three times the average annual rate of decline of 0.4 percentage points under the period of neglect under the Coalition.

A similarly strong decline in the total earnings gap has been observed over the two years of the new government. The total average earnings pay gap declined 2.0 percentage points between May 2022 and May 2024, a decline only slightly less than the fall of 2.1 percentage points seen between November 2018 and May 2022, covering the full tenure of Scott Morrison. The term of the Labor government has also seen a stronger average annual decline than under the Coalition. The total earnings pay gap has declined 1.0 percentage points each year on average, faster than the average annual decline of 0.8 percentage points under nearly a decade of LNP rule.

It is also helpful to examine the hourly gender pay gap because this includes all employees but excludes the variability in hours worked between men and women, enabling a clearer comparison.

As with the full-time and total earnings gap, the median hourly gender pay gap also broadly stalled during the Coalition's period in office. The median hourly pay gap declined in the early years of the Coalition's time in office, reaching 4.3 per cent by August 2018, falling slightly more to 4.0 per cent on the eve of the pandemic in August 2019. The pay gap then saw a sharp drop in August 2020, though this reflected the impact of the pandemic rather than any commitment to gender equality, as women in lower paid work lost their jobs, perversely reducing the overall gap. As people were able to return to work, the pay gap widened to the 4.3 per cent of years past, reversing progress and showing the markers of stalling progress so visible under the Coalition's custodianship of the economy. This upwards drift carried into the first months of the Albanese Government as the gap picked up to 5.0 per cent on a median basis before the new Government was able to arrest the uptick and force it down sharply to 3.4 per cent by August 2023, after the government's new policies began to flow through the system (see Chart 5).

A similar story can be seen in the mean hourly earnings gap, though over the full span of the Coalition's time in office the gender pay gap rose – more a regression than stalling. While there was some downwards progress under the Coalition, this progress was characterised by interludes of increases in the hourly pay gap. Towards the end of the Coalition's time in office in August 2021, the mean pay gap ticked up to slightly above where it was when the LNP first took office, ending their term in power at 7.2 per cent, up 0.2 percentage points from August 2014. The uptick followed the Labor party into its first three months in office before its policy programme was able to take shape and drag the mean hourly pay gap down dramatically by 3.2 percentage points to 4.0 per cent (see Chart 6).



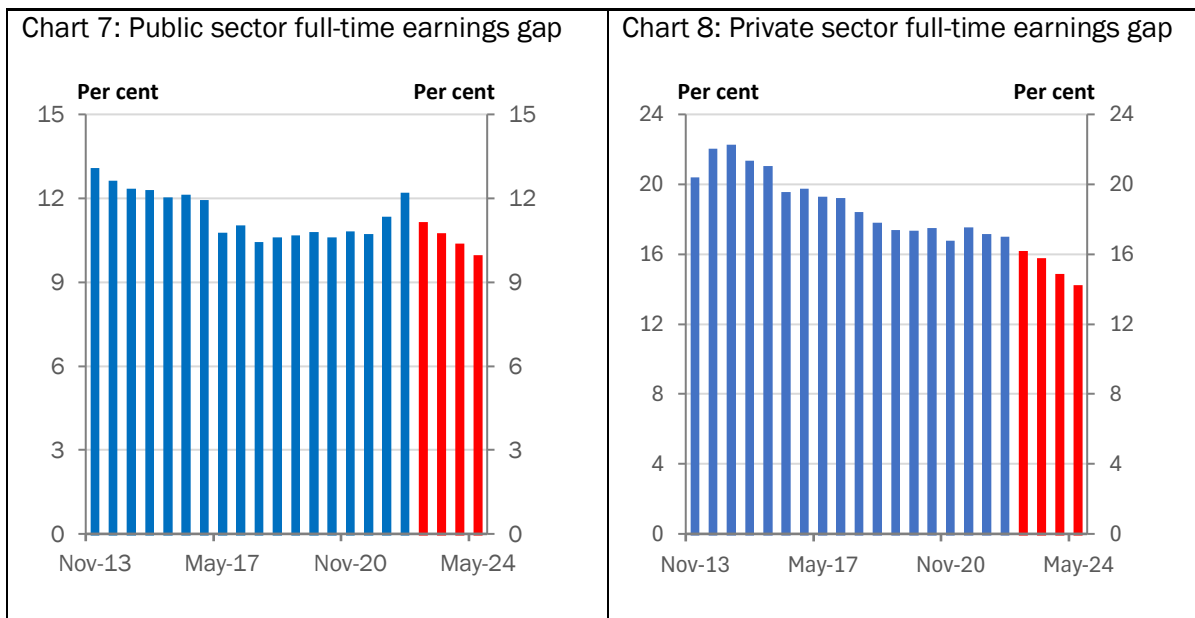
The Gender Pay Gap in the public and private sectors

The story of the pay gap across the public and private sectors is broadly similar to the overall story above and is marked by periods of stagnation and reversal when overseen by the Coalition.

The full-time earnings gap

In the private sector, the full-time earnings gap has fallen 2.8 percentage points since May 2022, an equivalent fall in two years to the decline managed in the five and a half years between November 2016 and May 2022 and 72 per cent of the distance closed between May 2013 and May 2022, over which time the pay gap fell 3.8 percentage points in total under the Coalition (see Chart 8).

The public sector fared much worse under the Liberals than the private sector largely reflecting long standing public sector pay caps and refusals by governments to bargain with their own employees. By the time the Morrison Government was facing election, the full-time public sector gender pay gap had increased back to 12.1 per cent, the same level prevailing in May 2016, just eight months after Turnbull took the leadership and gave the women’s portfolio a full Ministership, with the Liberals having wiped out nearly six years of progress on narrowing the gap. Over the entire life of the Coalition Government, from May 2013 to May 2022, the public sector gender pay gap had only narrowed 1.0 percentage point. In stark contrast, the new Government set about rectifying the lack of progress, driving the pay gap down by 1.4 percentage points in its first year – besting the Coalition’s nine years of attempted progress in only one – and a further 0.8 percentage points in its second year – nearly beating the Coalition’s total progress a second time in as many years. In total, the new Government drove down the gender pay gap in the public sector by 2.2 percentage points to 9.9 per cent in the first two years after the election (see Chart 7).

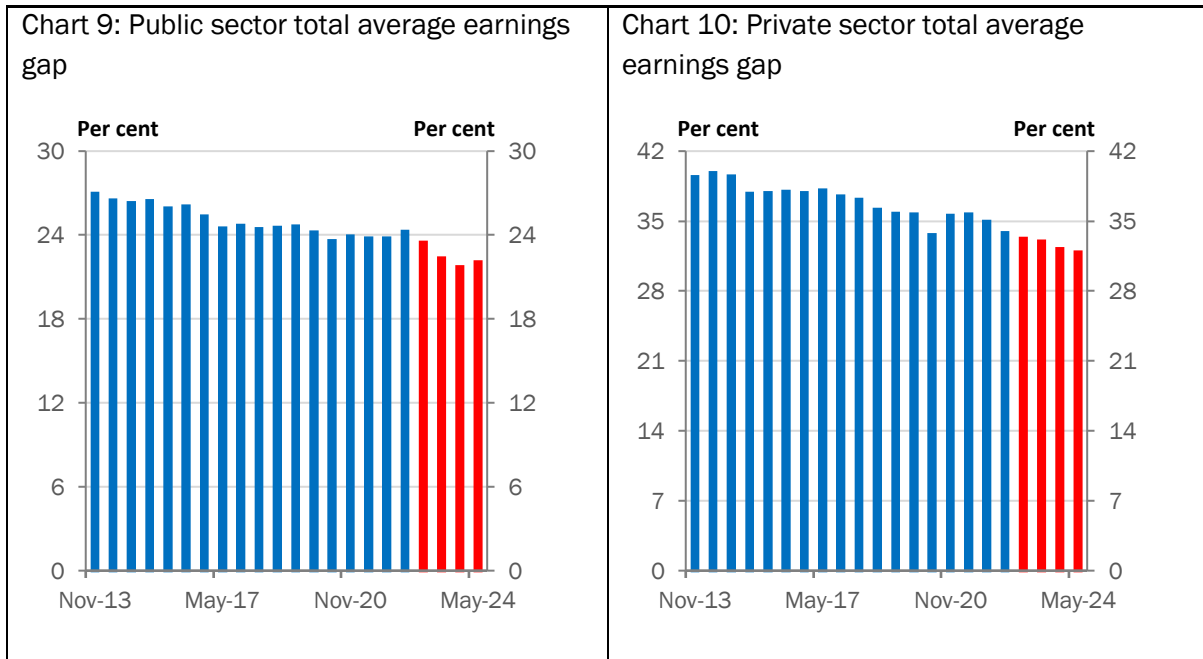


The total earnings gap

The total earnings gap in the private sector fell 8.1 percentage points in total under the Coalition. However, consistent with the overall experience of the gender pay gap under the LNP, the private sector total earnings gap was plagued by periods of stagnation. The private sector total earnings gap spent two years, between May 2015 and November 2016, essentially unchanged, hovering around 37.8 per cent. The total earnings pay gap then resumed slow progress in November 2017, only to stall again at around 35.7 per cent between November 2019 and May 2021. In the final year of the Coalition Government the total earnings gap in the private sector fell 1.9 percentage points for an average annual decline of 0.8 percentage points over their nine years. In the two years since taking office, the new Albanese Government has overseen a more rapid average annual decline of 1.2 percentage points, suggesting momentum has returned.

As with the private sector, the Coalition’s custodianship over the total earnings gender pay gap in the public sector is mostly a story of stagnation. In May 2013 the gender pay gap for all employees was 27.0 per cent, and had only dropped by 2.7 percentage points to 24.3 per cent as of May 2022. This meant that the average annual decline in the public sector pay gap was 0.3 percentage points over the life of the Coalition. Further, between May 2017 and November 2019, the total earnings pay gap in the public sector was unable to move below 24 per cent, starting at 24.5 per cent and only falling by 0.3 percentage points to 24.2 per cent three years later. The total earnings gap then spent another three years barely moving, winding up at 24.3 per cent, 0.1 percentage point higher, on the eve of the Federal election in May 2022. It took the Albanese Government taking office to restore meaningful progress, and the public sector total earnings pay gap closed by 2.2 percentage points in the new Government’s first two years of office, declining from 24.3 per cent in May 2022 to 22.1 per cent in May 2024 – an average annual decline of 1.1 percentage points, just shy of quadruple the average rate managed by the Coalition. Further, in two years of government, the Labor party had covered 81 per cent of the ground managed over the nine years of the Coalition, reflecting the sharply different

approach of respecting the public service and taking gender equality seriously – something sorely absent from the Coalition’s approach.



The Gender Pay Gap by State

Consistent with the overall decline in the gender pay gap, since the change of Government in May 2022 the pace of decline has picked up in all of Australia’s largest states. Over the last two years, the average annual decline in the full-time gender pay gap has been 0.9 percentage points in New South Wales; 1.9 percentage points in Victoria; 1.8 percentage points in Queensland; and 0.6 percentage points in Western Australia.

In each case the pace of decline was a notable acceleration compared to the Coalition’s time in office (see Chart 11), supported by strong increases in women’s full-time employment and solid increases in award wages, and then consolidated by the targeted policy programme of the Albanese Government.

The total earnings gap has shown a similar trajectory. Over the last two years, the average annual decline in the total earnings pay gap has been 0.6 percentage points in New South Wales; 2.1 percentage points in Victoria; 1.8 percentage points in Queensland; and 1.0 percentage points in Western Australia (see Chart 12). While the pace of closure has been broadly above that of the narrowing under the Coalition, the difference has not been as wide given the more expansive measure of earnings.

On a full-time basis, in New South Wales, Victoria and Tasmania, the gender pay gap has closed more in the two short years of the Albanese administration than over the full nine years of Coalition rule. The pay gap declined by 2.5 percentage points between May 2022 and May 2024 in New South Wales, compared to a 2.1 percentage point decline between May 2013 and May 2022. In Victoria, the pay gap closed by 3.9 percentage points between May 2022 and May 2024, compared to an increase of 0.4

percentage points between May 2013 and May 2022. In Tasmania, the pay gap closed by 2.6 percentage points during the short life of the Labor government, compared to a 1.8 percentage point decline under the Coalition’s decade in office. The other states and territories have not fared so well and will require additional policy support and coordination across different levels of government to accelerate progress.

There has been good progress in closing the total earnings gap since the change in government. In New South Wales, the gap has closed by 2.1 percentage points, covering around a third of the narrowing of 6.1 percentage points achieved by the Coalition over nine years. In Victoria, the pay gap narrowed by 2.9 percentage points in two years, covering around two thirds of the 4.8 percentage point closure managed under Coalition. In the Australian Capital Territory, the total earnings gap has closed by 3.7 percentage points in two years, just over half the closure of the 6.8 percentage points managed under nine years of the LNP. While all states and territories bar the Northern Territory have seen progress in closing the gender pay gap between May 2022 and May 2024, to solidify pay equality a renewed and more expansive effort of policy and coordination across the states and Commonwealth governments will be needed.

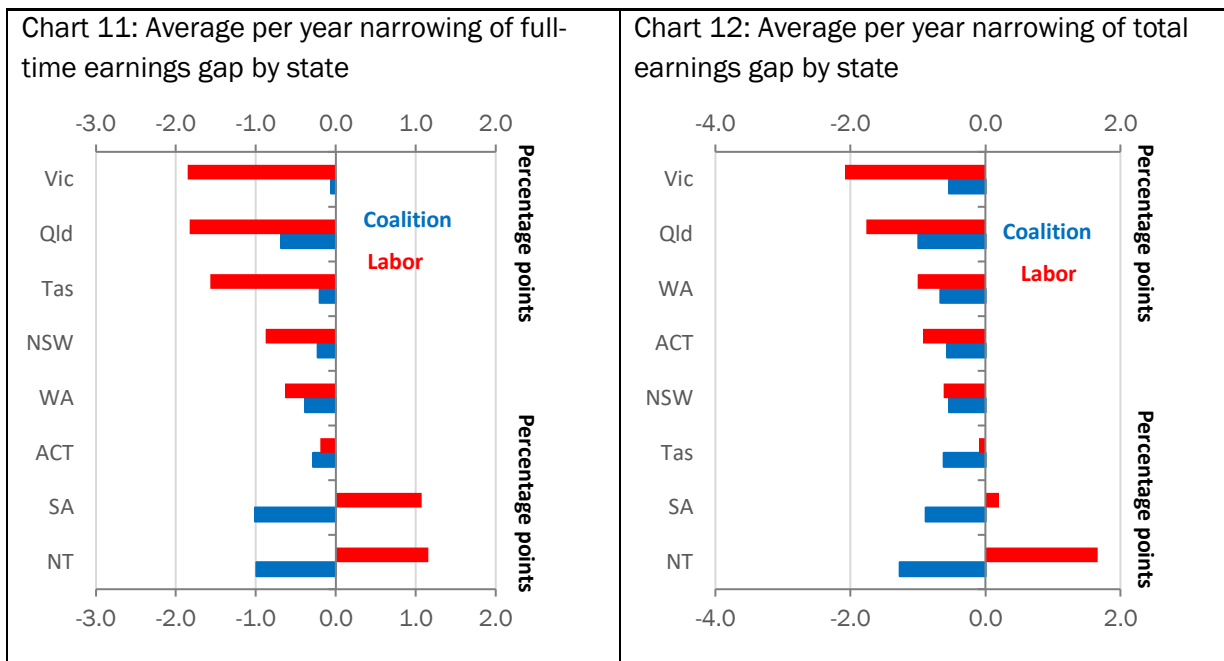


Chart 13: Full-time earnings gender pay gap

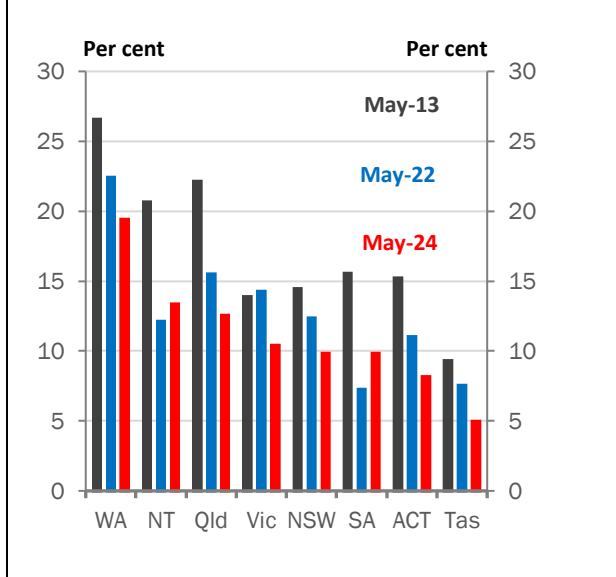
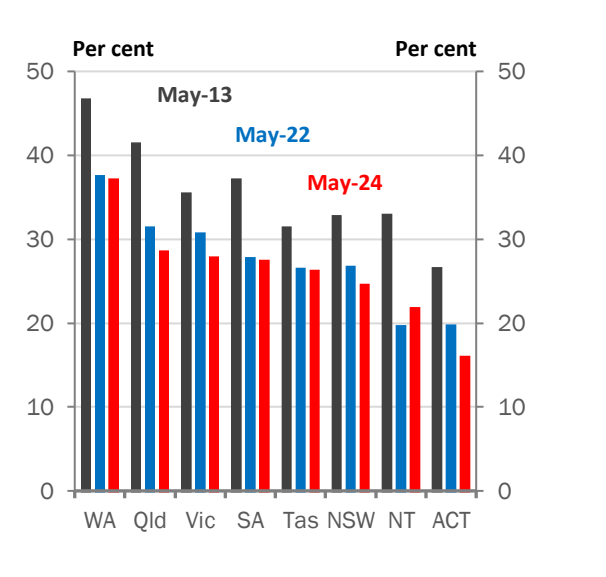


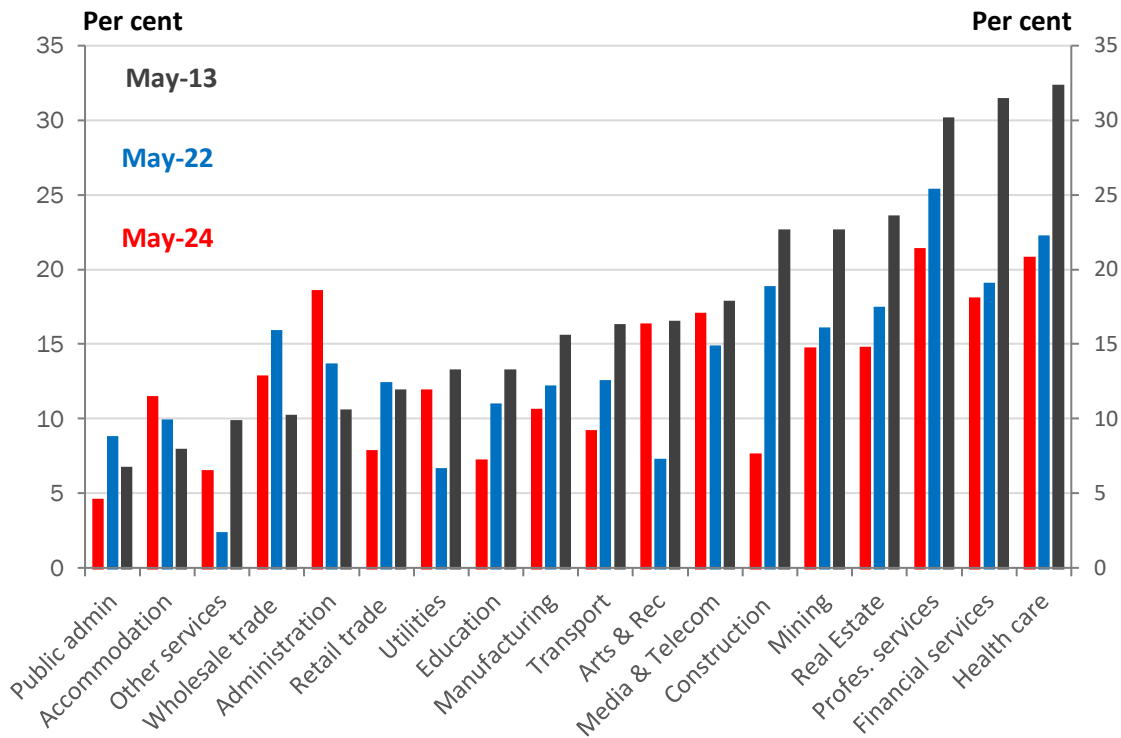
Chart 14: Total earnings gender pay gap



The Gender Pay Gap by Industry

While more mixed than the overall picture, the gender pay gap has declined in twelve out of eighteen industries since the change in government in May 2022 (see Chart 15) measured on a full-time basis.¹ The largest fall has been in construction, declining 11.2 percentage points. Retail trade has seen the next most substantial fall, declining 4.6 percentage points between May 2022 and May 2024. In Retail trade, the gender pay gap had increased slightly from 11.9 per cent to 12.4 per cent between May 2013 and May 2022, which the decline under Labor has more than reversed, with the pay gap now only 7.8 per cent. In Wholesale trade, the industry with the seventh largest decline, the pay gap rose from 10.2 per cent in May 2013 to 15.8 per cent in May 2022, with the 3.0 percentage point decline to 12.8 per cent partially reversing the damage done under the Coalition, albeit with still more work to be done to completely reverse the fall.

Chart 15: Gender pay gap by industry, full-time basis

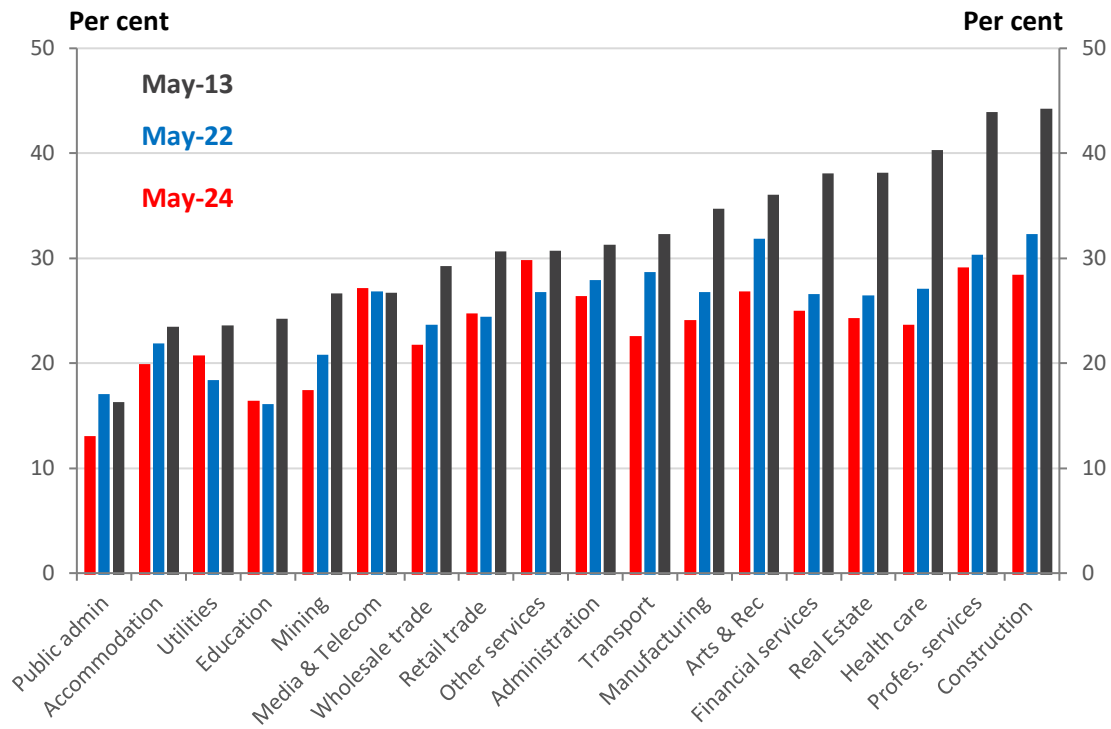


In a number of industries, including Accommodation and food services, Media and telecommunications, Other services, Administrative and support services, Utilities and Arts and recreation, the gender pay gap has increased since May 2022. The largest increase was in Arts and recreation, with the gap widening by 9.1 percentage points. The next largest increase was in the Utilities sector, where the pay gap widened by 5.3 percentage points. With the pay gap widening in a third of industries with reported data, it does point to the need for further industry-specific reform.

On a total earnings basis, the gender pay gap has narrowed in thirteen of eighteen industries, including in some, like Administrative support services and Arts and recreation, which have seen widening gaps on a full-time basis (see Chart 16). The most pronounced narrowing was in Transport, postal and warehousing, where the gender pay gap closed by 6.1 percentage points between May 2022 and May 2024. In Arts and recreation, which saw a 9.1 percentage point increase in the full-time gender pay gap, instead saw a narrowing of 5.1 percentage points in the total earnings gender pay gap between May 2022 and May 2024.

As with the full-time gender pay gap, the total earnings pay gap has expanded in some industries, including Other services (with the largest increase of 3.0 percentage points), Utilities, Retail trade, Media and telecommunications and Education and training. Given the overlap in increases in the full-time and total earnings gender pay gap in three of these industries, further and more targeted reform and policy support to close the gap and make up for lost ground in these industries. Nevertheless, good progress has been made in a number of industries towards narrowing the gender pay gap.

Chart 16: Gender pay gap by industry, total earnings basis



III. 20 REASONS WHY THE GAP IS CLOSING FASTER

The Albanese Government was elected on a platform of taking action to support working women in a broad range of ways – from getting wages moving, fully implementing the Respect@Work agenda, tackling the crisis levels of workplace sexual harassment, and better supporting working parents through improved access to childcare and paid parental leave.

This section outlines those 20 major reforms, organised under the major gender pay gap barrier that they most contribute towards tackling.

Please note some of these reforms contribute to addressing more than just one of the barriers. And some of those reforms have either only just come into operation or will do so shortly. So the full benefit of those reforms are yet to be realised.

Barrier 1: Undervaluing the work that mostly women do

The pay for jobs that women are more likely to perform have been undervalued compared to the jobs that men are more likely to perform. While equal pay laws finally outlawed paying someone less because they were a woman, the work that women typically do was still chronically undervalued, particularly in the caring and education professions.

Australia has persistently high levels of occupational and industry gender segregation - women largely work in the same jobs they did 35 years ago, and the majority of employees continue to work in industries dominated by one gender. Women face significant barriers breaking into male-dominated occupations.

This section outlines the seven measures the current Government has put in place to tackle this barrier.

Tackling the undervaluation of the work that mostly women do

1. Gender Equality as an Object of the Fair Work Act
2. Strong increase in minimum and award wages
3. Removing caps on public sector pay and bargaining
4. Equal pay for workers in aged care
5. Equal pay for early childhood education and care workers
6. Other priority awards – gender undervaluation
7. Multi-employer bargaining

1. Gender Equality as a new Object of the Fair Work Act

In 2022, the *Secure Jobs Better Pay* legislation amended the *Fair Work Act 2009* (Cth) (**FW Act**) to include the promotion of gender equality as one of its objects. Gender equality considerations were also included in the Modern Awards Objective and the Minimum Wages Objective. This reform means that the Fair Work Commission (**FWC**) now has to take into account gender equality when exercising its functions and powers, including addressing gender pay gaps, eliminating gender-based undervaluation, ensuring equal remuneration, and providing workplace conditions that facilitate women's full economic participation. This has had a significant impact both on the decisions of the FWC, and the work it has undertaken. This measure contributes to tackling all three barriers identified, but its biggest early impact has been in reforms 2, 4, 5 and 6 described below in more detail.

2. Strong recent increases in minimum and award wages

Strong increases in minimum and award wages over the past three years will have significantly helped women given that they are 60% of award reliant workers.² Those strong decisions were partly underpinned by the new gender equality objects of the Fair Work Act, and the then Labor Opposition and now Government making submissions to the FWC to support such pay rises.

As a result, the 1.7 million Australian women employed under awards are now \$119 a week better off, or \$6,200 a year better off, compared to their average annual take-home pay of three years ago, before the Albanese Government was elected. This is due to the 1 July 2024 annual wage increase of 3.75 per cent; last year's 5.75 per cent increase and the 4.6 per cent rise in 2021-22. The stage three tax cuts also mean women on average award wages keep an extra \$650 of their annual earnings.³

3. Removing caps on public sector pay and bargaining

A major contributor to wage stagnation in Australia over the past decade has caps on public sector wages, particularly under the Coalition Government at the federal level, but also at state level. It instituted a 1.5% cap in 2014, revising it to 2% in 2015 and then in 2021, linked it to average private sector wage growth, despite the need for public sector wages to "catch up" to the private sector after being held back for so long.

The incoming Albanese Government removed the cap and begun bargaining with key unions representing workers across the Australian Public Service, including the Community and Public Sector Union (CPSU). With women making up the majority of workers in the public service, the resumption of collective bargaining and better wage outcomes will have made a strong contribution to narrowing the gender pay gap. In November 2023, CPSU members voted up a new agreement that delivered a significant improvement in pay and conditions for APS employees, including an 11.2% pay increase over three years, an additional payment of 0.92% of an employee's salary, and major improvements to

² ABS Employee Earnings and Hours 2023

³ These figures are based on an average award-reliant woman's income of \$48,200 a year, which has increased from \$42,000 three years ago.

conditions relating to parental leave, pay equity, flexible work, job security, working from home, and gendered violence.

4. Equal pay for workers in aged care

In 2022, the Secure Jobs Better Pay legislation significantly strengthened the equal pay and work value provisions of the FW Act to make it easier for workers in female dominated industries to address gender-based undervaluation and win substantial pay increases. Previously, these laws had largely failed to address the historic undervaluation of work in female dominated sectors - in the 30 years since equal remuneration provisions were introduced in 1993, there had only been one successful case. This was because the requirements were too strict and technical, making the pursuit of Equal Remuneration Orders an extremely costly, time consuming, adversarial, and ultimately fruitless exercise.

The FW Act was amended to provide new guidance for both equal remuneration and work value cases that no longer require strict and technical tests to be met (such as the need for a 'male comparator'), and which instead focus on whether the work has been undervalued based on gender. Equal remuneration and work value cases containing substantive gender equality considerations now also need to be heard by new Expert Panels for Pay Equity and the Care and Community Sector.

Those reforms to the FW Act had their first test in the Aged Care Work Value case led by unions. This case was lodged in November 2020, seeking to increase the minimum wages of aged care workers covered by three awards⁴ by 25%. That case was decided in three stages, with the reforms coming into effect before the second stage decision.

In Stages 1 and 2 (handed down on 4 November 2022 and 21 February 2023 respectively), the FWC decided to provide a 15% interim increase to the minimum award wages for 'direct care' workers (being registered nurses, nurse practitioners, enrolled nurses, assistants in nursing, personal care workers, recreational/lifestyle activities officers, and home care workers.) The 15% increase was also given to the most senior food services employees (head chefs/head cooks). These increases came into effect from 30 June 2023, with the Albanese Government committing around \$8 billion over four years to fund these increases for workers across the sector.

Stage 3 of the Aged Care case considered whether work value reasons justified a further pay rise for 'direct care' workers, and whether other aged care workers ('indirect care' workers in support and administration) should also get an increase.

On 15 March 2024, the Expert Panel handed down its Stage 3 decision. The Expert Panel found that the work of aged care sector employees had been historically undervalued because of assumptions based on gender and determined that there were work value reasons for the minimum award rates of pay for direct care workers to be increased substantially beyond the 15% interim increase determined in Stage 1 of the proceedings, with some direct care workers receiving a 28.5% increase in total. They also found that the rates of pay for 'indirect care' workers should be increased.

⁴ The Aged Care Award 2010 (Aged Care Award), Nurses Award 2020 (Nurses Award) and the Social, Community, Home Care and Disability Services Industry Award 2010 (SCHADS Award).

The result of the Aged Care Work Value case will be pay increases across the sector for both indirect and direct care workers ranging from 3 to 28.5 per cent, with the Albanese Government committing to fully fund those increases. This has meant that the health and broader care economy has had the fastest wages growth of any sector, with the final Stage 3 pay increases still to come into effect in 2025.

The Stage 3 decision means the following further pay increases for aged care workers⁵:

- Significant additional increases for direct care workers under the Aged Care Award on top of the 15% awarded in 2023, with total wage increases for direct care workers ranging from 20.9% to 28.5%
- Significant additional increases for assistants in Nursing under the Nurses Award on top of the 15% awarded in 2023, with total wage increases of between 17.9% to 23%
- An increase of 7% for support workers in catering, cleaning and laundry
- A 3% increase for other 'indirect care' workers, including administration, maintenance and gardening workers.

Further pay increases for registered nurses and enrolled nurses covered by the Nurses Award will be determined in separate work value proceedings brought by the Australian Nursing and Midwifery Federation (ANMF) which are currently before the FWC. That application seeks to increase award wages for frontline nurses, midwives, and assistants in nursing (AIN) by up to 35% on the basis that the work of nurses and midwives has never been properly valued.

The ANMF is arguing that the modern award rates are set too low, stemming from the historic, gender-based undervaluation of nursing and midwifery care work. Nurses and midwives make up over 50% of Australia's registered health professionals and are predominantly women, with approximately 89% of nurses being female, and nearly 100% of midwives.

If successful, the application will ensure that the recognition of work value given to nurses and AINs in the Aged Care Work value case, will be extended to all modern award covered nurses, midwives and AINs, regardless of the healthcare setting, and will contribute to the further narrowing of the gender pay gap.

5. Equal pay for early childhood education and care workers

The first supported bargaining application was made by 3 unions to cover 64 employers in the early childhood education and care (ECEC) sector. The authorisation was granted by the FWC in 2023, and the FWC then provided assistance to the parties to facilitate bargaining through a series of conferences, including by bringing the Commonwealth Government (the main funder) into the process. This resulted in the Albanese government's recent announcement in the 2024-25 Budget that they will fund a 15% wage increase for ECEC workers.

A Bill that will provide for this wage increase is currently before the Parliament. Once passed, the Commonwealth will provide funding for two years to support a wage increase (the ECEC Worker

⁵ Indirect care workers will receive their full wage increase in one go from 1 January 2025. 'Direct care' workers will receive half of the increase from 1 January 2025, and the second half from 1 October 2025.

Retention Payment), starting from 2 December 2024. Funding will be phased at a rate equivalent to 10% on top of the relevant rates in the Children’s Services Award in year one, and increased to 15% in year two. The payment will be available to all ECEC workers employed in a centre-based day care or outside school hours care setting, whose employers engage them under compliant workplace instruments.

6. Further progress towards equal pay across the Award system

Beyond aged care, the Fair Work Commission is currently examining five key awards to ensure that they no longer undervalue pay in key occupations.

In the 2022-23 Annual Wage Review decision, it identified significant issues concerning the potential undervaluation of work in modern award minimum wage rates applying to female dominated industries and occupations, and stated that the gender equality amendments meant that these issues must be resolved in future Reviews or other Commission proceedings in a systematic way, rather than left to individual applications. They also observed that the issues they had identified were too broad and complex to resolve within the limited timeframe of the Review, and their resolution would require a body of research to support it.

The FWC undertook a research project in two stages to identify occupations and industries in which there is gender pay inequity and potential undervaluation of work and qualifications. Stage 1 involved an evidence-based process to identify occupations and industries in which gender-based occupational segregation is prevalent, including at the classification level. Stage 2 of the research built on the findings of Stage 1 by reporting on the extent to which the gender-segregated occupations, industries and classifications identified in Stage 1 had associated indicia that suggest they may also be subject to gender undervaluation.

In the 2023-24 Annual Wage Review Decision, the Expert Panel summarised the gender pay equity research and other recent developments, and identified priority areas for attention in eliminating gender undervaluation in modern awards. The Panel identified seven occupations covered by five awards which it considered merited priority attention, and foreshadowed that it would immediately initiate proceedings to consider whether the minimum wage rates for the relevant classifications in five identified awards should be increased on work value grounds in order to remedy potential gender undervaluation. Those proceedings were initiated in June 2024 (see further below). Unions are advocating for a substantial uplift to award rates of pay in the review.

7. Multi-employer bargaining

The Secure Jobs Better Pay reforms of 2022 also made it easier for workers to bargain with multiple employers, particularly in lower paid female dominated sectors. This makes the bargaining process far simpler and more manageable, particularly because all key players are around the table, including government funders in many cases. This is in stark contrast, to say, bargaining with volunteer parents that help run a community childcare centre.

The so-called “supported bargaining” stream of these reforms has seen multi-employer bargaining take place in ECEC, disability support, social and community services and aged care – all sectors where most employees are women.

It is still early days, but multi-employer bargaining is expected to lift the bargaining power of workers in these sectors, as well as assist them and their employers to engage with funders, particularly governments, where the real economic power often lies.

Barrier 2: The work-life collision for women

The second major barrier women face is the disproportionate amount of unpaid care and domestic work they do compared to men, which reduces their workforce participation and career progression through breaks in work, working reduced hours, or performing roles below their capabilities to better enable the juggle between work and life. Women spend 30.2 hours per week on unpaid care and housework, compared to men who spend 21.8 hours per week.⁶ Women have lower workforce participation and work fewer hours than men. Women have high rates of part time work, accounting for 70.4 per cent of the part-time workforce. After the age of 35, women are more than twice as likely to work part time than men.⁷ They also take the most time off work to care for children.

A lack of access to secure, flexible and quality work that accommodates caring and other responsibilities means that all too often women have to rely on insecure and low paid work for their income. Women are more likely to be reliant on award-based, low-paid and insecure work than men, and most casual workers are women.

Lack of access to adequate paid parental leave and quality, affordable early childhood education and care remains a problem despite significant improvements to both made by the current government.

This section outlines 9 reforms that aim to support women secure the hours of paid work they need and balance that with their other responsibilities. They also aim to shift more of the unpaid work burden on to men, particularly via more flexible parental leave and pay and strengthened flexible work provisions.

⁶ ABS Time Use Survey, 2020-2021.

⁷ ABS Characteristics of Employment, August 2023

Tackling the “work-life collision” for women

8. Stronger jobs market for women
9. Strengthened rights to flexible work
10. Ten days paid family and domestic violence leave
11. Improved childcare subsidies
12. Stronger protections against insecure work: fixed term contracts and casual work
13. Improved Commonwealth Paid Parental Leave
14. Stronger rights to work from home
15. Fairer rules around part time work

8. A stronger jobs market for women

The rapid increase in women in full-time employment since Australia re-opened from the pandemic, combined with the pick-up in wage growth over the last two years, has contributed to the narrowing of the total earnings gap. During the pandemic period, between January 2020 and October 2021, full-time employment for women had fallen only to recover to January 2020 levels.⁸ An important aspect of this was the prevalence of women in casualised and other forms of insecure work, often being the first workers to be dispensed with by employers. From November 2021, as lockdowns began to ease off, the number of women in full-time employment began to increase rapidly. The number of women in full-time employment increased 16.0 per cent from October 2021 to July 2024, with the share of women in total full-time employment reaching a record high of 39.5 per cent in February 2024 and staying close to that share through 2024. There are now a record 3.9 million women employed full-time, with 308,000 full-time jobs for women created since the Government changed in May 2022.

9. Strengthened rights to flexible work

The Secure Jobs Better Pay legislation significantly strengthened the rights of workers to flexible working arrangements, transforming it from a mere ‘right to request’ to a substantive right to a change in working arrangements. Previously, the right to request flexible work was not enforceable, and if a request was refused, there was no ability for a worker to challenge the decision. Further, there was barely any guidance on how employers should respond to requests. This was a gap in the safety net that discriminated against workers with family responsibilities and disproportionately impacted women who still shoulder the lion’s share of caring responsibilities and take the majority of parental leave. The result was that a significant proportion of requests for flexible work were refused, either in whole or part, and a significant proportion of employees who needed flexibility did not ask at all (including many men).⁹

The strengthened provisions impose new requirements on employers responding to requests, give employees a right of review in the FWC with access to arbitration, and introduce civil penalties for a

⁸ All figures here taken from ABS Labour Force Detailed, September 2023.

⁹ Professor Jill Murray, Family Friendly Provisions: Report to the Fair Work Commission, 4 May 2017.

contravention of FWC orders. Employers now have to genuinely try to reach agreement at the workplace level with employees who request flexible working arrangements, including by having discussions with them, and making efforts to identify alternative arrangements when an employee's request cannot be accommodated. Further, if they refuse a request, employers must provide details of the reasons for the refusal, the particular business grounds for refusing the request, and explain how those grounds apply to the request. Workers have access to the FWC where workplace discussions do not resolve the dispute, and the FWC can deal with the dispute as it considers appropriate, including by way of conciliation and arbitration.

The ACTU's affiliated trade unions report that these changes have resulted in many more flexible work requests being approved by employers, and many more workers having access to flexible work who previously did not. This helps to reduce the gender pay gap by:

- Ensuring women have access to quality flexible work, rather than being forced into insecure and low paid work at the crucial moment when they take on caring responsibilities;
- Normalising flexible work so that discrimination against those accessing it will be reduced;
- Providing the conditions for unpaid work to be shared more equally between men and women; and
- Increasing female workforce participation by enabling women to stay in work that meets their needs.

10. Ten days paid family and domestic violence leave

A staggering 3.8 million Australians aged 18 years and over have experienced violence from an intimate partner or family member since the age of 15.¹⁰ This includes 27% of women (2.7 million) and 12% of men (1.1 million).¹¹ The overwhelming majority of these victim-survivors – 71% – are women, and on average one woman a week is killed by a current or former partner.¹² There has been a sharp rise in deaths in 2024 compared to previous years.¹³ In comparison to women with no experience of family and domestic violence, women experiencing or who have experienced family and domestic violence have a more disrupted work history; are on lower personal incomes; have had to change jobs frequently; and are more likely to be employed on a casual and part-time basis.¹⁴

The Government implemented its election commitment to include ten days paid family and domestic violence leave in the National Employment Standards of the Fair Work Act. This leave supports victim-survivors of family and domestic violence to deal with the impacts of that violence. It means that

¹⁰ [Personal Safety. Australia. 2021-22 financial year | Australian Bureau of Statistics \(abs.gov.au\)](#), Table 1.1

¹¹ Ibid. These figures are further broken down by the ABS. Of women aged 18 years and over, 2.3 million (23%) experienced violence by an intimate partner, 1.7 million (17%) experienced violence by a cohabiting partner, 920,300 (9.3%) experienced violence by a boyfriend/girlfriend/date, and 806,000 (8.1%) experienced violence by a family member.

¹² Fair Work Commission, 5 April 2022, Information note - Initiatives to reduce family and domestic violence in Budget 2022–23.

¹³ Davey, Melissa (4 May 2024) *Eight years ago Australia had a wake-up call on family violence. So how did we end up here again?* <https://www.theguardian.com/australia-news/article/2024/may/04/australia-family-violence-against-women-law-changes-reforms>.

¹⁴ [2022] FWCFB 2001 at [75], [436], [749] and [927].

workers impacted by family and domestic violence, including those escaping a violent relationship – nearly always women - don't have to choose between their safety and their livelihood.

The evidence shows that workers (and particularly women) are more likely to survive, leave and be able to stay away from violent relationships if they have a secure job and secure income. Prior to this reform, women without access to paid family and domestic violence leave were at significant risk of losing employment and homelessness, key drivers for women returning to violence. On average it takes \$18,000 and 141 hours to leave a violent relationship¹⁵ and economic security is a key factor determining whether a person is able to do so.

A recent review of the changes showed that it had lifted the percentage of employers who report issuing the leave from 6 percent to 13 percent.¹⁶ The review found that victim-survivors who have used the entitlement largely find it effective in enabling them to take steps to ensure their safety without jeopardising their income or employment.

While the leave has only supported a small group of workers, it will have made a profound difference, assisting them to stay connected with their work and seek safety.

11. Improved childcare subsidies

When childcare is unaffordable it is typically the mother in the relationship who reduces her hours of paid work to look after children. The Albanese Government significantly lifted the level of childcare subsidies from July 2023 which reduced the cost of care for families from between 8.8 to 13.8 per cent.¹⁷ While this is an important reform, the funding model of ECEC means that these increased subsidies too often get absorbed into higher fees. More needs to be done to ensure that access to ECEC is universal and free.

12. Improvements to Commonwealth Paid Parental leave

The Federal Government has been expanding Commonwealth paid parental leave by two weeks a year moving from the earlier entitlement of 18 weeks, up to 26 weeks or six months by 1 July 2026. At the same time the scheme is now far more flexible with either parent able to access the paid leave – the concepts of primary and secondary carer have been removed - and it can be taken in flexible blocks of time. This allows families to decide who will take the leave first and how they want to share the entitlement. The changes further incentivise shared parenting by reserving 4 weeks of leave solely for non-birth parents.

By encouraging shared parenting, the second parent (usually the father) should take on more of the responsibilities of looking after a newborn. This should assist the mother with returning to work to get

¹⁵ Seymour et al, *Family and Domestic Violence Leave Entitlement in Australia: A Systemic Review* (3 November 2021) (**SWIRLS Report**) at p 5; Paid FDV Leave Bill Senate Report at [2.16].

¹⁶ Flinders University (2024) *Independent Review of Paid Family and Domestic Violence Leave*.

¹⁷ ACCC, 29 January 2024, [Changes proposed to make childcare affordable and accessible for all families](#)

the hours she needs. It should also hopefully improve broader attitudes about parents taking parental leave and being supported to resume their careers upon returning to work.

The Government has also recently passed a law to pay superannuation on Commonwealth paid parental leave payments from 1 July 2025. A lifetime of earning less than men means that women also face a significant retirement income gap, estimated at about 25%.¹⁸ Given that most parental leave is taken by women this will make an important contribution towards closing that retirement gap as well.

13. Stronger protections against insecure work

With women more likely to be working in insecure forms of work, recent reforms to limit insecure work will have a direct impact on lifting women's pay and security of hours and work, and their general wellbeing.

From 26 August 2024, a new common-sense definition of casual work came into operation. This replaces the Morrison-era definition that effectively let an employer call anyone a casual worker – allowing sham arrangements.

This will support women who make up the majority of workers on casual work arrangements. And despite casual work supposedly attracting a loading of 25% for most awards, workers in casual work still earn far less than their permanent counterparts.¹⁹

From 26 February 2025, workers labelled a casual but who are effectively working on a permanent basis will be able to elect to become permanent if the employer agrees or cannot show that this change would require significant and unreasonable changes to the way work is organised.

Women also make up the majority of people on fixed term contracts, which deny workers job security and access to redundancy pay. Since December 2023 fixed term contracts are limited to no more than two years duration, including any renewals of such arrangements. Anecdotally this already led to significant reductions in the use of fixed term contracts as workers are placed into permanent work instead.

14. Stronger rights to work from home

The Fair Work Commission has commenced proceedings to look at including rights to work from home in the Clerks Award. If it decided to include such a right in that Award, it is safe to assume that this right may then flow through to other Awards as appropriate and eventually to collective agreements.

A recent analysis of the 2022 Household Income and Labor Dynamics in Australia (HILDA) survey by the Committee for Economic Development of Australia (CEDA)²⁰ has demonstrated the benefits of WFH. Parents (especially women with children), people with a disability or health condition and carers have significantly increased their workforce participation in occupations that have made large transition to

¹⁸ The Association of Superannuation Funds of Australia, [ASFA Research: An update on superannuation account balances](#), November 2023

¹⁹ ACTU, *Closing the Casual Work Loophole*, Research Note, January 2024 p. 3.

²⁰ CEDA, 2024 Economic and Policy Outlook Report, Chapter 2 – 'WFH Debate must refocus on productivity'.

remote work since the pandemic.²¹ Workforce participation in jobs where people could work from home increased by 8.5% for women with young children, and nearly 6% for people with a disability or health condition from 2019 to 2022.²² Workers with a greater need to work from home now have access to a broader range of jobs and opportunities²³, and WFH has ‘levelled the playing field.’ The authors of the research and CEDA Chief Economist Cassandra Winzar conclude that these WFH outcomes are a “clear win for workers, employers and the economy, and can help the Federal Government achieve its vision of full employment.”²⁴

A decision that strengthens the right for workers to seek and secure working from home arrangements will clearly support stronger workforce participation for women.

15. Fairer rules around part time work

Australia has a high share of part-time employment, with women more than twice as likely as men to be working part-time hours.²⁵ Feminised occupations have high rates of part-time work, relatively low rates of pay and are more likely to be affected by national skill shortages.²⁶

Part time work was examined in the Modern Awards Review 2023-24. The new objectives of the FW Act were one of the key reasons this review was initiated, and significantly influenced its outcomes. The government requested that the FWC undertake work in relation to gender-based undervaluation in modern awards, and to review award provisions in light of their impact on job security and caring responsibilities. It was identified in the review that there is a stark gendered difference in many entitlements between awards covering male dominated industries and those covering female dominated industries, with workers in female dominated industries being worse off in many ways – including have less secure employment, more unpredictable and precarious working arrangements, lower incomes, not being fairly compensated for working at unsociable times or outside their ordinary hours, and are less able to manage their caring responsibilities. These issues directly affect the income women workers receive and are a part of the reasons for the gender pay gap.

The Award Review Final Report was released on 18 July 2024 and foreshadowed additional proceedings arising the Review. One of those additional proceedings will examine part time provisions in the seven most commonly used modern awards. The decision to review part time provisions was responsive to findings in the Award Review of a lack of consistency in part time provisions across modern awards, including a tendency for awards to offer less protections or entitlements around the spread of hours, changes to rosters, maximum daily hours, minimum engagement and availability of overtime, where the workforce was female dominated, with resulting adverse impacts for gender equality and pay equity. A major case will be established in 2025 to conduct this review.

Rectifying these issues in awards will help to further close the gender pay gap.

²¹ Ibid, page 34.

²² CEDA, “Remote work has boosted employment for parents and people with a disability”, Media Release, 22 February 2024.

²³ CEDA, 2024 Economic and Policy Outlook Report, Chapter 2 – ‘WFH Debate must refocus on productivity’, at p33.

²⁴ Ibid, at p34; CEDA Media Release (22 February 2024) “Remote Work has boosted employment for parents and people with a disability.”

²⁵ ABS Labour Force, September 2024.

²⁶ Cortis, N., Naidoo, Y., Wong, M. and Bradbury, B. (2023). Gender-based Occupational Segregation: A National Data Profile. Sydney: UNSW Social Policy Research Centre at pp 6-9.

Barrier 3: Discrimination against women at work

The final major barrier confronting women at work is discrimination. They are treated less favourably in hiring, promotion, access to training, and pay decisions, and are under-represented in managerial and leadership roles.

They are also far more likely to be subject to gendered violence, including sexual harassment at work, which also impact on their workforce participation and their ability to enter into and remain in male dominated industries.

Tackling discrimination against women at work

16. A ban on pay secrecy clauses in employment contracts
17. Stronger rules for company reporting on their gender pay gaps
18. Stronger laws to combat sexual harassment at work
19. Costs protection for claimants challenging discrimination and harassment at work
20. Whole of government approach to gender equality

16. A ban on pay secrecy clauses in employment contracts

In 2022, the Secure Jobs Better Pay legislation prohibited 'pay secrecy' clauses in employment contracts and industrial instruments, and gave workers new rights to disclose their remuneration and ask about the remuneration of others. Prior to these reforms, pay secrecy clauses were commonly inserted into employment contracts by employers to prohibit workers from disclosing what they get paid and taking action about wage inequity. This lack of transparency meant that women had no way of knowing whether they were being paid equally to men, whether their pay was keeping up with market rates, and whether there was a gender pay gap in their workplace. These clauses acted as a significant contributor to the gender pay gap.

The reforms have given workers the right to discuss pay and related conditions and protect employees from adverse action if they exercise their right to disclose (or not disclose) their remuneration. This has made it easier for women to identify if there is a gender pay gap in their workplace, and to be able to address it.

17. Stronger rules for company reporting on their gender pay gaps

In 2023, the Closing the Gender Pay Gap legislation enacted a range of reforms to the Workplace Gender Equality Agency (**WGEA**) that will improve reporting and drive change and accountability amongst employers for gender pay gaps.

The legislation implemented important election commitments made by the Australian Labor Party in 2022 to close the gender pay gap at work, including by boosting pay gap transparency and encouraging action to close gender pay gaps within organisations. The key reform implemented by the legislation

was requiring WGEA to publish the gender pay gaps of individual employers and organisations in order to drive change and accountability. Previously WGEA only published the aggregate industry gender pay gaps and this was not doing enough to close the gender pay gap. The publishing of organisational gender pay gaps is already working to increase transparency, hold organisations accountable for closing their gender pay gaps, allowing workers to scrutinise the record of their employers, and accelerating progress towards closing the gender pay gap.

18. Stronger laws to combat sexual harassment at work

In 2022, the Albanese government delivered on its election commitment to fully implement the recommendations of the landmark Respect@Work Report, published in 2020 and allowed to gather dust under the Morrison government. These reforms have significantly strengthened industrial, anti-discrimination and work health and safety laws, giving workers far greater protection from sexual harassment and sex discrimination at work. These reforms have included:

- Prohibiting workplace environments that are hostile on the grounds of sex
- Introducing a positive duty for employers under anti-discrimination law to prevent sexual harassment, sex-based harassment, sex discrimination, hostile workplace environments and victimisation in workplaces, including sexual harassment of workers by third parties (for example by customers, clients, patrons, patients, students and visitors.)
- New enforcement powers for the Australian Human Rights Commission to monitor and assess compliance with the positive duty, and inquire into systemic or suspected systemic unlawful discrimination.
- Prohibiting sexual harassment in the FW Act and a new jurisdiction for the Fair Work Commission to deal with sexual harassment disputes, giving workers access to a simple, quick, and affordable complaints mechanism, with the ability to seek both 'stop orders' and compensation for harm caused. This should assist workers to seek assistance early on and resolve issues before they escalate further, allowing them to stay in work. This is a vast improvement on the previous situation, where workers' only option for redress was to pursue a lengthy and costly claim in the courts, often after the employment relationship had ended.
- Dedicated codes of practice and guidance for employers about how to prevent sexual harassment under work health and safety laws.

These reforms will help to reduce the incidence of sexual harassment and sex discrimination, ensure employers are better equipped to prevent and respond to unlawful conduct, and make it more likely that issues are resolved early on so that victim-survivors can stay connected to their workplace rather than being forced out of their job. Given that workplace discrimination is one of the biggest drivers of the gender pay gap, these reforms would be expected to have a positive impact on the pay gap over time.

19. Costs protection for challenging discrimination and sexual harassment at work

The Parliament has recently passed legislation that will make it much easier for a victim of discrimination or sexual harassment to bring a matter under the appropriate federal anti-discrimination

laws. It does this by removing one of the main deterrent's victim-survivors face – the huge legal costs involved in bringing legal action.

Prior to this reform, if victim-survivors were unsuccessful, they would have to bear their own legal costs as well as paying the respondent's legal costs, creating a significant barrier to justice. Costs are often hundreds of thousands of dollars and can easily bankrupt workers. Only 1 in 230,000 of workers end up bringing proceedings in an Australian court, according to an analysis by the ACTU.²⁷

The Australian Human Rights Commission estimates that nearly 1 in 5 workers are sexually harassed at work each year, yet only 444 cases have ever been brought to court since 1984 according to research by the ANU.²⁸ This means that perpetrators are often never held to account, and dangerous workplaces continue to expose workers to dangerous behaviour.

The new laws mean victim-survivors of workplace discrimination & sexual harassment can recoup their legal costs if successful, whilst being protected from having to pay a respondent's legal costs if unsuccessful (provided they have not acted vexatiously or unreasonably or in other limited circumstances). Given that workplace discrimination is one of the biggest drivers of the gender pay gap, these reforms would be expected to have a positive impact on the pay gap over time.

20. Whole of government approach to gender equality

The government has also taken a far more proactive and coordinated approach to gender equality than the previous Coalition government. It has:

- Reinstated the Women's Budget Statement
- Established the Women's Economic Equality Taskforce in September 2022 to advise government on the many issues facing women in the Australian economy. It provided a final report to government on Women's Economic Equality in October 2023.
- Developed the Working for Women: A Strategy for Gender Equality (released on 7 March 2024) which outlines its vision for gender equality – an Australia where people are safe, treated with respect, have choices, and have access to resources and equal outcomes no matter their gender – and a path to make progress towards this vision over the next 10 years in 5 priority areas.
- Committed to implement gender responsive budgeting and putting gender equality and impacts on women at the centre of budget decision making throughout the whole of the Australian Public Service. Gender responsive budgeting weaves consideration of gender impact through the budget process and is a key way the Government can identify and fund measures that close gender gaps. Gender analysis of new budget proposals is a key tool to support gender responsive budgeting and support policy developers and decision makers to understand and react to gender impacts.

²⁷ ACTU, "[Only 1 in 230,000 sexual harassment victims get to court](#)", Media Release, 20 August 2024

²⁸ Margaret Thornton, Kieran Pender and Madeleine Castles (25 March 2022) *Damages and Costs in Sexual Harassment Litigation*, Australian National University.