

24 November 2021

WGEA Review Team – Consultation  
Department of the Prime Minister and Cabinet  
PO Box 6500  
CANBERRA ACT 2600

## Review of the Workplace Gender Equality Act 2012

Carers NSW welcomes the opportunity to provide a submission to the Department of Prime Minister and Cabinet (the Department) in response to the review of the *Workplace Gender Equality Act 2012* (the Act). Carers NSW commends the Australian Government as well as the Workplace Gender Equality Agency on the introduction and implementation of the Act. However, Carers NSW believes that the Act could be more effective in supporting carers to secure and maintain employment through extending obligations to a greater range of employers and ensuring that carer data is collected and reported on by employers.

Carers NSW is the peak non-government organisation for carers in NSW. A carer is any individual who provides care and support to a family member or friend who has a disability, mental illness, drug and/or alcohol dependency, chronic condition, terminal illness or who is frail. Carers NSW is part of the National Carer Network and a member of Carers Australia. Our vision is an Australia that values and supports all carers, and our goals are to:

- Be a leading carer organisation in which carers have confidence
- Actively promote carer recognition and support
- Actively support carers to navigate a changing service landscape that will be characterised by ongoing policy reform
- Promote connected community experiences and opportunities for carers that are inclusive of diverse carer groups
- Lead and advocate for carer-specific and carer-inclusive policy making, research and service delivery
- Continue to be a quality-driven, responsive and carer-focused organisation.

For further information, please contact Melissa Docker, Senior Policy and Development Officer, on [REDACTED]

Yours sincerely,



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## Introduction

Carers NSW thanks Department of Prime Minister and Cabinet (the Department) for the opportunity to provide feedback on the to the review of the *Workplace Gender Equality Act 2012* (the Act). Carers NSW commends the Australian Government on the development, introduction, implementation and review of the Act, which aims to address inequality within Australian workplaces based on gender. As most informal carers are female, initiatives that aim to improve equality in employment for women are likely to result in improved employment outcomes for many carers. Additionally, initiatives which aim to address or remove gender stereotypes or expectations within workplaces and broader society are likely to see improved access to flexible working arrangements by male carers in the workplace.

## Background

Carers represent a significant proportion of the Australian population, and their contribution to society and the economy is considerable. According to the Australian Bureau of Statistics 2018 Survey of Disability, Ageing and Carers (SDAC), there are approximately 2.65 million carers in Australia, meaning that more than one in ten Australians cares for a family member or friend.<sup>1</sup> Nearly 1.95 million of Australia's carers are of working age (between 15-65 years of age), and most (59.2%) of these carers are female.

Primary carers, who provide the most care to an individual, are significantly more financially disadvantaged across the lifespan than non-carers. SDAC data indicates that caring is often long-term in nature, resulting in accumulated economic disadvantage. Slightly more than half of all carers live in a household in the lowest two income quintiles, which is double the rate of non-carers.<sup>2</sup> Working age carers (15-64 years) are also more likely to receive government payments or allowances as their main source of income compared to non-carers of the same age (17.2% and 9.2% respectively).<sup>3</sup>

The median weekly income for a primary carer aged 15-64 is around \$600 compared with between \$800-1100 for non-carers.<sup>4</sup> Primary carer participation in the labour force is significantly lower than that of non-carers; male primary carers aged 15-64 are approximately 27% less likely to be participating in the workforce, whilst female primary carers of the same age group are 17% less likely.<sup>5</sup> Many working carers reduce their hours, limit their career progression or exit the workforce altogether due to the challenges of balancing work and care.<sup>6</sup> The Australian Human Rights Commission has identified that there needs to be cultural change within Australian workplaces to enable working carers to achieve this balance.<sup>7</sup> In addition, legislation should be enhanced to strengthen protections for carers at work, particularly in regards to making requests for flexible working arrangements.<sup>8</sup>

## Gender equity for carers

The impacts of care on economic participation, and the opportunities to address these, are highly gendered. Women are statistically far more likely to take on more intensive caring roles<sup>9</sup> in response to social conventions and expectations, and are also far more likely to take time out of work, exit the

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<sup>1</sup> Australian Bureau of Statistics (2019a), *Survey of Disability, Ageing and Carers 2018*. TableBuilder Dataset. Canberra: Australian Government, available online at: [www.abs.gov.au](http://www.abs.gov.au).

<sup>2</sup> Australian Bureau of Statistics (2019b), *Survey of Disability, Ageing and Carers*. Australia: Summary of Findings, 2018

<sup>3</sup> Australian Bureau of Statistics (2019c), *Disability, Ageing and Carers, Australia: Summary of findings, 2015*, Carer tables, Canberra.

<sup>4</sup> Australian Bureau of Statistics (2019a).

<sup>5</sup> Ibid.

<sup>6</sup> Ibid; Carers NSW, (2020). *2020 National Carer Survey*, available online at:

[https://www.carersnsw.org.au/uploads/main/Files/5.About-us/Our-research/Summary\\_Report\\_HighRes.pdf](https://www.carersnsw.org.au/uploads/main/Files/5.About-us/Our-research/Summary_Report_HighRes.pdf)

<sup>7</sup> Australian Human Rights Commission (2016), *Willing to work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability*, Australian Human Rights Commission: Sydney.

<sup>8</sup> Skinner, N., Pocock, B. (2014), *The Persistent Challenge: Living, Working and Caring in Australia in 2014*. *The Australian Work and Life Index 2014*, Centre for Work and Life, University of South Australia: Adelaide.

<sup>9</sup> ABS (2019).

labour force, work part time, and work in casualised, lower paid occupations and industries in order to care.<sup>10</sup> This dynamic, alongside the impact of child care on workforce participation, is a key contributor to the well-established disadvantage women experience in relation to income level, asset ownership and superannuation balance.<sup>11</sup> Economic modelling has shown that if a woman leaves the workforce to care for a child with disability when she is 30 years old, her retirement income will be inadequate during her old age.<sup>12</sup> Indeed, the economic impacts of caring particularly amongst women has been identified as a significant factor resulting in insecure housing conditions in later life.<sup>13</sup>

While men are less likely to become primary carers and tend to experience less marked career impacts when they do,<sup>14</sup> they are also less likely to access carer support services, to disclose their caring role, and to seek and obtain flexibility at work.<sup>15</sup> Industrial and occupational segregation is often viewed through the lens of the disadvantage experienced by women, however, male carers also experience disadvantage in this context. Male segregated industries are typically characterised by full-time employment with cultures less accommodating of family and caring responsibilities. As a result, male carers can find it more difficult to balance work and care without facing discrimination in the workplace, such as being overlooked for promotions.<sup>16</sup> Men are twice as likely to be denied or experience stigma or exclusion when accessing flexible working arrangements<sup>17</sup> and as a result, some male carers may be required to retrain and seek work in different sectors, or leave the workforce altogether. This dynamic also reinforces the gendered nature of care, incentivising women to reduce their workforce engagement to care.

The Workplace Gender Equality Agency has argued that creating flexible working arrangements for both men and women allows for greater staff retention and is fundamental for gender equity in the workplace.<sup>18</sup> Further, the Business Council of Australia has identified the strength in creating tangible incentives, to ensure the stability of workforce participation, particularly for parents or carers.<sup>19</sup> However, carers continue to experience gendered disadvantage in the workplace that require further strengthening of the Act.

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<sup>10</sup> ABS (2019a); Carers NSW (2020); Finance and Public Administration References Committee (2017), *Gender segregation in the workplace and its impact on women's economic security*, Commonwealth of Australia, Canberra; WGEA Data Explorer (2016), *Health Care and Social Assistance summary for 2015*, available online at: <http://data.wgea.gov.au/industries/7>, viewed 19 February 2018.

<sup>11</sup> Durie, T. and Cavanough, E. (2017), *Guaranteeing Women's Super: How to close the gender gap in superannuation*, The McKell Institute, Sydney.

<sup>12</sup> Nepal, B., Brown, L., Ranmuthugala, G., Percival, R. (2008), Lifetime health and economic consequences of caring: modelling health and economic prospects of female carers in Australia, National Centre for Social and Economic Modelling.

<sup>13</sup> Sharam, A., Ralston, L. and Parkinson, S. (2016), 'Security in retirement: The impact of housing and key critical life events', Swinburne University of Technology: Melbourne; Stone, W., Sharam, A., Wiesel, I., Ralston, L., Markkanen, S. and James, A. (2015), 'Accessing and sustaining private rental tenancies: critical life events, housing shocks and insurances', AHURI Final Report No. 259, Australian Housing and Urban Research Institute; Swinburne University of Technology, The University of New South Wales and Curtin University; McFerran, L. (2010), *It could be you: single, older and homeless*, Homelessness NSW, Woolloomooloo, New South Wales.

<sup>14</sup> ABS (2016); Carers NSW (2018).

<sup>15</sup> Ibid.

<sup>16</sup> WGEA Data Explorer (2016), *All industries summary for 2016*, available online at: <http://data.wgea.gov.au/industries/1>, viewed 6 February 2016; Wright, A., Crettenden, A., Skinner, N. (2016), 'Dads care too! Participation in paid employment and experiences of workplace flexibility for Australian fathers caring for children and young adults with disabilities', *Community, Work and Family*, vol. 19, no. 3, pp. 340-361.

<sup>17</sup> Bain & Company (2016), *The power of flexibility: A key enabler to boost gender parity and employee engagement*; Diversity Council Australia (2021), Inclusion@Work Index: Mapping the state of flex in the Australian workforce. Available online at: [https://www.dca.org.au/sites/default/files/report\\_inclusionatworkmappingthestateofflex\\_20211012.pdf](https://www.dca.org.au/sites/default/files/report_inclusionatworkmappingthestateofflex_20211012.pdf)

<sup>18</sup> Workplace Gender Equality Agency (WGEA) (2018), *Workplace gender equality: the business case*, available online at: <https://www.wgea.gov.au/publications/gender-equality-business-case>, viewed 24 November 2021.

<sup>19</sup> Business Council of Australia (2013), *Action Plan for Enduring Prosperity: Full Report*, available online at: <https://www.bca.com.au/action-plan-for-enduring-prosperity-full-report>, viewed 24 November 2021

## Improving the Act to better support carers in the workforce

### Extending the definition of 'relevant employer'

Carers NSW supports the extension of obligations and reporting requirements under the Act to public service agencies. The *Carer Recognition Act 2010* (Cwth) and associated Statement for Australia's Carers, as well as state and territory carer recognition legislation, create obligations for public service agencies and public service care agencies in relation to carers. However, there are limited mechanisms for monitoring compliance with, or enforcement of carer recognition legislation. The extension of the Act to public sector agencies will therefore create greater monitoring and accountability to ensure policies are in place that create greater flexibility and support for carers in the workplace.

Additionally, Carers NSW believes that the definition of 'relevant employer' should be extended to cover all employers in Australia, with the exception of non-employing businesses (sole proprietorships and partnerships without employees). Carers NSW recognises that this may create additional administrative work for smaller businesses. However, Carers NSW believes that in order to fully address gender inequality in workplaces, the Act must be extended to all employers to ensure that carers employed by small to medium businesses are not disadvantaged due to their caring role.

### Accurately monitoring workplace policies for carers

Carers NSW commends the inclusion of reporting requirements regarding support and policies for carers within the workplace under the gender equality indicators (GEIs). However, Carers NSW believes that there should be a clear separation of parents and guardians from family and friend carers who provide care or support to a family member or friend living with disability, chronic illness, mental illness, or who is ageing/frail in relation to requirements and reporting.

This separation will better align with the *Carer Recognition Act 2010* (Cwth), as well as state and territory carer recognition legislation, which clearly define who can be considered a carer and create obligations for public service agencies and public service care agencies in relation to carers. It will also better align with the use of the term carer under other employment legislation, including the *Fair Work Act 2009* (Cwth), which creates provisions for carer's leave.

Carers NSW acknowledges the additional needs of parents and guardians in regards to flexibility and support within the workplace. However, due to the significant impacts of caring on employment and in turn long-term financial security, as well as the unique experiences and needs of carers, Carers NSW believes that there must be mechanisms for monitoring carer-inclusive policies in their own right within workplaces. Ensuring clear requirements for reporting on employment terms, conditions and practices relating to flexible working arrangements for employees with caring responsibilities is likely to see policies and supports that are better catered to the unique needs of carers.

### Improving data collection to better improve understanding of workplace gender inequality

Carers NSW supports the extension of the Act to create requirements for employers to provide diversity data in addition to gender. While gender is a key factor in workplace inequality, the collection of diversity data, including carer status, cultural and linguistic diversity, Aboriginal and Torres Strait Islander identification, disability, age and location will enable greater understanding of the nuanced impacts of the intersection of gender with other diversity characteristics across different industries and employers.

Carers NSW believes that including carer status within diversity data is key to improving understanding the numbers and experiences of carers within workplaces, providing insights into which industries or fields have the highest and lowest representation of carers. This will also enable a more targeted and effective approach to addressing gendered barriers to employment experienced by carers.

### **Reforming the minimum standards to fast track gender equality**

Given that nearly all employers comply with the minimum standards set out in the *The Workplace Gender Equality (Minimum Standards) Instrument 2014* (Minimum Standards Legislative Instrument) at this time, with at least one indicator met, Carers NSW believes that at the minimum standards should be amended to require employers to increase indicators met over time.

While many employers will exhibit best practice, meeting additional indicators over time without requirements to do so, Carers NSW believes that without requirements to continue meeting additional indicators, many employers may not initiate this themselves, and therefore will not continue to progress actions that aim to address workplace gender inequality. Carers NSW recommends that consideration be given to extending the minimum standards to all employers, and requiring that all indicators be met over a specified period of time.

### **Conclusion**

Carers NSW thanks the Department for the opportunity to provide feedback on the review of the Act. Carers NSW believes that continuing to improve the strength and scope of the Act will result in improved gender equality in the workplace, and in-turn better employment and financial outcomes for carers in Australia.