Chapter 4
Industrial Relations Reform and Women Workers
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In 1989, Professor Di Yerbury commented: "Industrial relations for most of this century (and certainly the last) has been the domain of males. Men have predominated in management; men have predominated in the union movement and they have presided within the industrial tribunals. Men have congregated in their favourite locations plying their industrial relations trade."

Change is occurring but slowly. Many more women are beginning to have a presence in industrial relations forums, and issues of long-standing concern to women are impacting much more on the mainstream industrial relations agendas. Over the past two decades we have witnessed the passing of equal opportunity and anti-discrimination legislation, and more recently affirmative action legislation at the federal level. The increasing focus on EEO principles led to the emergence of networks of people devoted to pursuing reforms through a range of important strategies, but essentially all this was occurring quite separately from the mainstream industrial relations system and agendas.

To some extent at least, it’s fair to say that the development of these separate structures to deal with issues of discrimination in employment, was a response to the ostensible inability of the existing institutional structures to adequately cope with new changes and challenges.

New Era of Opportunities

Practitioners from both fields should take some comfort from the opportunities that now exist for a much closer integration of EEO concerns into the mainstream of industrial relations developments in this era of award restructuring. The impact of feminist ideas on the essentially male domain of industrial relations politics should not be underestimated.

We are continuing to have an impact on male thinking. Our analysis, our articulation of issues concerning women, the demands we have been fighting for, and our solutions to some of these problems are no longer peripheral to mainstream concerns. For example within the union movement now, I can much more, confidently talk about issues like the under-valuation of women’s skills, the integration of work and family life, pay inequity and the effects of labour market “flexibility” on women, knowing that my “language” is understood and receiving some serious examination and response. I could not have said that even a decade ago.

We need to use the new industrial relations climate promoted by award restructuring in a way which integrates our shared concerns into meaningful and progressive reforms for women in the workforce. And, as always, the degree to which we succeed depends ultimately on the energy and conviction with which those issues are pursued by women. It can not be just left to those “at the top”, although empathetic managers, union leaders and members of tribunals are important allies, not to be underestimated.

Framework for Reform

The award restructuring exercise has set a framework which allows for a number of significant reforms to be pursued on behalf of women workers, and a number of unions have taken up the challenge quite successfully. These reforms include establishing relativities across awards, between male and female dominated industries, by the creation of an appropriate relativity with the fitter rate in the Metals Award.

Through this mechanism, and by way of work value argument and minimum rates adjustments, unions have sought to lift basic award rates of pay for women and to overturn the historical undervaluing of women’s work. Other goals have been to build career paths for women where none have previously existed (for example, clerical award) and, recognising that where career paths did previously exist, and where men were the main beneficiaries, to create new, and parallel career streams. The development of the “advanced skills” teacher is an example of this approach. Further, unions have been encouraged to pursue improved conditions of employment for part-time workers and flexible work arrangements and to recognise women’s past unequal access to structured training. This therefore involves identification of prior learning and skills learnt on the job.

The first challenge in the process was to modernise the awards themselves, to make them more relevant and meaningful to the workers covered by them. The next daunting challenge is to implement these reforms at the enterprise level and in so doing to ensure that gains already made are not diluted, nor lost in that
transition process.

Closing the Gap

That is not always easy. Let me take for example the issue of wages, which has always been a central element of our industrial relations system, to highlight the potential problems in this transition process. There is no doubt, based on overseas examples, that centralised systems of wage fixation ensure better wages outcomes for women. For decades we have been striving to redress wage differentials. While we have made some impact by closing the gap in the area of award wages, over-award payments (outside the jurisdiction of centralised control) have eluded us and contributed significantly to pay inequity. The process of wage adjustments opened up by award restructuring have initially meant better outcomes for women. Now we face the possibility that in permitting an element of wages’ flexibility at the enterprise level, based on “productivity”, that this might threaten the very reforms that were being pursued in attempting to narrow the “wages gap”.

While understanding the need to deal with the frustration of many workers after a long period of wage restraint, and to release some of that pent-up pressure through a more flexible wages policy, the other side of the coin is the potential detrimental effect on women. Nonetheless, in locating the bargaining process at the enterprise level, it may be that issues like discrimination in over-award payments, overtime etcetera, can be more readily identified and resolved more equitably.

The ACTU Women's Committee at its recent meeting grappled with this issue and forwarded a resolution onto the ACTU Executive, which was endorsed. It stated:

The Women’s Committee believes that enterprise bargaining will not benefit poorly paid women in the workforce unless in the ACTU’s ongoing deliberations on wages the following are accommodated:
1. The need for a relevant, enforceable award framework.
2. Any definition of productivity must be broad enough to accommodate all workers and not just those in the tradeable goods area.
3. Protection of women workers to ensure there is no differential pay outcome in enterprise/industry bargaining.
4. Long term strategies for dealing with efficiency and productivity e.g. involving training, work-related child care and family leave, rather than short term trade-offs and offsets.
5. The need for women to be involved through their union directly in negotiations.

If such safeguards can be guaranteed, significant improvements can be achieved for the female workforce, but the degree to which this occurs will correlate highly with the degree of unionisation at the enterprise and the level of consciousness about these issues. So, the shifting focus of industrial relations to the enterprise level has important implications for women in the workforce. It would be ironic if the processes of award restructuring, which were meant to improve the lot of women, were implemented in such a way as to further entrench existing inequalities. This is a possible outcome, that we must all guard against.

It would be too easy for unions and employer groups to concentrate the focus of their concerns on those areas that are industrially strong and unionised. This might well create a “core” workforce of skilled workers and a much larger, peripheral workforce of women working part-time and open to exploitation under the guise of “flexibility”. It is easy to be seduced by the notion of “labour market flexibility” and not understand that the intent of some of the proponents is to perpetuate a “flexible” secondary labour market.

As greater numbers of women enter the paid workforce and continue to seek part-time or casual employment as a means of juggling competing demands, it would be all too easy to deny this group of workers access to the positive elements of award restructuring, such as training opportunities, career paths and skills enhancement. Already some employers are saying that career paths are relevant to some industries, but not to others, like retail and hospitality. Within these parameters, women are left open to being moved in and out of the workforce in keeping with the peaks and troughs of production patterns, and seasons, and levels of demand for certain services.

The problem is exacerbated because these women work mainly in the private services sector of the economy, often in small workplaces, which are not unionised and therefore their bargaining power at the enterprise level is minimal. All these issues pose an enormous challenge to the union movement as we grapple with how to make unions more relevant to the increasing numbers of women in the workforce.

There can be no real “flexibility” until all partners in the industrial relations arena recognise that the structure of working life needs to be reformed. Work-life must be reshaped to resolve the dilemmas that women confront, as they seek to fit themselves into working patterns and conditions which do not suit them. There is still no paid maternity leave in the private sector, no special family leave provisions and an appalling lack of work-based childcare facilities. Such positive forms of “flexibility” are so often strongly resisted by employers, despite the evidence which shows that the costs involved are negated by increased productivity and by the retention of skills in the paid workforce.

We have still got a long way to go; but not nearly as far as a decade or more ago when much of today’s discussion would have barely impinged on the mainstream industrial relations agenda. We should take heart from our achievements to date, and be prepared to continue the analysis and debate into the decades ahead.

REFERENCES