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MEETING EMPLOYEES' NEEDS IN TODAY'S WORLD

UQ researcher Professor Gillian Whitehouse's extensive research into gender and employment equity issues has contributed to new legislation with wide-reaching changes for Queensland employees, including those affected by domestic and family violence.

In early 2017, Queensland became the first Australian state or territory to give employees affected by domestic and family violence (DFV) a legislative right to paid leave.

The new leave provisions, which form part of the Queensland Government's revised *Industrial Relations Act 2016*, mean that Queensland state and local government employees can now access up to 10 days paid leave each year (up to 10 days unpaid leave for long-term casuals) for DFV-related purposes, such as recovering from injury, obtaining safe housing, organising child care or attending court.

The new legislation follows a review of the state's industrial relations legislation and tribunals by an Industrial Relations Legislative Reform Reference Group, which reported to the Queensland Government in December 2015.

All 68 recommendations from the reference group's report were incorporated into the revised legislation, with the provisions relating to DFV also responding to recommendations of the *Not Now, Not Ever* report into DFV, which was received by the Queensland Government in February 2015.

Professor Gillian Whitehouse from UQ's School of Political Science and International Studies has spent her 25-year career researching issues surrounding gender and employment equity, so was an obvious choice to be appointed as a specialist industrial relations academic advisor to the reference group, which considered, among other things,

contemporary matters such as workplace bullying, DFV, gender equality and work/life balance.

As well as the new DFV leave provisions, the new Act provides anti-bullying protections and a universal right for all employees to request flexible work arrangements.

Professor Whitehouse says the changes reflect new and important areas of employee entitlements that are better suited to the needs of employees in contemporary society.

"Approaches to several of the issues addressed in the revised Act have changed considerably since the last review of the Act in 1998," Professor Whitehouse says.

"In particular, a legislative entitlement to paid leave for employees experiencing domestic and family violence, and protection for these employees against adverse action are major advances, as are the extension of a right to request flexible working arrangements to all employees and the right to appeal a decision taken on this matter.

"These and other advances are likely to put pressure on other industrial relations jurisdictions to move in similar directions."

Professor Whitehouse has been involved in numerous industrial relations test cases and inquiries throughout her career, including the major Pay Equity Inquiries conducted in New South Wales in the late 1990s and in Queensland in the early 2000s. Through these inquiries and subsequent pay equity cases for groups such as childcare and community services workers, important

advances were made in understanding the influences on gender inequality and in improving pay rates in female-dominated occupations.

Her research on industrial relations systems and related social policies such as parental leave and employment flexibility entitlements has been funded on several occasions by the Australian Research Council, and she was a member of the consortium contracted by the federal government to evaluate its Paid Parental Leave scheme, introduced in 2011, over a five-year period.

Professor Whitehouse says industrial relations systems are important as they can have both direct and indirect impacts on social justice issues like gender equality.

"My research into gender pay equality in the 1990s, which focused on the reasons for variation in gender pay gaps across countries, highlighted the importance of wage-setting systems," she says.

"Where such systems are centralised and well regulated, and where there are comparatively high minimum wages, the gender pay gap is likely to be narrower, even in the absence of gender-specific measures to address pay inequality.

"Although research on the gender pay gap has to be multi-faceted (for example, it needs to focus on gendered processes in organisations and broader social norms about gender roles), it is important to retain a focus on industrial relations and wage setting, as these are the systems through which 'value' is attached to work."

While domestic violence does not solely affect women, victims are more likely to be women, and data released by the Australian Bureau of Statistics in 2006 estimated that almost two-thirds of women affected by domestic violence are in paid employment.

Professor Whitehouse believes support in the workplace for employees facing DFV is “an essential component of a comprehensive approach to this problem”.

“The fact that two-thirds of women affected by DFV are in paid employment is one indicator that this is an important issue that conditions of employment need to address,” Professor Whitehouse says.

“Experiencing domestic violence could make it difficult to retain a paid job but, of course, economic independence is an important factor for people in this situation – so these are additional reasons why workplace provisions are important.”

The importance of including leave provisions for DFV-related purposes is well recognised in Australia, with provisions included in a number of enterprise agreements and for public servants in most jurisdictions. There is also an Australian Council of Trade Unions (ACTU) case currently underway to include DFV leave in modern awards.

However, Professor Whitehouse hopes that Queensland’s lead of including DFV leave provisions in its Industrial Relations Act will help normalise such entitlements, benefiting employees across the country.

“In Queensland, the new Act has the potential to set new standards that could spread more broadly,” she says.

“Research into the impact of these new entitlements will be important to identify the most effective measures for adoption elsewhere.”

Professor Whitehouse believes research is also important to ensure further advances are made in gender pay equity.

“One of the key areas in which the federal industrial relations system could make an impact in the future is gender pay equity, for example by addressing the undervaluation of work in female-dominated occupations such as child care,” she says.

“This is an area where research has an important role to play, extending earlier work done for state-level pay equity inquiries to illustrate and explain levels of undervaluation in the Australian labour market.”

“The inclusion of 10 days paid leave for victims of DFV, combined with measures taken by the Queensland Government as an employer, will provide a comprehensive workplace response to DFV.”

– Jim McGowan AM, Chair, Industrial Relations Legislative Reform Reference Group

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Progress to date:

Late 1990s/early 2000s: Professor Gillian Whitehouse appears as an expert witness in the major Pay Equity Inquiries conducted in New South Wales and Queensland, which improve understanding of the influences of gender inequality and lead to higher pay rates in female-dominated occupations

2004–2006: Professor Whitehouse leads a major study on the use of parental leave in Australia, funded by the Australian Research Council

2009: The Productivity Commissions uses the findings of Professor Whitehouse’s parental leave study in its Inquiry into Paid Maternity, Paternity and Parental Leave, the recommendations of which provide the basis for the national Paid Parental Leave scheme enacted by the federal government

2011: The national Paid Parental Leave scheme commences operation

2010–2015: Professor Whitehouse is part of an Australia-wide consortium contracted to evaluate the national Paid Parental Leave scheme over a five-year period

September 2014: The Special Taskforce on Domestic and Family Violence in Queensland is established, chaired by the Honourable Quentin Bryce AD CVO, former Governor-General of Australia

February 2015: The Special Taskforce on Domestic and Family Violence in Queensland releases its report *Not Now, Not Ever: Putting an end to domestic and family violence in Queensland*, which includes 140 recommendations based on insights gathered from five months of engagement with communities and individuals

August 2015: The Industrial Relations Legislative Reform Reference Group, chaired by Mr Jim McGowan AM, is established by the Queensland Government to review Queensland’s industrial relations laws and tribunals

December 2015: The Industrial Relations Legislative Reform Reference Group provides its final report *A review of the industrial relations framework in Queensland* to the Queensland Government

31 November 2016: The Queensland Government’s revised Industrial Relations Bill, which incorporates all 68 recommendations contained in the Industrial Relations Legislative Reform Reference Group’s final report, is passed in parliament

1 March 2017: Most parts of the *Industrial Relations Act 2016*, including the DFV provisions, come into effect