

AIRAANZ Plenary Session: *Work and Industrial Relations Policy in Australia*

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Remarks by Professor Emerita Sara Charlesworth

I would like to acknowledge the Gadigal people of the Eora Nation, on whose unceded lands we will be participating at AIRAANZ this week.

Thank you to the authors, particularly Chris and Bradon, for asking me to make some brief comments on their excellent book.

I focus briefly on some real and potential impacts of the recent reforms to the unique Australian industrial relations (IR) policy framework, particularly those reforms relating to redressing gender inequality.

In the book, a careful synopsis of these reforms is set out within a contextual analysis of the role of the state, broadly conceived, and indeed the historical legacies that have shaped our current system. The book makes a persuasive case for the centrality of the gendered division of labour to Australian IR, to the lived experience of those in feminised jobs, and in the development of our current IR architecture, which arguably continues to operate around the 'imaginary' of the male breadwinner. A real plus, in my view, is that the subject of gender equality is not confined, as in many IR books, to just one separate chapter, but infuses several of the themes in the book. Indeed, Australia's distinctive gender order in paid work is recognised as an animating feature of Australian IR.

I want to touch on 2 brief examples of the ways in which recent reforms, set out succinctly in the book, have been operationalised.

I was initially pessimistic about the potential of the Secure Jobs Better Pay (SJBPP) multi-employer bargaining reforms to address the weak level of worker power and employee voice in low-paid feminised sectors. Not least because of the abject failure of the earlier low-paid bargaining stream and the limiting of access to the new supported bargaining stream only to those whose Enterprise Bargaining Agreements (EBAs) had expired. Nonetheless, the supported bargaining stream has proved quite effective in the Early Childhood Education and Care (ECEC) sector, delivering a 15% wage increase to a growing number of ECEC workers (almost 50,000 workers in 522 employers, as at 19 December 2025). This is due in no small part to the hard work and good will of the United Workers Union (UWU), the Fair Work Commission (FWC), the federal government and indeed sector employers.

However, how supported bargaining in non-care low-paid feminised sectors such as retail will achieve meaningful improvements to wages and conditions, without a relevant third-party funder and cooperative employers, will be much more fraught and protracted. We can see this play out in the Shop, Distributive and Allied Employees' Association's (SDA's) pursuit of a supported bargaining (SB) agreement with McDonalds in South Australia, with the employer now appealing to the Federal Court after the FWC granted an SB authorisation.

One of the most significant of the SJP reforms, highlighted in the book, are changes to our equal remuneration (ER) and work value provisions. Disappointingly the improved ER provisions, which, as they did pre-reform, effectively extend the right to ER to paid rates rather than just award rates of pay, remain unused to date, perhaps because of their spectacular lack of success in the pre-reform ECEC case. However, under the new work value provisions the FWC has been dealing with a large number of gender-based undervaluation cases, including, on its own motion, the huge gender-based undervaluation priority award review. This substantial case load responds directly to the significant SJP reforms to the Modern Award Objective and the Minimum Wage Objective, that require not merely the promotion, but the achievement, of gender equality.

Nevertheless, in my view, the approach of the Commission in the privileging of direct care work over other forms of the gendered undervaluation of invisible and tacit skills employed and indeed required in non-direct care feminised occupations has been disappointing and arguably does not respond fully to the historical and systemic gender undervaluation in the federal IR system, set out so persuasively in the book.

Further the FWC's current insistence on institutional continuity with its 2012 Social and Community Services (SACS) ER decision in the construction of its 'caring skills benchmark' arguably embeds an incomplete understanding of gender-based undervaluation. This is because the wage increases in the SACS decision were based only on the extent to which different occupations were engaged in caring work, both direct and indirect. The insistence on historical continuity with the 2012 ER decision has also led, in at least the current and prolonged review of the SCHCDS award, to the potential for perverse outcomes with some workers losing wages in the achievement of gender-based undervaluation.

Clearly this is a thought-provoking book, and I congratulate the authors on a fine contribution to both Australian and international industrial relations scholarship.