

Working Women's Centre

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Discussion Paper No. 4

February 1976

DO WOMEN REALLY GET EQUAL PAY?

In 1891 the Federal Wharf Labourers Union of Australia was established and had, as one of its aims: "to take steps for the ultimate establishment of a minimum wage for all men and women".⁽¹⁾ It was nearly 100 years before this objective was finally achieved.

In 1972 the Australian Conciliation and Arbitration Commission adopted the principle of 'equal pay for work of equal value' and determined that: "award rates for all work should be considered without regard to sex of the employee".

In 1974 the Commission granted women the minimum wage and, in his summing up of the reasons for the decision, the President of the Commission said: ". . . we have decided that the family component should be discarded from the minimum wage concept." (2)

However the decision provided that equal pay should be phased in over a three-year period to soften the impact for employers. This has allowed time for some employers to implement procedures to circumvent the decision. In some cases women are not receiving the same pay as their male counterparts because men get overaward payments while women receive the minimum award rate for the same job.

The Arbitration Commission only sets minimum rates of pay and in the private sector it is perfectly legal for an employer to pay different actual rates for the performance of identical work.

ILO CONVENTIONS

Although the Australian Labor Government ratified two important International Labor Organization Conventions - No. 100 on Equal Remuneration and No. 111 on Equal Opportunity - there is currently no legal machinery in this country to ensure that women do receive equal pay or that they have real equality of opportunity.

Article 1(3) of ILO C No. 111 states: "For the purpose of this Convention the terms 'employment' and 'occupation' include access to vocational training, access to employment and to particular occupations and terms and conditions of employment".

Convention 100 states in Article 1(a) that: "For the purpose of this Convention the term 'remuneration' includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever, payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment."

Yet men and women workers do not receive identical total benefits such as pension entitlements, long service leave, educational leave or pay, even if they do the same work. The following tables show this quite clearly:

(1) J. Hutson - "Penal Colony to Penal Powers" - Amalgamated Engineering Union 1966.

(2) Mr. Justice Moore, President Conciliation & Arbitration Commission, Remarks on Decision page 2.

Table I

	AVERAGE MINIMUM WEEKLY RATES		
	Male \$	Female \$	Fem. % of male
Sep 70	53.12	36.68	69.10
" 71	60.36	45.91	76.10
" 72	65.86	51.20	77.70
" 73	74.64	59.96	79.30
" 74	102.03	88.35	86.50
" 75	117.03	108.02	92.30

Table II

	AVERAGE WEEKLY EARNINGS		
	Male \$	Female \$	Fem. % of male
Oct 70	80.00	47.30	59.10
" 71	89.60	54.40	60.70
" 72	96.00	60.70	63.20
" 73	115.10	81.00	70.37
" 74	132.80	111.90	84.26
" 75	Figures not available		

Although women's rates are moving closer to male rates, the discrepancy between the rates - particularly average weekly earnings - could be seen as a way of protecting the traditional male differentials which existed before 1972. The effect of the CPI percentage increase marking wage indexation will further widen the gap between men's and women's wages.

Convention No. 100 also states that the principle of 'equal remuneration for work of equal value' is to be applied by means of "national machinery for wage determination". However neither the Arbitration Commission nor the Australian Government has the legislative power to ensure that men and women receive "the same total emoluments" or "equal opportunity in terms and conditions of employment". To enforce both ILO Conventions either the procedures of the Commission must alter (this is unlikely) or the Government must introduce legislation preventing discrimination. The Australian Government constitutionally has no direct control over wages (defeat of Incomes & Prices referendum in 1973) but each state could pass equal pay and equal employment legislation similar to the British or American systems.

EMPLOYERS' ACTION

Even with help from legislation women will not achieve true equality if they continue to be segregated in the lower-paid, lower-status jobs. One third of all women workers are concentrated in just three occupations - clerical worker, sales worker and stenographer or typist, whereas the concentration of male workers in lower-paid jobs is much less. Many employers prefer to keep women segregated in unskilled, badly-paid, poor-security jobs and they may consider transferring women into separate sections or ensuring that no males are recruited into certain fields.

A recent survey ⁽³⁾ of members conducted by the Victorian Chamber of Manufactures revealed that: "The compulsory introduction of equal pay would result in 21% of respondents reducing their female workforce". Further, in a submission to the Industries Assistance Commission, the Melbourne Textile Knitting Co. Pty. Ltd. stated: "The introduction of equal pay has tended to reduce job opportunities to women due to the fact that employers will prefer men in many instances rather than women when both have to be paid the same wages. There is also the significant problem that many men do not want to work with women."

These statements may be just threats to deter women from demanding their rights from employers but prejudices such as the belief that absenteeism and turnover are a function of sex contribute to the concentration of women in the low-status, low-pay jobs.

WHAT HAPPENS TO EQUAL PAY IN ALL-FEMALE JOBS?

The segregation of women into female-only professions has led to difficulty when assessing equal pay because there are no male jobs for comparison.

(3) The Victorian Chamber of Manufactures - "Child Care Report" May 1974.

To evaluate equal pay for the female sector the Commission determined that wages should be assessed by overall job content regardless of the sex of the worker performing the job. However objective job evaluation schemes are, they inevitably involve some subjective judgment - sometimes based on social attitudes towards various occupations. How does the Commission determine the relevant comparison of job content between a stenographer and a truck driver? nurse and carpenter? Work value exercises have also been looked on by many unions as a management technique with the aim of diminishing the power of the unions on the shop floor.

In order to avoid the need for arduous work value comparisons there should be more even distribution of men's and women's jobs in the labour market and eventual elimination of occupational segregation by sex.

RECLASSIFICATION

Another device used by employers to avoid paying women what they are entitled to is to reclassify women's jobs downwards. The Childcare Report by the Victorian Chamber of Manufactures referred to on page 2 reveals that 61% of employers interviewed said they had already changed the pay scale of all 'competing' female positions to a lower scale; eg women clerks with typing skills have been renamed clerical assistants and receive less pay than the equivalent male clerks with no typing skills. Other employers are changing the educational requirements for the job; for example, males (requirement HSC) receive higher pay than females (requirements only Leaving) for identical work.

Further, employers are using the area of 'material' difference to pay women less; eg night work, lifting or some small additional task classified as male to establish a difference.

WHAT UNIONS CAN DO

The ACTU Congress in 1973 recognized the serious nature of employers' policies to circumvent truly equal payment and "pledged the full support of the Trade Union Movement and affiliates to resist this plan" which "attempts to continue the exploitation of women workers as a source of cheap labour and to deprive them of their right to job satisfaction and equal opportunity for advancement".

Yet women are still being denied true equal pay. Equality of pay and opportunity will only be achieved by intensive industrial campaigns. Unions should be wary of reclassification and should take immediate steps to prevent such moves. Where job evaluation schemes are used the work of women should be assessed by the criteria of what a man would be paid if he were doing the job.

Women unionists must be more active than they have been in the past and unions have a responsibility and a vested interest in encouraging women to be involved at all levels of the union. Women workers must be won to trade unionism in order to solve their own problems and in order to strengthen the union movement as a whole. The unions provide the best weapon for women to fight for their rights as both women and workers. We must always remember the old maxim "Divide and conquer" and we must not allow employers to sabotage the union movement by dividing men from women.

In order to be true to the principles of unionism all unions should use their power to force all state governments to pass legislation which prevents employers from discriminating against any worker.