

Equal remuneration operative date: 7 Dec 2022

Expert Panels operative date: 6 Mar 2023

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GENDER EQUALITY:

OBJECTS OF THE ACT, EQUAL REMUNERATION AND EXPERT PANELS

What is it, and what is new?

Gender equality is now one of the Objects of the Fair Work Act, is a consideration in Wage Value Applications, and is a new Modern Award Objective.

There is a new test for Equal Remuneration Orders and new powers for the Fair Work Commission (FWC).

Two specialised Expert Panels will be added to the FWC: the Pay Equity Panel and the Care and Community Sector Panel.

What are the key rights and requirements?

- » Gender equality must now be considered in all decision of the FWC, in Modern Award Reviews and in Wage Value Applications.
- » Changes to Equal Remuneration Orders (ERO) are largely based on the Queensland Equal Remuneration Principle.
- » The FWC must make an ERO if they find there is unequal remuneration. Previously the FWC had the option, but not the obligation, to make an ERO where there was unequal remuneration.
- » Applications can now originate from the FWC or by affected employees. Previously, only affected employees could make an application.
- » There are now multiple ways for unions and employees to demonstrate unequal remuneration. Applicants will be able to make comparisons within and between occupations and industries to establish whether the work has been undervalued on the basis of gender, but are not limited to comparison with similar work or to historically male dominated work. Applicants will also be able to advance arguments that particular work has been undervalued historically on the basis of gender.
- » Two Expert Panels must be established. The Pay Equity Panel will consider any ERO applications and decisions about changing Award wages for work value reasons. The Care and Community Sector Panel will deal with anything that comes up in that sector that otherwise would have been put in front of the Pay Equity Panel as well as any Award matters relating to the Care and Community Sector.

Strategic considerations for your union

Coordinate:

- » The timing and coordination of ERO cases that involve multiple unions will be critical. How do we coordinate in this space?
- » How do we coordinate and collaborate to ensure we are able to provide the best evidence in award reviews, wage value and minimum wage cases that involve multiple unions?
- » The Expert Panels will be key to running a broad range of cases in workforces predominantly composed of women. How do we work together to ensure the Expert Panel is being used to its best potential?

Growth:

- » EROs, Wage Value cases and Award Reviews can be a real opportunity to address gendered unequal pay across a range of industries. How do we ensure that campaigns are run that deliver growth?
- » How do we educate and advertise about successful cases relating to gender equity to create opportunities for growth.

Precedent:

- » There are many new, untested components in the ERO provisions. How do we coordinate to ensure we run cases that can provide the best precedent possible?
- » How do we assist the FWC to ensure that new gender equity objectives (in Award matters, minimum wage cases, and wage value cases) are properly considered in these cases?

**EQUIP
PLAN
WIN**

EQUIP

- **IR LAW FORUMS**
(7 - 19 Feb) - Respect, Equity,
Bargaining 1/2/3 and Electives
- **LEGISLATION
BRIEFING NOTES**
- **FACT SHEETS**

PLAN

- **STRATEGIC LEADERSHIP
MEETING (20 - 21 Feb)**
- **UNION INTERNAL
PLANNING**

WIN

- **MOVEMENT WIDE
EDUCATION**
- **COORDINATION**
- **GOOD PRECEDENTS**
- **GROWTH AND POWER**