



STATEMENT

Fair Work Act 2009

s.157 — FWC may vary etc. modern awards if necessary to achieve modern awards objective

Gender undervaluation – priority awards review

(AM2024/19, AM2024/20, AM2024/21, AM2024/22, AM2024/23)

JUSTICE HATCHER, PRESIDENT

VICE PRESIDENT ASBURY

DEPUTY PRESIDENT O’NEILL

DEPUTY PRESIDENT SLEVIN

DEPUTY PRESIDENT GRAYSON

MELBOURNE, 19 NOVEMBER 2024

Gender-based undervaluation – priority awards review – Children’s Services Award 2010 – Aboriginal and Torres Strait Islander Health Workers and Practitioners and Aboriginal Community Controlled Health Services Award 2020 – Health Professionals and Support Services Award 2020 – Pharmacy Industry Award 2020 – request for research – second tranche of data and literature review.

[1] On 28 October 2024, we issued a statement confirming the provisional view that the Commission should obtain and publish the data requested by the Australian Council of Trade Unions (ACTU) on 4 October 2024 to the extent that we are able to do so.¹

[2] The first tranche of data was published with that statement. It related to items 1, 2, 3 and part of item 7 of the ACTU’s request in relation to the *Children’s Services Award 2010*, the *Health Professionals and Support Services Award 2020* and the *Pharmacy Industry Award 2020*.²

[3] We now publish the second tranche of data relating to the outstanding items requested, being items 4, 5, 6 and part of item 7 for these three awards by providing data from the Australian Bureau of Statistics (ABS) Employee Earnings and Hours (EEH) survey.

[4] As indicated in the 28 October 2024 statement, staff of the Commission have also reviewed available data for the *Aboriginal and Torres Strait Islander Health Workers and Practitioners and Aboriginal Community Controlled Health Services Award 2020* (ATSIHW Award). We now publish data regarding the priority occupation of Dental Therapists under this Award, using data from the National Health Workforce Dataset (NHWDS). The NHWDS only collects data for registered health professions and does not collect data for unregulated occupations. Accordingly, data for dental assistants was not available through this data source.

[5] The Expert Panel identified that additional research was necessary to support its consideration of gender undervaluation regarding the ATSIHW Award. During proceedings parties expressed a view that there is an inextricable intersection between gender, Aboriginal

and Torres Strait Islander cultural skills and gender-based skills which cannot be disentangled for the purpose of the review, which is included in item 3 of the list of issues under consideration.

[6] Following a conference with the parties, the Commission engaged the Jumbunna Institute for Indigenous Education and Research at University of Technology Sydney Business School to conduct a literature review and provide a report to support the review of the occupations identified in the ATSIHW Award. The resultant report³ analyses:

- existing literature to provide background information regarding the history of the Aboriginal Community Controlled Health Organisations sector, and whether the history of its formation impacted wage fixation in the ATSIHW Award or any predecessor award;
- existing literature regarding Aboriginal and Torres Strait Islander cultural skills needed by Aboriginal and Torres Strait Islander health workers and practitioners for the delivery of health services under the ATSIHW Award;
- existing literature regarding gender-based skills utilised by health workers and practitioners and the intersection between gender-based skills and Aboriginal and Torres Strait Islander cultural skills;
- existing literature to provide background information regarding the history of domestic and caring work and the forced indentured labour of indigenous women in caring and domestic work and its impact on wage fixation under the ATSIHW Award or any predecessor award;
- data that provides information on the extent to which Dental Assistants and Dental Therapists covered by the ATSIHW Award are Aboriginal and Torres Strait Islander and/or discuss data limitations as necessary

[7] We publish the report with this statement. Parties may address the published data and literature review in reply evidence and submissions, which remain due at **5:00 pm (AEDT) on Wednesday, 27 November 2024.**



PRESIDENT

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¹ [\[2024\] FWCFB 409.](#)

² [Information note – Gender undervaluation: ACTU data request – Part 1.](#)

³ Nareen Young et al, Jumbunna Institute for Indigenous Education and Research and UTS Business School, [*A Hidden History of Aboriginal Women's Work in the Community Controlled Health Sector: A Literature Review Considering the Intersection of Cultural Skills and Gender-Based Skills*](#) (19 November 2024).