

Committee on the Application of Standards

Date: 20 May 2024

Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 20 May 2024.

► Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Australia (ratification: 1969)

Employment Policy Convention, 1964 (No. 122)

The Government has provided the following written information as well as copies of the Secure Jobs, Better Pay Act, 2022, [the Closing Loopholes No. 2 Act 2024](#), and the Paid Family and Domestic Violence Leave Act, 2022.

Active policy designed to promote full, productive and freely chosen employment (Article 1)

The Government's vision for a stronger and more inclusive economy is set out in *Working Future: The Australian Government's White Paper on Jobs and Opportunities*, published on 25 September 2023. Informed by over 400 stakeholder submissions, the White Paper builds on the outcomes from the September 2022 Jobs and Skills Summit, which brought together unions, employers, civil society and governments to strengthen tripartism and constructive social dialogue.

The White Paper sets five ambitious objectives to achieve the Australian Government's vision:

- delivering sustained and inclusive full employment;
- promoting job security and strong, sustainable wage growth;
- reigniting productivity growth;
- filling skills needs and building our future workforce;
- overcoming barriers to employment and broadening opportunity.

Employment trends and active labour market measures

The Government has delivered significant employment and workplace relations policy reforms to address issues including insecure work, unemployment and underemployment.

Australia's employment service, Workforce Australia, commenced in July 2022. For people further from the labour market, including the long-term unemployed, Workforce Australia provides intensive case management delivered by employment service providers. Workforce Australia includes settings designed to assist the long-term unemployed such as progress payments to incentivize providers to improve jobseekers' employability, and a bonus payment for providers when they assist a very long-term unemployed jobseeker into work.

The White Paper contains eight principles for reforming employment services so they support individuals to meet employment goals and provide pathways towards decent and secure work, including for First Nations people. Among other issues, the White Paper acknowledges the challenges faced by the long-term unemployed including skill atrophy, loss of motivation and marginalization from the labour market.

On 14 May 2024, the Government responded to these issues in the 2024–25 Budget, announcing funding for improving employment services to better support the long-term unemployed and those with complex personal circumstances. This funding includes the Real Jobs, Real Wages initiative to support people at risk of long-term unemployment into secure work via a tapered wage subsidy over six months, and the WorkFoundations initiative to assist people with complex employment barriers to build work readiness, funding social enterprises and businesses to deliver paid employment placements with tailored, wrap-around supports.

Recent amendments to national industrial relations legislation have addressed insecure work. Under the Secure Jobs, Better Pay Act, 2022, job security was added to the objectives of the Fair Work Act, 2009 and the modern awards system, meaning Australia's workplace tribunal, the Fair Work Commission, must consider these matters when performing its functions. For fixed-term contracts, unless an exception applies, they are now limited to two years (including renewals) or two consecutive contracts – whichever is shorter. This ensures employees are not kept on fixed-term contracts for roles that could be secure ongoing work.

Additionally, the Closing Loopholes No. 2 Act, 2024 introduced an interpretive principle providing that the terms "employee" and "employer" are determined by assessing the real substance, practical reality and true nature of the working relationship, in line with the ILO's Employment Relationship Recommendation, 2006 (No. 198). This Act also legislated an objective definition of "casual employee", so the practical reality of the employment relationship is relevant, not just the contractual description, and provided a pathway for eligible casual employees to choose to become permanent. This will particularly benefit women, who make up 53.1 per cent of casual workers.¹ Separately, the Act empowered the Fair Work Commission to set minimum standards for road transport workers and "employee-like" platform economy workers, also providing these workers a consent-based collective agreements framework and dispute resolution for unfair termination or deactivation.

Youth employment

The Government continues to support youth to gain work experience including through wage subsidies, observational work experience, and volunteer work. In 2022, the Government strengthened Transition to Work – a targeted service to support disadvantaged young people at risk of an unsuccessful transition from school to work – through expanded eligibility criteria to target youth at risk, increases to the maximum time participants can receive the

¹ Australian Bureau of Statistics, "[Labour Force, Australia, Detailed](#)", ABS website, Pivot Table EQ04, March 2024.

programme's assistance (up from 18 to 24 months), stronger engagement mechanisms to enhance participation, and new performance frameworks for contracted providers.

Referrals to the Youth Jobs PaTH Internship programme were paused in July 2022 and the programme was abolished in September 2022, as the programme settings did not meet the Government's expectations around fair and equitable pay for interns. The National Work Experience Programme, which had similar programme settings, was also abolished.

In the 2024–25 budget, the Government announced the establishment of a "Commonwealth Prac Payment" to support eligible teaching, nursing and midwifery, and social work students in higher education and vocational education and training (VET) complete their placements. The new Payment will help ease the cost-of-living pressures experienced by many students when undertaking mandatory practicum placements as part of their degrees.

In considering future work experience policy and programmes, the Government has consulted widely with business, unions, individuals, employment services stakeholders and community organizations. The Employment Youth Advisory Group, with young people aged 16 to 25, also provides advice to the Government and shares insights on how young people are making the transition between education and work.

Women

Working for Women: A Strategy for Gender Equality, released in March 2024, outlines the Government's vision for gender equality, with women's economic equality and security a priority area of the Strategy. Core to driving gender equality is gender-responsive budgeting which puts consideration of gender impacts at the heart of policy design and Budget decisions across Government's policies and investments.

Workplace relations reforms have centred gender equality in workplace relations systems, improving equity, safety and economic security for women. These include banning pay secrecy clauses, prohibiting sexual harassment in connection with work, and strengthening access to unpaid parental leave and flexible work helping parents to balance work and care. The Government has also introduced new protected attributes (personal characteristics that cannot be used as a basis for discrimination) in the Fair Work Act, 2009 including breastfeeding, gender identity, subsection to family and domestic violence, and intersex status.

In 2023, the Paid Family and Domestic Violence Leave Act, 2022 came into effect providing an entitlement to ten days paid family and domestic violence leave. This entitlement is applicable to all Australian employees including casuals, recognizing that women experiencing family and domestic violence are more likely to be employed in casual and insecure work. This measure followed Australia's ratification of the ILO's Violence and Harassment Convention, 2019 (No. 190).

In Australia there are various mechanisms which can result in wage increases including work value cases, equal remuneration orders and the Annual Wage Review. The Government has established new expert panels in the Fair Work Commission to hear applications for pay equity and modern award matters in the Care and Community Sector. The addition of gender equality to the minimum wages and modern awards objectives in the Fair Work Act, 2009 significantly influenced the wage rise in the 2022–23 Annual Wage Review. Australia's aged care workers have also been awarded increases of up to 28.5 per cent through a work value case. A key determinant in awarding this increase was the historical undervaluation of care work because of gender-based assumptions.

Elsewhere, amendments to the Workplace Gender Equality Act, 2012 have enabled the Workplace Gender Equality Agency to drive transparency and action by publishing the gender pay gap of employers with 100 or more employees. This occurred for the first time in February 2024.

Indigenous peoples

The Government remains committed to realizing the Closing the Gap targets designed to reduce disparities between First Nations people and the rest of the population in fundamental areas of life.

Workforce Australia operates across all non-remote areas in Australia to support First Nations participants into work. This includes 16 providers with Indigenous Specialist Licences, special provision for training and mentoring through the Employment Fund, and immediate eligibility for wage subsidies of up to \$10,000.

Reforms contained in the White Paper include ensuring services are designed and delivered in a culturally responsive and inclusive way that meets First Nations communities' needs and boosting the participation of Aboriginal and Torres Strait Islander community-controlled organizations, and community-based organizations, in the delivery of employment services.

The Government has provided funding to support the National Indigenous Employment and Training Alliance (NIETA), a group of First Nations organizations delivering employment and training services across Australia. NIETA was established to strengthen First Nations voices in employment policy, programme design and implementation, and shape further improvements to employment services and training supports to meet the needs of First Nations people. The Government continues to support NIETA as a critical stakeholder in employment service reforms across both remote and non-remote areas.

The Government has committed to replace the Community Development Program (CDP) with real jobs, proper wages and decent conditions – developed in partnership with First Nations people. As a first step, the Government announced a commitment to implement a new Remote Jobs and Economic Development Program (RJED) to start in the second half of 2024. The RJED will support people in remote communities to move into employment by funding meaningful jobs that communities want. Eligible community organizations will be funded to create new jobs to employ local people at least at the minimum wage and conditions.

As not everyone will be ready to enter employment or may require other support services, a remote employment service will still be needed. CDP services will continue through an extension of most CDP provider agreements until 30 June 2025 while RJED is scaled up and a new remote employment service is developed.

The Indigenous Skills and Employment Program (ISEP) is a new First Nations-specific employment programme that aims to connect First Nations people to jobs, career advancement opportunities, new training and job-ready activities. ISEP projects are designed with community and key stakeholders to ensure activities respond to the local context, leverage opportunities and deliver sustainable employment outcomes.

In addition, the Government will invest \$76.2 million over five years in a new employment programme to improve the transition from prison to work for First Nations people, building on the Time to Work Employment Service.

Participation of the social partners in the formulation and implementation of employment policies

The Government continues to meaningfully engage with a broad range of stakeholders and social partners on employment and workplace relations issues and policies. Government, employers and unions worked together at the September 2022 Jobs and Skills Summit, leading to the Employment White Paper. The Government also consults with social partners through regular sectoral and industry forums such as the National Construction Industry Forum.

As outlined in the White Paper, the Government is committed to designing and delivering employment services through collaboration with people, community and businesses, including social partners. The Government has demonstrated its belief in working with stakeholders, including social partners, through the recent design of the new voluntary pre-employment service for parents, the policy development of the WorkFoundations initiative, and the design of the new employment programme to improve the transition for First Nations people from prison to work, and this is something the Government remains committed to going forward.

In March 2024, the Government announced a Ministerial Advisory Board for Jobs and Skills Australia (JSA), an expert agency that provides independent advice on current and emerging labour market and workforce needs. Consistent with the commitment that JSA will operate as a tripartite partnership, the Ministerial Advisory Board ensures a voice for social partners in addressing skills, labour market and workforce development needs. Moreover, the Government has established industry-specific Jobs and Skills Councils, bringing together employers, unions and governments in a tripartite arrangement to find solutions to skills and workforce challenges.

Consultation on employment and labour policies continues at the state and territory level. For example, the South Australian Skills Commission established ten Industry Skills Councils to provide a mechanism for businesses, peak industry associations and social partners to discuss skills and workforce needs with government.

The social partners were consulted in the preparation of this report.