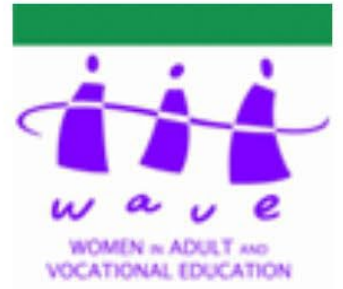


9th April 2023



Women in Adult and Vocational Education
(WAVE) &
Equality Rights Alliance (ERA)

SUBMISSION TO SENATE STANDING COMMITTEE ON EDUCATION & EMPLOYMENT - JOBS AND SKILLS AUSTRALIA AMENDMENT BILL 2023



Acknowledgement

Women in Vocational and Adult Education (WAVE) acknowledge the traditional owners of our lands and waters – the Aboriginal and Torres Strait Islander Peoples – who are the first educators and the first teachers of this land.

We pay our respects to elders, past present and emerging and recognise that these lands and waters have never been ceded.

We support truth, treaty and reconciliation and the Uluru Statement of the Heart.

Always was, always will be Aboriginal land.

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

WAVE and ERA thank the Senate Standing Committee for the opportunity to put forward this submission to the Jobs and Skills Australia Amendment Bill 2023 Inquiry.

In summary while WAVE and ERA welcome many of the changes to JSA put forward in this Bill we are advocating and encouraging the Australian Government to amend/strengthen the functions and governance of JSA so that equity (including intersectional gender equity) is core to all of the Agency's work and sustainably so.

In this submission we also include WAVE's key policy goals to create an equitable Australian Education and Training system.

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WHO IS ERA?

Equality Rights Alliance (ERA) is Australia's largest network of organisations advocating for women's equality, women's leadership and recognition of women's diversity. We bring together 67 non-government organisations and social enterprises with a focus on the impact of policy or service delivery on women.

ERA started life as WomenSpeak, a national non-government network of women's organisations and women's advocates which operated from 2001 to 2010.

Equality Rights Alliance is one of six National Women's Alliances. We are funded by the Commonwealth Government's Office for Women and are led by YWCA Australia

ERA believes the advancement of women and the achievement of equality are matters of fundamental human rights. We advocate for gender equality, women's leadership and government policy responses that support women's diversity. Using a range of methods to consult and engage with women in Australia, ERA works to bring the voices of women from diverse life situations to policy makers.

WHO IS WAVE?

WAVE is a national network of women involved in Vocational Education and Training (VET) and adult education. WAVE provides research, policy advice and advocacy to Australian and State/ Territory Governments on gender equity in skills and adult education policy, and provides input into VET and adult education internationally. We are supported within each state by local representatives who, in turn, contribute collaboratively to national events and governance. Formed in 1985 WAVE is the first and only national independent, non-government organisation for Australian women and girls in the adult, community and vocational education and training sector/s.

Our mission is to advocate so that Australia's vocational education and training and adult education systems are equitable for all women and girls. Our vision is for a future where women and girls can participate fully in all aspects of work and democratic society, through equitable and transformative vocational and adult education.

Our Way of Working

WAVE undertakes its work within a feminist framework recognising that intersecting forms of discrimination and marginalisation can impact a person's capacity to access and benefit from Australia's vocational and adult education system/s. As such, WAVE is keenly aware of the importance of centring lived experience in our work. We advocate for the vocational and adult education system to enhance its inclusivity, relevance and affordability for those who may be left behind to provide a coherent voice for under-represented, vulnerable and marginalised groups.

The transformative power of inclusive education, training and lifelong learning that centre gender equity is at the core of WAVE's values.

As leaders in the areas of gender equity and vocational and adult education, WAVE is uniquely placed to provide expert advice to Australian and State/Territory Governments on ways that these systems can be equitable for all Australians. We can provide partners, members and stakeholders with deep understanding of the last 40 years of evidence in VET and adult education and gender equity from Theory of Change to Theory of Action and monitoring and evaluation of results.

We work in collaboration and in partnership with organisations, leaders and communities that share an appreciation of the breadth of challenges associated with gender inequity, especially as they relate to Australia's national adult education and skills system/s.

WAVE's mission is to partner with organisations and individuals with a shared commitment to social justice in the co-production of sound research and advocacy.

Key goals for an Australian Education and Training System

WAVE – in its role as leading advocacy for an equitable and inclusive education and training system propose the following policy goals for the Australian Government and its current reforms for our education and training structures. In putting the goals forward we advocate to the Australian Government that evidence and implementation levers for change are available for Australian Governments to use and comprise the following principles and practices:

- I. Create a system that provides learners with the training they need to live well (including getting a job, changing jobs, being entrepreneurial, being active citizens, caring for others, participating in democracy, moving between industries etc) with mechanisms built in to tailor the system to the unique needs of women and girls
- II. Enable a system that is proactive rather than reactive – one that forecasts and plans for skills for the future, and the present by drawing upon expertise cognisant of our social, economic and educational needs.
- III. Create a skills and education system with a broader definition of skills that is inclusive of knowledge and builds broad capabilities required for participation in work, civic and social life.
- IV. Value and utilise the decades long evidence and research base that both describes and presents evidence of inequity faced by women and by women with intersecting compounding barriers to participation in the workforce and skill development.
- V. Ensure equity is a foundation principle and goal of all education and training policies regulations and legislation
- VI. Embed equity as an organising principle to all activities, policy and resourcing activities associated with design, delivery, resourcing and funding, evaluation of vocational education and training in Australia.
- VII. Create and resource an agency (statutory authority) with the legislated function to consult, investigate, locate and address existing and potential barriers to equity in our education and training system and so provide advice and recommendations to Government.
- VIII. Build capability and capacity of department officials, policy leaders and the education and training sector on gender equity and equitable practices and policy making
- IX. Include gender impact assessments in the policy design processes and structures about education and training
- X. Ensure that equity and gender impact assessment is a core organising feature and principle of education and training funding, workforce planning, resource allocation, teacher and trainer development and strategic policy vision/setting.
- XI. Target and implement budget measures for training and education investment that increase women's participation and career paths across the workforce including in emergent industries and occupations and, target men's participation in feminised industries.

- XII. Apply a gender lens to all processes that assign value to ‘feminised’ skills including assigned levels in the AQF and associated pay levels, competency standards and training packages, taking into account issues of comparative worth.
- XIII. Fund training and education equitably especially addressing inequitable funding of feminised skill pathways compared to male dominated skill pathways
- XIV. Centre the lived experience of learners in all their diversity – recognise that the journey of learning is an experience that is intersectional, has a higher opportunity cost for women and is inequitable for many.
- XV. Develop a system that is built by educators for learners in partnership with industry. Define “industry” so that is inclusive of all workers and employment types and their needs for our skills system (for instance, sole traders, disability support workers, workers in the arts and cultural industries as well as ‘blue collar’ trades workers or workers in large finance, manufacturing or mining companies).
- XVI. Develop an integrated Australian Education and Training System with the capacity to provide flexible and timely lifelong learning opportunities across the lifespan for all Australians, with recognised learning pathways from school education through VET and Adult Community Education to Higher Education.

A note on international frameworks and agreements

In putting forward these points we draw from the evidence of such diverse organisations as the United Nations, UN Women, UNESCO, UNESCO-UNEVOC, the World Bank, the ILO, OECD, the World Economic Forum (WEF) and major consultancy firms such as KPMG and PwC, and significant research institutions internationally including our own Group of 8.

WAVE supports Australia’s commitment to the UN’s *2030 Agenda for Sustainable Development* (Agenda 2030) and the Sustainable Development Goals (SDGs) along with its central tenet of ‘leave no one behind’. Our work is informed especially by SDGs 5 (Achieve gender equality and empower all women & girls); 4 (Ensure inclusive and equitable quality education and lifelong learning opportunities for all¹), and 8 (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all).

Similarly, we acknowledge Australia’s support of the *Marrakech Framework for Action: harnessing the transformational power of adult learning and education* (MFA) agreed at CONFINTEA VII and, in line with UNESCO’s global initiative *Futures of Education* and calls for a new social contract for education², the commitments made in Australia’s submission at the Transforming Education Summit (TES) convened in September 2022 in response to a global crisis in education. The *National Statement of Commitment*³ states (in part):

Australia recognises the power of education to transform lives and, through targeted actions and continuous improvement, is committed to meeting Sustainable Development Goal (SDG) 4 as a global

¹ SDG4 is supported by 10 targets & 11 indicators. Those that are relevant to VET and adult education are targets 4.3 - 4.7.

² See: UNESCO *Futures of education* for detail & associated publications <https://en.unesco.org/futuresofeducation/>

³ Australian Government (2022) *National Statement of Commitment to Transform Education* . 14th October 2022 <https://transformingeducationsummit.sdg4education2030.org/AustraliaNationalStatement>

benchmark for ensuring inclusive and equitable access to quality education and promoting lifelong learning. ...

To respond to current and emerging skills needs, Australia recognises the need to support equitable access to lifelong learning, including formal learning such as higher education and vocational education and training, as well as informal and non-formal learning. Lifelong learning has an important role in helping disadvantaged community members, for example, through improving adult literacy and numeracy, and developing digital literacy (pp. 1,2).

We also endorse the range of advice and advocacy from gender equity colleagues internationally, reflected in major policy frameworks in the European Union and in countries such as Canada, Germany and the United States all of which have a nation-wide gender equity framework, policy and impact/measurements system resourced to drive accountability, build capability and enable transformational change. Noting the scope of our role, we will contain our feedback to that relating to the national adult education and VET systems.

FEEDBACK ON DRAFT LEGISLATION

WAVE and ERA understand that the proposed legislation continues its work of the 2022 JSA Act, and finalise the arrangement for this new entity to carry out its work. Specifically we note that the Bill:

- Establishes a Ministerial Advisory Board whose function is to “advise” the Minister and the JSA Commissioner on the performance of JSA Functions.
 - This Board comprises a Chair; two members representing the States and Territories; three members representing employee organisations; three members representing employer organisations; and not more than four other members.
 - We also note that the terms of this Board, include specific reference to the skills input required by the Minister from people with lived experience of disadvantage in the labour market or “*experience as a representative of people with lived experience of disadvantage and exclusion in the labour market.*”
- The Bill allows for one commissioner and only two deputy commissioners – JSA Director is renamed as Commissioner

Building upon the functions outlined in the Jobs and Skills Australia Act 2022, this Bill seeks to enable the full functions of JSA which are to:

1. Provide advice to the Minister or Secretary of the Department, in relation to the impact of workplace arrangements, including insecure work, on economic and social outcomes;
2. identify labour market imbalances and analysing the demand and supply of skills;
3. Analyse skills needs and workforce needs, including in regional, rural and remote Australia, and in relation to migration;
4. Undertake studies, including on opportunities to improve employment, vocational education and training (VET) and higher education outcomes for cohorts of individuals that have historically experienced labour market disadvantage and exclusion ;
5. Contribute to industry consultation forums; and
6. Prepare and publish an annual work plan in consultation with the Minister and other stakeholders

We also note and take account of the *National Skills Agreement: Vision and Principles*⁴ agreed by Skills Ministers and endorsed by the National Cabinet on 22nd August 2022, and especially clauses 3-6, viz, a VET sector that:

- ensures that all Australians — particularly women, First Nations Australians, young people, mature age Australians, those experiencing long-term unemployment, people from culturally and linguistically diverse communities, people with disability, and regional and

⁴ Australian Government (2022), *National Skills Agreement: Vision and Principles*. 31st. August 2022. Department of Employment and Workplace Relations, Canberra.

<https://www.dewr.gov.au/skills-reform/national-skills-agreement-vision-and-principles>

remote learners — have access to the education, training and support needed to obtain well-paid, secure jobs

- ensures that no Australians are left behind as the Australian economy transitions and adapts to structural change, including by providing opportunities for life-long learning and foundation skills development
- supports informed decision-making for students, workers, employers and governments through skills and labour market analysis informed by Jobs and Skills Australia, access to relevant career information and improved transparency
- pursues greater national consistency where beneficial to ensure access, equity, and transparency, while providing states and territories with appropriate flexibility and autonomy to deliver national, state and territory priorities; is clear and simple; and reflects genuine tripartite engagement with the sector on reform.”

Our Response to the Bill

Our interest in this Bill lies in WAVE and ERAs’ ambition for an equitable education and training system. One in which all Australians are emancipated to fulfill their potential access to the resources and opportunities they need for fulfilling and well lives. For many in our community this is not possible due to the range of barriers that our society and economy place in front of them. For women, this includes care responsibilities, a seemingly intractable pay gap, discrimination and being at high risk of sexual harassment and bullying in the workplace, and violence in the home.

WAVE and ERA put forward the following feedback on the Bill for the Committee’s consideration:

On the Ministerial Advisory Board and Governance

1. **We welcome** a recognition by government of the value of having someone with experience/lived experience of disadvantage in labour markets (or their representative) on the Advisory Board. It affirms a goal of bringing the voices of everyday people into the work of JSA.
2. *We would **strongly recommend** that the wording in the Bill be amended so that inclusion of equity expertise including lived experience of disadvantage and exclusion from skills related education & training and/or the labour market (or their representative/s) on the Ministerial Advisory Board is a requirement.*
3. We **recommend** commensurate resources and support to represent the diversity of disadvantage in Australia’s labour market.
4. We **recommend** that the Advisory Board include two members representing education and training expertise

On the Functions

5. We **welcome** the strengthening of advice to the Minister in relation to the impact of workplace arrangements including the impact of insecure work. WAVE and ERA recognise

- that insecure work is a gendered experience, which perpetuates inequality across Australia for women and minorities, and for those experiencing intersectional barriers to workforce participation.
- a. We would **strongly advocate to the Australian Government** – and as per previous submissions and advocacy from WAVE and ERA – that there are more drivers of inequality in our labour market – not just insecure work – which JSA can include in their mandate and advice. including, flexible work, parental leave, capacity of workplaces to lead and manage safety and stop harassment.
 - b. JSA can expand its advice to the Minister on “current, emerging and future labour market and workforce skills and training needs” by including in its work ways to address the gender pay gap, and create an inclusive education and training system.
6. We **welcome** the inclusion of migration in JSA’s function. Both WAVE and ERA have advocated to the Australian Government on the gendered nature of our skills migration system.
 7. While we **welcome** the strengthening of JSA Functions to include “undertak(ing) studies, including on opportunities to improve employment, VET and higher education outcomes for cohorts of individuals that have historically experienced labour market disadvantage and exclusion” we **recommend that this be rewritten** so that JSA has to provide advice on “opportunities to improve employment, VET and higher education outcomes for cohorts of individuals that have historically experienced labour market disadvantage and exclusion.
 8. We **thank** the government for recognising the intersectional nature of disadvantage in our education and training system in the explanatory memorandum for the Bill that “*..Some of these cohorts are marginalised by way of age, health, gender, or background. This could, for example, include women, over-55s, people with disability, youth, unpaid carers, First Nations Australians, and culturally and linguistically diverse communities. Other studies Jobs and Skills Australia may undertake as part of this function could include comprehensive workforce and occupational studies for government funded services, such as aged care.*”
 9. With regard to the proposed JSA function to “identify labour market imbalances and (analyse) demand and supply” we **advocate** to the Australian Government, that this analysis needs to be more comprehensive and inclusive of the multitude of factors impacting people’s participation in the labour market and, skills system and, how to overcome them.
 10. We are very concerned that the current functions will not enable JSA to recognise, investigate and advise on the range of inequitable social and economic factors inhibiting women’s labour force participation. We are also concerned that without expanding this function to include a broader definition of skills (expanding beyond those skills that make manifest traditional labour market economics) JSA will not be enabled to bring into its work evidence and practice that can build broad capabilities required for participation in work, civic and social life. Australian governments have long accepted that waged work is the primary mechanism for income distribution without institutional recognition of other and unpaid work as a valued form of labour or mechanisms that allow people to be productive and creative while not bound to an employment relationship. Further, the skills that people,

especially women, develop doing unpaid work is rarely recognised by employers in formal and paid work settings.

Other Points of Note

WAVE and ERA still advocate to the Australian Government and Jobs and Skills Australia of the need to drive and build system wide capacity and capability in equity and intersectional gender equality. To that end, and in regard to this Bill **we advocate** that:

- A. One of the Deputy Commissioners is accountable for equity and inclusion so that equity and inclusion (underpinned by intersectional gender equity) is both a goal for our education and training system and, a pathway to achieve it. Naming the priority as a role of a Deputy Commissioner will be a significant signal to the national system of the Government's intent.
- B. The Bill's functions enable JSA to provide advice that applies an intersectional gender lens across all education and skills policy and funding including advice that targets and strengthens budget measures for training and education investment that increase women's participation across the workforce and, target men's participation in feminised industries.
- C. The functions of JSA should also enable the agency to be proactive so that they can forecast and plan for skills in the future that is inclusive of economic, social, civic and climate drivers and changes across our nation.

-END-

GLOSSARY OF TERMS

<i>When we say...</i>	<i>What we mean is...</i>	<i>What we don't mean is...</i>
<i>Vocational and Adult Education</i>	<p>The products, services and policies that underpin vocational skilling of people in Australia through education and/or training. This is inclusive of vocational education that occurs in secondary schools, the vocational education that is delivered in universities, adult education that occurs in community settings and also foundation skills, literacy and numeracy education for adults.</p> <p>What draws this together is the enabling effect that these pathways of learning have on jobs and employment of women</p>	<p>We do not include in our definition university degrees or vocational pathways delivered by training providers in locations outside of Australia.</p>
<i>The national vocational education & training system</i>	<p>1) "The national training system is the Australian system for Vocational Education and Training (VET). It provides people with work-ready skills and qualifications..." https://www.australianindustrystandards.org.au/national-vet-system/</p> <p>2) "The extent to which state and territories and the Commonwealth of Australia governments come together to agree on policies and programs to deliver and fund vocational and adult education. It is inclusive of state/territory and commonwealth funding programs, regulatory frameworks and policies and nationally agreed policy structures such as training packages, industry advisory mechanisms, and agreements". https://www.pc.gov.au/ongoing/report-on-government-services/2022/child-care-education-and-training/vocational-education-and-training</p>	
<i>Technical Vocational Education & Training (TVET, VET)</i>	<p>Technical and vocational education and training (TVET) is understood as comprising education, training and skills development relating to a wide range of occupational fields, production, services and livelihoods. TVET, as part of lifelong learning, can take place at secondary, post-secondary and tertiary levels and includes work-based learning and continuing training and professional development, which may lead to qualifications. TVET also includes a wide range of skills development opportunities attuned to national and local contexts. Learning to learn, the development of literacy and numeracy skills, transversal skills and citizenship skills are integral components of TVET (UNESCO: 2016, 2022)⁴.</p>	

<p>Gender Equity and Gender Equality</p>	<p>WAVE uses these two terms - deliberately and not interchangeably</p> <p>Drawing from the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) we recognise that:</p> <p>Equality between women, men and gender diverse peoples (gender equality): refers to the equal rights, responsibilities and opportunities of all genders. Equality does not mean that women and men will become the same but that human rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men and gender diverse people, are taken into consideration, recognizing the diversity of different groups of women and men and gender diverse people. Gender equality is not a women’s issue but should concern and fully engage men, gender diverse people, as well as women. Equality between people of all genders is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centred development.</p> <p>While the term gender equity was determined by the CEDAW committee in its General Recommendation 28 that all parties will use the term “equality”, in Australia the term “equity” has gained some traction with gender mainstreaming professionals for its recognition that people have different needs and power and that these differences should be identified and addressed in a manner that rectifies the imbalances between genders WAVE uses this term in the full recognition that in the past it has been used to perpetuate stereotypes.</p>	
<p>Gender</p>	<p>Drawing upon the definition of UN Women, WAVE defines gender as:</p> <p>The social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context/ time-specific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over</p>	

	resources, as well as decision-making opportunities. Gender is part of the broader socio-cultural context. Other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age.	
Empowerment of women	The empowerment of women concerns women gaining power and control over their own lives. It involves awareness-raising, building self-confidence, expansion of choices, increased access to and control over resources and actions to transform the structures and institutions which reinforce and perpetuate gender discrimination and inequality. The process of empowerment is as important as the goal. Empowerment comes from within; women empower themselves. Inputs to promote the empowerment of women should facilitate women’s articulation of their needs and priorities and a more active role in promoting these interests and needs. Empowerment of women cannot be achieved in a vacuum; men must be brought along in the process of change. Empowerment should not be seen as a zero-sum game where gains for women automatically imply losses for men. Increasing women’s power in empowerment strategies does not refer to power over, or controlling forms of power, but rather to alternative forms of power: power to; power with and power from within which focus on utilizing individual and collective strengths to work towards common goals without coercion or domination. Drawn from the European Institute for Gender Equality.	
Intersectionality	Intersectionality is a way of seeing or analysing the dynamics of power and social inequality in our society. It can be described in different ways: as a theory, an approach, a lens, a framework and so on. What is essential to the idea of intersectionality is the recognition that inequalities are never the result of any single or distinct factor such as race, class or gender. Rather, ‘they are the outcome of different social locations, power relations and experiences’ (Hankivsky, 2014 in Multicultural Centre for Women’s Health <i>Intersectionality Matters: A guide to engaging immigrant and refugee communities in Australia</i> . 2017	
Gender transformative	When we are gender transformative, we are addressing the “causes of gender-based inequalities and work to transform harmful gender roles, norms and relations. They challenge both normative and structural inequality.” Drawn from Our Watch <i>A guide to help you work out how gender transformative your initiative is</i> https://handbook.ourwatch.org.au/leadership-resource/a-	

	<u>guide-to-help-you-work-out-how-gender-transformative-your-initiative-is</u>	
Gender Specific	<p>“...Approaches acknowledge gender inequalities and consider women’s specific needs, but do not transform norms and practices. .”</p> <p>Drawn from Our Watch <i>A guide to help you work out how gender transformative your initiative is</i> <u>https://handbook.ourwatch.org.au/leadership-resource/a-guide-to-help-you-work-out-how-gender-transformative-your-initiative-is</u></p>	
Gender sensitive	<p>These approaches acknowledge but do not address gender inequalities.</p> <p>They are not harmful, but they don’t make sustainable changes to society that lead to long-term and significant reductions gender inequality</p> <p>Drawn from Our Watch <i>A guide to help you work out how gender transformative your initiative is</i> <u>https://handbook.ourwatch.org.au/leadership-resource/a-guide-to-help-you-work-out-how-gender-transformative-your-initiative-is</u></p>	
Gender insensitive	<p>These approaches ignore gender norms and inequalities, can minimise efforts to address gender inequality, and risk contributing to the gendered drivers of violence through implicit support of existing norms.</p> <p>Drawn from Our Watch <i>A guide to help you work out how gender transformative your initiative is</i> <u>https://handbook.ourwatch.org.au/leadership-resource/a-guide-to-help-you-work-out-how-gender-transformative-your-initiative-is</u></p>	
Traineeship	<p>A traineeship is a formal training arrangement between an employer and a person who undertakes structured on-the-job training in health, care, support work, infrastructure, engineering, business, IT, digital marketing, hospitality and events for a period of 12 months to two years full or part time. The trainee is paid while they train, with set base rates, including full allowances and entitlements. The qualification can vary from a Certificate II to an Advanced Diploma.</p>	
Apprenticeship	<p>An apprenticeship is a formal training arrangement between an employer and a person who undertakes structured, on-the-job training focused on trades in automotive, electrical, mechanical, bricklaying, plumbing, and carpentry for a period of three to four years, full or part time. The apprentice is paid while they train, with set base rates, including full allowances and</p>	

	entitlements. The qualification can vary from a Certificate II to an Advanced Diploma.	
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