



Job security and gender equality

Reforming the equal remuneration provisions

These amendments form part of an Australian Government commitment to improve job security and put gender equality at the centre of the workplace relations system.

What has changed?

The *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* amends the *Fair Work Act 2009* (the Act) to help guide the way the Fair Work Commission (the Commission) considers equal remuneration cases and gender-based assumptions in work value cases.

The amendments alter:

- the equal remuneration provisions in the Act to incorporate the substance of the [Queensland Equal Remuneration Principle](#). This supports the Commission to order wage increases to address unequal pay and undervalued work where it is satisfied there is not equal remuneration for work of equal or comparable value. The amendments clarify that evidence of a reliable male comparator, which is often unobtainable given Australia's highly gender-segregated workforce, is not required for the Commission to find that work has been undervalued on the basis of gender.
- the work value provisions in the Act to clarify that the Commission's consideration of work value reasons for modern award minimum wages must be free of gender-based assumptions and must consider whether the work has been undervalued in the past due to gender-based assumptions.

What do these changes mean?

The amendments align with the federal workplace relations framework with best-practice Australian jurisdictions, with the aim of addressing the current barriers preventing the Commission from effectively tackling gender-based undervaluation of work.

The amendments allow the Commission to consider comparisons between occupations and industries, whether historically the work has been undervalued based on gender, and any fair work instrument or state industrial instrument, when hearing an equal remuneration matter.

When will these changes come into effect?

The changes commenced on 7 December 2022.

For more information on the *Secure Jobs, Better Pay* package visit:

www.dewr.gov.au/workplace-relations.