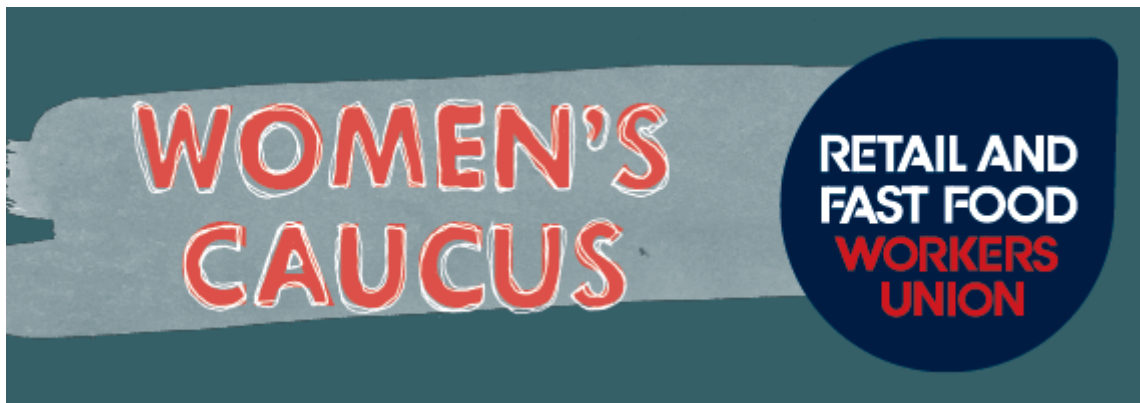


Inquiry into Economic Equity for Victorian Women

Submitted by the Retail and Fast Food Workers Union
6/8/2021



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1. RAFFWU

The Retail and Fast Food Workers Union Incorporated (RAFFWU) is a trade union representing workers in the retail and fast food industry. The union launched in November 2016 following the exposure of widespread wage theft and rights stripping in the retail and fast food sectors. The union has approximately 3000 members across the country and staff in most states.

This submission has been prepared by members of the RAFFWU Women's Caucus (RAFFWU Women). RAFFWU Women was established in 2019 with the purpose of providing women in the union a platform to advocate for women's interests within RAFFWU, through organising campaigns, involvement in social movements and directing union policy.

More information about RAFFWU and its caucuses is available on its website www.raffwu.org.au

2. Introduction/Terms

It is well understood that retail and fast food services are feminised industries. Many of the recommendations in this submission follow from the fact that conditions in these industries disproportionately affect women by virtue of women being the majority of their constituent workforce.

While many workplaces are covered by Enterprise Bargaining Agreements (EBA's) the baseline for comparison of workplace conditions and entitlements in this submission will be the General Retail Industry Award 2010 (GRIA) unless otherwise noted. Retail and fast food jobs are often considered "unskilled" labour and even workplaces with EBA's do not generally remunerate significantly higher than workers under GRIA. Retail and fast food workers are to be understood to be low income earners generally.

In discussions of leave conditions the term "personal leave" is understood to encompass both sick leave and carer's leave.

A living wage can be calculated as 60% of the median adult wage. In Australia a minimum wage would be equivalent to a \$25/hour base rate.

3. Recommendations

3.1 - 15 days paid personal leave

As a public facing job, women in retail & fast food are more susceptible to transmissible infectious diseases, such as the common cold, flu, and COVID-19.

Currently retail & fast food employees are entitled to 10 days sick leave per annum under the Retail Award.

People employed in other female dominated sectors with higher risks of exposure to illness are entitled to longer periods of personal leave. Examples are public sector nurses in Victoria (up to 20 days) and teachers in NSW (up to 15 days).

It is common for retail & fast food employees to take unpaid leave, or attend work ill, when their personal leave provisions run out. This puts them at financial disadvantage.

Women are disproportionately carers for children. They are more often required to use this personal leave to provide childcare. Often when women find themselves ill they have no leave available as they have used it caring for their children.

RAFFWU recommends that entitlements for sick leave provision be increased to 15 days per annum for retail & fast food workers. This leave would be funded and provided using the same scheme as is currently under trial for some workers engaged on a casual basis in Victoria.

3.2 Abolition of medical certificates for single days of leave

Currently under the National Employment Standards (NES) an employer can require evidence for any use of personal leave.

Many Enterprise Bargaining Agreements (EBAs) and individual contracts stipulate that evidence is required if the day of leave is taken either side of a public holiday, or an employee's rostered day off. Due to irregular work schedules many retail employees work rosters which fall under this kind of clause require evidence for nearly all days off.

It is common that retail & fast food businesses require medical certificates for all personal days off.

Medical certificates usually cost employees money to acquire. Few doctors bulk bill, and to get seen the wait is often hours long and supremely uncomfortable for an ill person. It is common for retail employees to pay for a doctor's visit at high expense, or acquire a medical certificate from a chemist, at a cost of \$20-\$25.

A doctors' visit is unnecessary for common ailments which can be self diagnosed and treated, such as common colds.

This cost places an unfair financial burden on the employee, as to acquire the medical certificate they can spend a significant amount of their earnings for that day. This amount can be easily, and commonly, up to 50% of the money they receive from their sick pay.

Often retail & fast food employees attend work ill as the barrier to accessing medical certificates is high. This is particularly concerning during the COVID-19 pandemic.

RAFFWU recommends that the Victorian Government lobby for the requirement of evidence for single days of leave to be abolished for all workers.

RAFFWU recommends that the Victorian Government establish an education program, including in secondary schools, identifying the evidence which is acceptable for personal leave absences from work including statutory declarations. RAFFWU further recommends the Victorian Government prohibit the charging of fees to complete a statutory declaration.

3.3 COVID-19 Vaccination Leave

Retail & fast food employees are at higher risk of exposure to COVID-19 as they are in public facing roles.

Many retail employees are classified as “Essential Workers”, such as those workers in supermarkets. They are required to continue working during lockdowns.

Despite being “Essential Workers” they have not been given priority access to COVID-19 vaccination.

RAFFWU recommends that all retail & fast food employees be given priority access to COVID-19 Pfizer vaccination.

RAFFWU recommends that all retail & fast food employees be entitled to special vaccination leave, of 3 days per dose, to attend the vaccination appointment, and manage side effects. This special leave is to be a new leave provision and is not to be drawn from Personal or Annual leave. That leave would be funded and provided using the same scheme as is currently under trial for some workers engaged on a casual basis in Victoria.

3.4 Annual Flu Vaccination

Retail & fast food workers are at higher risk of transmissible diseases such as influenza as they are in public facing roles.

Influenza can be prevented through vaccination. It is proven that even if a vaccinated person catches influenza, the duration and severity of symptoms is lessened.

It can be difficult for workers to find the time to attend a chemist or doctor to receive a vaccination. This is also a personal expense to low paid workers.

RAFFWU recommends that the Victorian Government sponsor a program to send nurses to all retail & fast food workplaces for the purpose of offering employees free and accessible annual influenza vaccination.

3.5 Superannuation contributions during unpaid parental leave

Women are more likely to be the parent taking leave in the event of a new child entering the family.

The entitlement for parental leave is low, the primary carer is entitled to a block of 12 weeks leave, then a further 30 days of flexible leave to be taken after the birth or adoption of a child.

For many parents this is inadequate. In retail & fast food the cost of early childhood care is often higher than wages earned. Many parents take a longer period of unpaid leave.

During this unpaid leave superannuation is not accrued.

The gender superannuation gap in Australia is widely acknowledged.

RAFFWU recommends that the Victorian Government contribute the superannuation payments for parents to take additional unpaid parental leave.

3.6 Abolition of primary/secondary carer terminology

Workers eligible for the Parental Leave Payment (PLP) provided by the Australian Government must be designated as a “primary carer” to receive 12 weeks continuous and 30 days of flexible leave. “Secondary carers” are only entitled to two weeks of paid leave.

The differential apportioning of leave sets in place a patriarchal pattern of care, in which a secondary carer (presumably male) is expected to have only a fraction of the (presumably female) primary carer’s responsibility for raising children.

Members of same sex couple, trans and gender diverse workers are at risk of being deemed as secondary carers, and excluded from accessing leave provisions.

RAFFWU recommends that parental leave payments should be made available by the Victorian Government to all Victorian workers raising new children, regardless of their ability to give birth or chestfeed.

3.7 Sub-minimum wages and job insecurity

Retail and fast food workplaces are allowed to pay workers under the age of 21 wages far below the adult minimum wage.

The high prevalence of casualisation in retail and fast food workplaces means that many workers do not enjoy predictable rosters. It is well understood and accepted that casualised work is less safe, and that casualised workers are more vulnerable to unsafe work practices.

For larger businesses incentives exist to roster casual workers to 3-hour shifts where they are not entitled to rest breaks. Combined with junior wages this means that many permanent roles have been replaced by groups of cheaper school-age workers.

The process for casual workers to convert to permanent roles, which attract entitlements such as paid leave, is onerous and can ultimately be vetoed by employers for almost any reason.

Workers on 3 hour shifts generally experience underemployment.

Workers paid sub-minimum junior wages are subject to the same costs of living as workers over the age of 21.

Women with caring responsibilities can be excluded from higher workplace participation due to the anti-social nature of unpredictable and insecure work.

RAFFWU recommends that sub-minimum junior wages be discouraged for all Victorian workers. This should be enforced by the introduction of a special payroll tax penalty equivalent to the difference between the \$25 per hour living wage and the wage actually paid. The proceeds of such a tax should be distributed to each employee paid by the employer less than \$25 per hour. Further RAFFWU recommends the Victorian Government lobby to eliminate junior wages in Australia.

RAFFWU recommends that large retail and fast food businesses operating in Victoria be required to report on a real-time basis the number of casual employees. Those businesses operating with more than 15% headcount casual employees should be subjected to priority ongoing Worksafe inspections and prohibited from engaging in State funded contracts.

RAFFWU recommends that large retail and fast food businesses operating in Victoria be encouraged to employ a high percentage of ongoing employees with the introduction of a special payroll tax penalty equivalent to 20% of the payroll spent on casual employees.

RAFFWU recommends that the Victorian Government encourage all Victorian employers to grant casual workers an offer of a permanent contract after 6 months of service by imposing a special payroll tax penalty equivalent to 20% of the payroll paid to employees with more than 6 months service who have not refused a permanent contract offer with the employer.

3.8 Menstruation dignity

Many women and other workers assigned female at birth get periods at work, and are expected to either leave work, or use makeshift dressings to manage unexpected bleeding.

Due to the increasingly young age of the workforce, many workers get their first period while at work.

Inaccessibility of menstrual products negatively affects rates of participation in education and employment for women and girls from low income households.

Pads and tampons should be considered as necessary and commonplace to workplace hygiene as other products such as toilet paper and soap.

RAFFWU recommends that Victorian workplaces must provide pads and tampons in all restrooms, free of charge, and free to access (i.e. not upon request to a manager/supervisor) as a core workplace amenity under OHS legislation.

3.9 Workplace education and training

In the retail and fast food sectors workplace education and training is almost nonexistent. To the extent it exists in the realm of Occupational Health & Safety it tends to deal with managing liability for businesses rather than positive outcomes for workers.

In retail and fast food workplaces any on-site training provided is generally developed and delivered by the workers themselves.

Despite characterisations of these industries being “unskilled jobs”, retail and fast food workers do develop refined skills at work, and pass them along to their colleagues. This work is underpaid and under recognised.

Insofar as online workplace education and training is provided in larger businesses it is a major vector of wage theft, where workers frequently complete online modules unpaid at home, rather than the business setting aside time (and wages) for training.

There is no such thing as unskilled work.

The COVID-19 pandemic has highlighted the essential nature of retail and fast food work, and it has become very apparent that the work performed is critical to the function of our society. Currently retail and fast food wages do not reflect the essential and skilled nature of this work.

RAFFWU recommends that Victorian workers be subject to a minimum base wage of \$25/hour by the introduction of a special payroll tax penalty equivalent to the difference between the \$25 per hour living wage and the wage actually paid, and this be distributed to each employee paid by the employer less than \$25 per hour.

3.10 Low income work and education

Transitioning from low income work to education is an onerous task.

Welfare support is unavailable to workers engaged in as little as 23 hours per week work.

Many courses in caring industries, such as nursing, are only offered on a full-time basis.

Choosing to cease work to pursue education counts as “voluntary unemployment” which leads to a period of eight weeks’ exclusion from Centrelink benefits.

Many courses in caring industries require students to undergo multi-week, full-time, unpaid placements.

Due to the unstable nature of educational timetables and placements, many workers engaged in study are required to engage in precarious casual employment.

RAFFWU recommends that the Victorian Government provide 8-week scholarships to low-income women seeking to enter education or training.

RAFFWU recommends that the Victorian Government provide scholarships to women who need to take unpaid leave to attend placements.

3.11 Gender segregation

The few paths for career progression in the retail and fast food industries are dominated by men.

Departments dominated by men are areas where promotions are handed out. Women are disproportionately employed in customer-service roles and often not included in operational and logistical roles. They are also often excluded from Sales based roles that attract opportunity for commission bonuses on top of their usual wage, for example at businesses such as JB-HiFi.

In companies where targets towards gender equity in management have been set, the solution has often been to hire new women to be managers, rather than train and promote the low-income women who have not received the same opportunities as their male counterparts.

RAFFWU recommends that the Victorian Government make grants available to businesses who achieve departmental gender ratios.

RAFFWU recommends that the Victorian Government make grants available to business to achieve equitable gender ratios in management through the means of internal promotion, rather than external procurement.

4. Conclusion

RAFFWU finds that the inequity of conditions, and the undervaluing of work performed in the retail and fast food industries is inseparable from their designation as feminised labour.

The majority of these recommendations target improvements to all workers in the sector, because these conditions disproportionately affect women.

As unionists and feminists we hold that actions that improve our communities collectively are the best means to achieve equity for all.

We welcome the opportunity to make a submission to the Inquiry and thank the Victorian Government for its invitation to make this submission.