



Police Federation
of Australia

ABN 31 384 184 778

Level 1, 21 Murray Crescent
GRIFFITH ACT 2603

Tel: (02) 6239 8900
Fax: (02) 6239 8999

5 September 2008

The Secretary
Standing Committee on Employment and Workplace Relations
House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600

E-mail: ewr.reps@aph.gov.au

Dear Committee members

**POLICE FEDERATION SUBMISSION:
TO THE
INQUIRY INTO PAY EQUITY AND FEMALE WORKFORCE
PARTICIPATION**

Thank you for the invitation to make a submission in relation to your inquiry. The Police Federation of Australia is pleased to do so. Our submission is attached. We would be prepared to give evidence if that would assist your deliberations.

Yours sincerely

Vince Kelly
President
Police Federation of Australia
& President, NT Police Association

SUBMISSION OF THE POLICE FEDERATION OF AUSTRALIA
TO THE
INQUIRY INTO PAY EQUITY AND FEMALE WORKFORCE
PARTICIPATION

INTRODUCTION

The Police Federation of Australia (PFA), representing the country's 50,000 police officers, is pleased to contribute to your Inquiry.

We hold the view that police agencies in Australia should be ensuring that pay equity applies across the police workforce and that police agencies should be increasing female participation and the participation of other demographic groups which are under-represented in the make up of our police agencies such as people of non-English speaking backgrounds and indigenous people.

These views are held as a matter of principle, but they become even more pressing against the background of police agencies facing workforce shortages due to an aging workforce and increasing competition between police agencies for skilled and experienced police officers.

WHAT DO WE KNOW ABOUT FEMALE PARTICIPATION IN THE POLICE WORKFORCE?

The PFA, and a number of its state and territory branches, have recently funded important research by the Workplace Research Centre at the University of Sydney into the police workforce which has resulted in a first year report of this longitudinal study called ***Police at Work: The Benchmark Report***, May 2008. The research is looking at the working conditions of nearly 950 police officers over a five year period.

The police officer workforce was fairly similar across all four of the States and Territories in this study (New South Wales, the Australian Federal Police, Victoria and the Northern Territory). For the most part, police officers were male, with an average age in the late thirties, and spoke English at home. Male officers were more likely to be in higher-ranking positions and to hold managerial or supervisory positions than female officers.¹ Most officers worked a rotating shift, including extra hours, overtime and unsociable working hours. A sizeable minority worked a daytime, weekday only schedule.

¹ *Police at Work: The Benchmark Report*, Workplace Research Centre, University of Sydney, May 2008.

Table 1.1 Age and sex of respondents by location sample counts, 2007

| | Males | | | Female | | | Total |
|----------------|-----------|------------|------------|-----------|------------|-----------|------------|
| | 16-24 | 25-44 | 45-58 | 16-24 | 25-44 | 45-58 | |
| Sydney | 3 | 59 | 18 | 5 | 22 | 2 | 109 |
| Balance of NSW | 3 | 58 | 9 | 4 | 16 | 1 | 91 |
| Melbourne | 3 | 73 | 25 | 4 | 30 | 7 | 142 |
| Balance of Vic | 0 | 62 | 28 | 0 | 9 | 6 | 105 |
| Darwin | 0 | 70 | 27 | 0 | 24 | 4 | 125 |
| Balance of NT | 3 | 46 | 11 | 0 | 13 | 2 | 75 |
| AFP | 2 | 170 | 65 | 0 | 54 | 9 | 300 |
| Total | 14 | 538 | 183 | 13 | 168 | 31 | 947 |

Source: Police at Work W1

In 2007, 21% of the police workforce was female.

Around six per cent (6%) of police officers worked part-time. 'Female officers were more likely to work part-time than male officers (24 per cent of female officers compared to less than one per cent of male officers)², and male officers were more likely to work long hours on a regular basis. 89% of part-time police officers are women and only 1% of male officers work part-time.

Interestingly, the 6% rate of part-time work among police officers is significantly lower compared to the Australian workforce as a whole where 34% of all Australian employees work part-time. This factor may contribute to the lower rate of female employment in the police force. Given the disparity between the Australian workforce as a whole, and the police workforce, part-time police employment is an area where female workforce participation could be increased.

Table 2.2 Part-time and full-time officers' employment by gender, 2007, per cent

| Employment | Male officers | Female officers | Total |
|--------------|---------------|-----------------|------------|
| Part-time | 1 | 24 | 6 |
| Full-time | 99 | 76 | 94 |
| Total | 100 | 100 | 100 |

Population: All police officers

Source: Police at Work W1

The research found that around eleven (11%) per cent of part-time police officers would like to work longer hours compared with twenty-one (21%) per cent of part-time Australian employees.³

² Ibid, page 7.

³ Ibid, page 33.

The *Police at Work* report summed up the gender issues arising from the research as follows:

'The proportion of female officers is much lower compared to female participation in the workforce more generally. Just over one-fifth of police officers are women, while almost half (48 per cent) of all Australian employees are women. This could partly be attributed to the type of employment available to police officers. The majority (53 per cent) of all female employees participate in the labour market through part-time employment and part-time employment accounts for one-third (34 per cent) of the employee labour market. However, part-time jobs only account for 6 per cent of the police force. Almost all (89 per cent) of these part-time positions are filled by women. Part-time work is one of the main ways Australian employees manage both work and family responsibilities. Thus, the relatively low incidence of part-time employment in the police force may indicate that it is not very family-friendly. Part of this problem may lie in the government funding formulas which are based on full-time equivalent employee numbers and therefore do not account for the extra costs involved in employing more than one part-time employee.

Employees working part-time hours were more prevalent in metropolitan locations. There are greater numbers of 9 to 5, weekday only jobs in metropolitan areas, which may be considered to be more attractive and suitable for women officers with caring responsibilities. The access to part-time employment also appears to be only available at certain lower-level positions. There is no part-time employment past the sergeant level and the majority (61 per cent) of part-time jobs are at the senior constable level. Thus, it appears that if part-time employment is pursued career advancement may be limited.

Of the women who are police officers, they were more likely to be of a younger age, not living in a relationship and have no children. It is not clear whether this is a result of recent recruitment drives, or whether women tend to leave the police workforce as they age, marry and have children. This is certainly a possibility due to the low rates of part-time employment. This is something that can be explored in further waves of the study.⁴

Recommendation

- 1. Noting that women are under-represented in Australia's police agencies and that 11% of part-time police would like to work longer hours, the Committee should recommend that the Minister for Home Affairs take this matter to the Ministerial Council on Police and**

⁴ Ibid, page 48.

Emergency Management – Police, seeking to have police agencies increase the quantum and range of part-time work they offer.

WHAT DO WE KNOW ABOUT PAY EQUITY IN POLICE AGENCIES?

In the case of the wider Australian workforce, we know from recent research by the Community and Public Sector Union (CPSU)⁵ that Australian Public Service (APS) remuneration for a particular level in the APS may vary quite widely and disadvantage personnel in smaller agencies, and women in particular. As the headline in *The Australian* remarked of the CPSU analysis, ***Women public servants up to \$35,000 worse off.***

We also know from the work of the Human Rights and Equal Opportunity Commission that:

- women working full-time earn 16% less than men⁶; and
- the average superannuation payout for women is a third of the payout for men - \$37,000 compared with \$110,000⁷.

Sex Discrimination Commissioner Elizabeth Broderick said in July 2008, 'The barriers to women's full and equal participation in the paid workforce are real. Issues such as pay inequity, the lack of quality part time or flexible work are deeply entrenched.'⁸

So what is the picture in the police service?

We know that male and female police officers at the same rank in any particular jurisdiction are paid the relevant salary and allowances for that rank, so there is no inherent distinction in remuneration by gender. Are there other factors at work that result in different pay outcomes by gender?

The *Police at Work* study referred to above found that 'comparison of male and female officers' earnings shows that male officers within the constable category received slightly higher hourly and weekly earnings than female officers, while working the same average number of paid hours. This may be a function of tenure as a police officer, and in terms of years on rank: female officers had shorter tenure as officers and in their current rank level than their male counterparts in the same rank category and thus may not be eligible for service-based increments or allowances that their male counterparts received. At 'sergeant' ranks, however, earnings were similar for male and female officers.'⁹

⁵ *Review into Bargaining Arrangements in the Australian Public Service*, CPSU Briefing Note, June 2008.

⁶ ABS, *Average Weekly Earnings*, February 2008.

⁷ Ross Clare, *Are Retirement Savings on Track?* The Association of Superannuation Funds of Aust Ltd, 2007.

⁸ *Gender Equality in 2008: What matters to Australian women and men.*

⁹ *Police at Work*, page 8.

Table 2.4 Police officers' rank, position and tenure by gender, 2007, per cent

| | Male | Female |
|--------------------|--------------|--------------|
| <i>Rank</i> | <i>n=735</i> | <i>n=212</i> |
| Constable | 68 | 85 |
| Sergeant | 25 | 13 |
| Inspector | 5 | 1 |
| Senior officer | 2 | 1 |
| <i>Position</i> | | |
| Managerial | 13 | 5 |
| Supervisory | 30 | 23 |
| Other | 58 | 73 |
| <i>Job Tenure</i> | | |
| Less than 2 years | 8 | 11 |
| 2 > 5 years | 17 | 28 |
| 5 >10 years | 18 | 24 |
| More than 10 years | 57 | 37 |
| <i>Total</i> | 100 | 100 |

Population: All police officers

Source: Police at Work W1

'Female officers make up a relatively small proportion of the total police workforce in each State. Table 2.4 reveals that male officers are more likely to be in higher-ranking positions than female officers. Consistent with this finding, male officers are also more likely to hold managerial or supervisory positions than female officers and are more likely to have longer tenure in the police force than female officers. For example, 57 per cent of male officers have been with the police force for over 10 years, compared with 37 per cent of female officers.'¹⁰

Factors that could account for the female police officers being at lower rank, holding less managerial and supervisory positions, and having shorter tenure, and earning less than their male counterparts include:

- having interrupted careers due to family responsibilities and so not accruing years of service at the same rate as men;
- not being available for irregular shift work due to family responsibilities;
- having fewer promotional opportunities or being less successful when seeking promotion;
- having less access to training and development opportunities;
- entering the police service at a later stage;
- working part-time and therefore not having the same access to managerial and supervisory positions and relieving opportunities.

¹⁰ Ibid, page 18.

'Analysis of paid and usual work hours by gender sheds light on some interesting differences between male and female officers (see Table 4.11 below). As noted earlier, female officers are more likely to work part-time hours than their male counterparts. In contrast, the standard working week of 35-40 hours is worked by a greater proportion of male officers (55 per cent of men compared to 49 per cent of women). Similar proportions of male and female officers work 41-49 usual hours, but male officers are more likely to work 50 or more usual hours (many of which are unpaid). This relates to the data reported in Table 2.3 which shows that male officers are more likely to hold higher-ranking managerial positions (involving longer hours) than female officers.'¹¹

Table 4.11 Paid and usual hours by gender, 2007, per cent

| Weekly hours worked | Females | | Males | |
|---------------------|-------------------|--------------------|-------------------|--------------------|
| | <i>Paid hours</i> | <i>Usual hours</i> | <i>Paid hours</i> | <i>Usual hours</i> |
| 1-15 | 1 | 1 | 0 | 0 |
| 16-34 | 23 | 22 | 1 | 1 |
| 35-40 | 65 | 49 | 85 | 55 |
| 41-49 | 11 | 23 | 9 | 24 |
| 50 plus | 1 | 5 | 5 | 20 |
| Total | 100 | 100 | 100 | 100 |

Population: All police officers
Source: Police at Work WV 1

11% of police in part-time employment, most of whom are female, would like to work longer hours.

'Does gender have a bearing on police officers' level of earnings? Table 5.3 shows that male officers within the constable category received higher hourly and weekly earnings than female constables. One explanation for female officers' lower weekly earnings may lie in the fact that they had shorter tenure as police officers and at their current level of rank, than their male counterparts in the same rank category. Higher levels of seniority within rank (and length of service-based increments or allowances) stemming from longer tenure may explain why male officers receive higher weekly earnings than female officers. At 'sergeant' ranks, however, there was no significant difference between female and male officers' average hourly rates and weekly earnings.'¹²

¹¹ Ibid, page 31.

¹² Ibid, page 36.

Table 5.3 Full-time officers' average hourly earnings, paid hours, weekly earnings, tenure, and years on rank by gender, 2007

| | | Hourly rate (\$) | Paid hours | Weekly earnings (\$) | Police officer tenure (yrs) | Current rank tenure (yrs) |
|------------------|---------------|------------------|------------|----------------------|-----------------------------|---------------------------|
| Constable | <i>Male</i> | 29.88 | 40 | 1242.54 | 10 | 6 |
| | <i>Female</i> | 27.61 | 40 | 1150.82 | 6 | 4 |
| Sergeant | <i>Male</i> | 36.44 | 40 | 1512.38 | 20 | 7 |
| | <i>Female</i> | 36.74 | 41 | 1488.65 | 15 | 4 |

Population: Full-time police officers only (n=911)

Source: Police at Work W1

Over-represented and under-valued?

A further question relating to pay equity arises out of the apparent clustering of women in certain areas of policing where they are over-represented, and conversely, other areas where men are over-represented. Some evidence is available of a disparity in rank between men and women (e.g. at constable or senior constable), and therefore pay scales, which disadvantages women.

The issue of pay equity has been 'lying around' the Australian industrial scene for more than twenty years. There have been three equal pay test cases conducted by the Australian Industrial Relations Commission, and pay equity inquiries in New South Wales and Queensland.

It is perhaps the extensive work undertaken by Justice Leonie Glynn in the New South Wales Pay Equity Inquiry in 1998 that brought this matter to light. In that Inquiry, case studies of male and female dominated occupations were used to examine whether there was an undervaluation of female dominated occupations. The Inquiry made recommendations regarding the incorporation of a pay equity principle into the New South Wales Industrial Relations Act. A case was successfully run under that principle for public sector librarians (female dominated), who were compared to public sector geologists (male dominated). The case found that there had been an historical undervaluation of the work of the librarians and an average of 16% pay increases was the outcome.

One example of clustering of women in certain areas of police service was the Sexual Assault Unit of the South Australian Police Service. In 1999 this Unit was staffed by 11 members, all ranked at Constable and all women. The matter of the ranking and staffing of this Unit was contrasted with the Criminal Investigation Units, officers of which were ranked at Senior Constable and above and staffed in the main by men.

Further research needs to be undertaken on the possible undervaluation of areas in policing where women have traditionally been deployed. We have undertaken preliminary work on the numbers, deployment and rank of women in the police services in New South Wales, Victoria, Tasmania, South Australia, Western

Australia and the Northern Territory. With the exception of the Northern Territory, our data suggests:

- significant clustering of women officers in particular areas of policing;
- the exclusion, intentionally or otherwise, of women from some areas of policing; and
- a heavy concentration of women at lower ranks in the service.

We would be happy to discuss that preliminary work with the Committee and with the Ministerial Council on Police.

Recommendation

2. The Ministerial Council on Police and Emergency Management – Police should coordinate research by police agencies into pay equity in policing to determine whether or not an undervaluation exists in remuneration for the occupational groupings where women are over-represented.

3. That research should also inquire into matters germane to police remuneration, including:

- **prospects for promotion in female police occupational groupings compared to prospects in male occupational groupings;**
- **the amount of overtime performed and remunerated (and expected and authorised by the police services) in female and male occupational groupings;**
- **the levels of part-time workers in female and male occupational groupings, and its effects on superannuation; and**
- **the status and recognition afforded by the police services to female and male occupational groupings, for example, by comparing the ranks and classifications assigned within those groupings.**

ADEQUACY OF LEGISLATION

Legislating for pay equity alone does not address pay equity, for example in Victoria the Police Regulation Act 1958 (Vic) legislates for women to receive salaries at the same rate as men.

Police Regulation Act 1958 - SECT 10

Women to receive salaries etc. at same rate as men

10. Women to receive salaries etc. at same rate as men

Women who are members of the force shall be entitled to receive salaries wages and allowances at the same rates as men of corresponding rank who are members of the force are entitled to receive.

The legislative provision has not ensured pay equity across the Victorian Police Force. Accordingly, legislative reform alone is unlikely to adequately address pay equity in Australia.

Historically police jurisdictions in Australia have had hierarchal structures in place that have linked salaries directly to ranks and years of service.

The evidence is that police women are more junior and are more likely than men to work part-time and these factors may result in the lower rate of female pay in police forces across Australia. For example, in Victoria the gender ratio of recruit numbers is approximately 50/50. However, there is historical evidence, supported by the findings of the *Police at Work* report, that the female police officers are not staying in the workforce and that the lower retention rate appears to play a part in the gender pay inequity.

The need for further legislative reform to address pay equity in Australia

Traditionally, equal employment opportunity legislation at State and Federal levels have dealt with a "carer status" or "parental status" as a means of ensuring equal employment opportunities for parents or carers in employment who are predominantly women. It is envisaged that the recently introduced legislative change in Victoria under the *Equal Opportunity Act 1995* (Victoria), which expands the range of what constitutes discrimination against parents or carers, places a greater onus on employers in accommodating parents or carers in their employment arrangements.

The Victorian *Equal Opportunity Amendments (Family Responsibilities) Act 2007*¹³ now provides as follows:

"14A An employer must accommodate employee's responsibilities as parent or carer

(1) An employer must not, in relation to the work arrangements of an employee, unreasonably refuse to accommodate the responsibilities that the employee has as a parent or carer.

Example

¹³ The amendments came into effect on 1 September 2008.

An employer may be able to accommodate an employee's responsibilities as a parent or carer by allowing the employee to work from home on a Wednesday morning or have a later start time on a Wednesday or, if the employee works on a part-time basis, by rescheduling a regular staff meeting so that the employee can attend.

..."

The comparable Federal legislation does not deal with reasonable accommodation for parents or carers in employment arrangements.

The Federal legislative equivalent is as follows:

SEX DISCRIMINATION ACT 1984 - SECT 7D

Special measures intended to achieve equality

- (1) A person may take special measures for the purpose of achieving substantive equality between:
- (a) men and women; or
 - (b) people of different marital status; or
 - (c) women who are pregnant and people who are not pregnant; or
 - (d) women who are potentially pregnant and people who are not potentially pregnant.
- (2) A person does not discriminate against another person under section 5, 6 or 7 by taking special measures authorised by subsection (1).
- (3) A measure is to be treated as being taken for a purpose referred to in subsection (1) if it is taken:
- (a) solely for that purpose; or
 - (b) for that purpose as well as other purposes, whether or not that purpose is the dominant or substantial one.
- (4) This section does not authorise the taking, or further taking, of special measures for a purpose referred to in subsection (1) that is achieved.

Recommendation

4. Consideration should be given to further legislative change at Federal level to introduce an equivalent provision to the Victorian legislation which put an onus on employers to accommodate

employees who are parents and carers through flexible employment arrangements.

CURRENT DATA

As the sketchy information and questions above demonstrate, there is a paucity of good statistical data on which to draw conclusions and plans of action to overcome any actual disadvantage that women experience in police service and in the wider workforce.

Recommendation

5. The Productivity Commission, as part of its annual *Report on Government Services*, should be asked to collect the necessary data from police services and report annually on pay equity in police services.

OPPORTUNITIES FOR TRAINING, PROMOTION, PART-TIME AND FLEXIBLE WORKING ARRANGEMENTS

We noted at the outset that around 21% of police officers are female and that approximately 24% of those female officers work part-time. Obviously, part-time work is particularly attractive to female officers with parenting and other caring responsibilities. 70% of survey respondents¹⁴ reported being satisfied, or highly satisfied, with their current working arrangements. Clearly, part-time work is often the most viable solution to achieving a balance of work and family life.

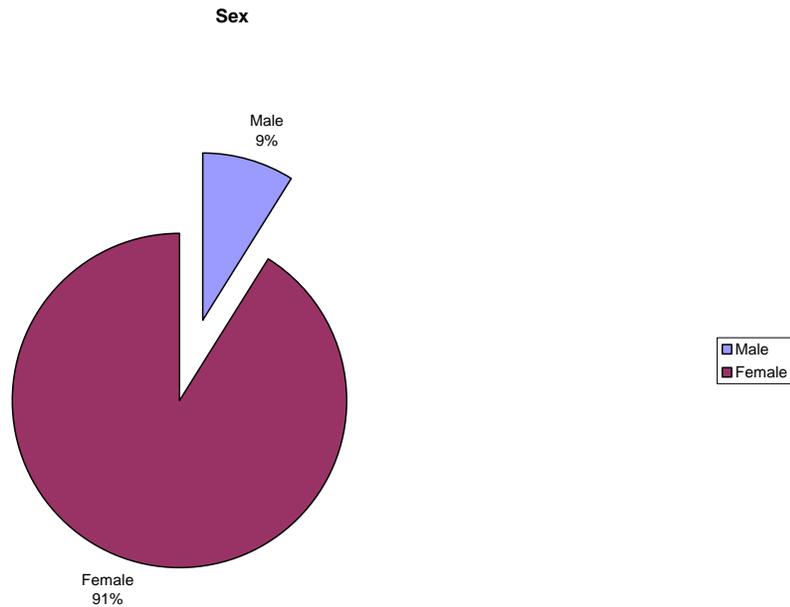
There is however a flip-side. It is that working part-time reduces access to things like training opportunities, relieving at higher levels, promotion and additional superannuation accumulation. As a consequence it reduces the officers' capacity for higher remuneration that their workmates can enjoy. In addition, working part-time brings its own difficulties.

We know this from a recent study by the Police Association of New South Wales and the Police Federation of Australia—***Police Part Time Workers Survey Results, August 2008***—undertaken by the PFA's Women's Advisory Committee.

The research surveyed 674 officers who work part-time. 91% were female and 9% were male. Survey participants were from all police agencies other than the AFP/ACT Policing and the Northern Territory.

¹⁴ *Police Part Time Workers Survey Results, August 2008, page 105.*

Question 1: Sex



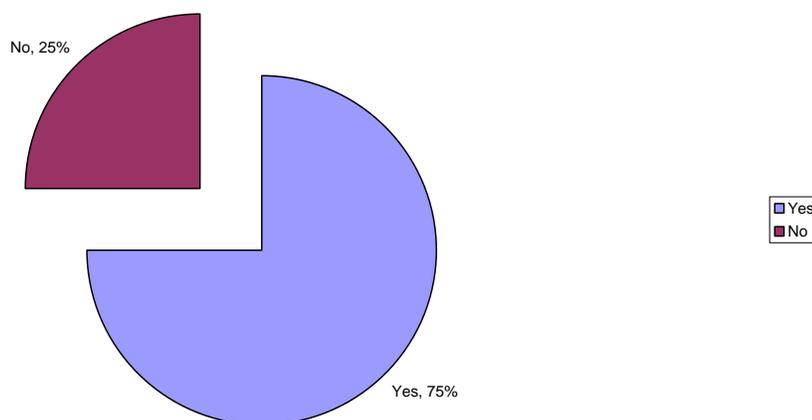
75% of 'police surveyed indicated that by working part time their access to things like training opportunities, relieving and promotion had been reduced.^{15,}

Question 18: Do you think that working part time has reduced your access to things like training opportunities, relieving and promotion?

| Survey recipients indicating yes or no to question of whether they thought working part time had reduced their access to things like training opportunities, relieving and promotion | | |
|--|---------------------|-----|
| | Number of Responses | |
| Yes | 507 | 75% |
| No | 164 | 25% |

¹⁵ Police Part Time Workers Survey Results, August 2008, page 2.

Question 18: Do you think that working part time has reduced your access to things like training opportunities, relieving and promotion?



The real world experience of officers working part-time is brought home by the many comments survey participants made on the subject of reduced opportunities they encounter. The comments made should be essential reading by the senior executives of every police agency in the country. Typical of the scores of comments made about whether they had experienced reduced access to training, relieving and promotion were the following:

- 'Definitely. Before having children (then returning part time) I was relieving in higher duties for 2 years. I feel I am no longer considered for relieving/promotional opportunities due to my part time status...'
- 'Not able to relieve as duty officer. Not able to do training courses.'
- 'Once I began working part time, the LAC (Local Area Command) almost refuses, makes it very hard, to facilitate my participation in requested courses and even (in) participation in mandatory training...'
- 'Reduced hours, on set days certainly affects relieving. That said, the limitations have been set by me and I must take responsibility for that.'¹⁶

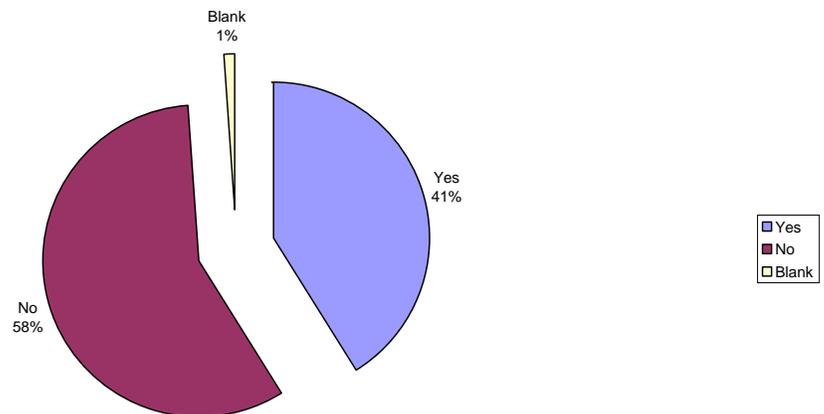
¹⁶ Selected quotations from *Police Part Time Workers Survey Results*, August 2008, pages 43-71.

Victimisation/Bullying

In addition, 41% of police surveyed indicated they had suffered from victimization/bullying from management and or their peers as a result of their part time status. 58% had no such experience.

Question 19: Have you suffered from victimisation/bullying from management or your peers as a result of your part time status?

Question 19: Have you suffered from victimisation/bullying from management or your peers as a result of you part time status?



Quality Part-Time Work

In 2003/2004 Victoria Police in collaboration with the Police Federation of Australia (Victoria Branch) undertook a comprehensive review of part-time work in the organisation funded by the Victorian Government's Partners at Work grant scheme. That review found that there were organisational cultural barriers affecting part-time work organisation.

In addition, the ***Policing and Quality Part-time Work: Constraints and Options*** (PQPTW) Project, jointly supported by the Australian Research Council, Victoria Police and RMIT University under a linkage grant program, identified a number of ongoing constraints impacting on the quality of part-time work which can operate to marginalise part-time work, segregating it from the full-time norm. In particular, the PQPTW project identified the need for better access to training and careers for part-time workers.

“The promotion process is fraught with obstacles and difficulties for part-time employees. Many are anxious that to apply for a new position on a part-time basis places them at a disadvantage, particularly when traditional work organisation and traditional managers favour full-time work and full-time employees.”¹⁷

Further, the PQPTW report recommends training on more flexible reduced-hours basis and home-based access to the police computer network that would enable access to certain training courses for part-time employees.

There is some evidence from the Victorian work that lack of access to training and thus promotion for women who have returned to work part-time and/or sought flexible work hours, have inadvertently caused pay inequity issues for female police officers.

Gender gap in retirement savings

One further discrepancy, the gender gap in retirement savings between men and women, needs to be mentioned. This is a factor across the whole Australian workforce, but it may be further exacerbated for women police officers because of the effect that years of service has on an individual's level in the police service, remuneration, and thus superannuation savings, including the employer contributions. Careers interrupted to have children, and years undertaking part-time work, necessarily affect the level of retirement savings of many women. There is no simple answer to this feature of life for part-time workers.

Conclusion

In conclusion, the Police Federation of Australia submits that pay equity is more than equal pay for equal jobs in an industrial agreement or in legislation, and more about the capacity for, and availability of, promotion and retention in the workplace. The Police Federation of Australia submits that any legislative reform must be supported by better access to training and careers for women underpinned by an education campaign for both workers and employers.

Recommendation

6. The Ministerial Council on Police and Emergency Management – Police should be asked to examine the *Police Part Time Workers Survey Results, August 2008* and to devise strategies to improve the opportunities available to part-time police officers for training, relieving duties and promotion.

The PFA would be pleased to give evidence to the Committee and to address any questions members have regarding this submission.

¹⁷ *Policing and Quality Part-Time Work: Constraints and Options, Final Project Report*: December 2007, RMIT University, pg 53.

5 September 2008