



Parliamentary Budget Office - Election Policy Costing

NSW Parliament • Parliament House, Macquarie Street Sydney NSW 2000

Referred By: Australian Labor Party

Proposal No: B351

Date Referred: 13/02/2019

Date Published: 18/03/2019

Proposal Title: Pregnancy, return to work and pay discrimination

Cluster: Treasury

General Government Sector Impacts

	2018-19 \$'000	2019-20 \$'000	2020-21 \$'000	2021-22 \$'000	4 year Total \$'000
Expenses (ex. depreciation)	-	-	-	-	-
Depreciation	-	-	-	-	-
Less: Offsets	-	-	-	-	-
Revenue	-	-	-	-	-
Net Operating Balance:	-	-	-	-	-

Capital Expenditure	-	-	-	-	-
Capital Offsets	-	-	-	-	-
Net Capital Expenditure:	-	-	-	-	-

Net Lending/(Borrowing):	-	-	-	-	-
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Total State Sector Impacts

Net Lending/(Borrowing):	-	-	-	-	-
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Notes and costing assumptions

This proposal contains four policies to address discrimination in employment. Policies 1, 2 and 3 are standard business for government agencies and can be met from existing resources. The costs of Policy 4 can be absorbed within NSW Industrial Relations, as specified by the policy. Hence, the policies in aggregate do not have an impact on the forward estimates.

Policy 1: Amend NSW discrimination laws

The government will amend NSW discrimination laws to add:

- a positive legal duty on employers to reasonably accommodate workers who are pregnant or carers, including flexible working arrangements
- new protections from redundancy, dismissal and non-renewal of contracts for workers who are pregnant, on parental leave or have family or caring responsibilities
- improved pay discrimination laws, including mechanisms to inquire, evaluate and correct gender pay discrimination.

The *Anti-Discrimination Act 1977* (NSW) covers discrimination against women, including pregnancy and carer responsibilities.

Amending legislation is standard business for government agencies and the normal practice is for costs associated with preparing such legislation to be met from within existing agency resources.

Notes and costing assumptions continued:

Policy 2: Improve employers' understanding of their obligations to employees

The government will work with employers and unions to help them understand their obligations to employees who are pregnant or returning to work. The policy proposes that costs are to be absorbed within existing department resources.

NSW Industrial Relations already works with employers to provide advice on employment issues and setting up good workplace policies. Therefore, this work could be met from within the existing resourcing of NSW Industrial Relations.

Policy 3: Achieve targets for women in senior positions

The policy proposes to:

- a) Achieve a target of 40% of senior positions being comprised of women in the public sector by 2023.
- b) Achieve a target of 50% of new board/committee appointments made by government being comprised of women by 2020.

Public Service Commission statistics indicate women in public sector senior leadership positions have increased from 37.4% to 38.7% between 2017 and 2018 and have been trending upwards since 2014 (33.4%). Therefore, the 40% target under policy 3a could be met by 2023 as part of the normal operating practices of agencies, based on the current trajectory and trends with filling new senior leadership positions.

The 50% target for Policy 3b only applies to new board and committee positions and hence would not cause extra costs from redundancies or changes to existing staffing.

Policy 4: Create a dedicated unit within NSW Industrial Relations

This policy would create a dedicated unit of six staff within NSW Industrial Relations that would address discrimination relating to pregnancy, returning to work and equal pay. NSW Industrial Relations does not currently have a dedicated unit for this purpose.

The policy assumes no additional costs will be incurred as the unit will be created using existing resources within NSW Industrial Relations. The PBO considers it is feasible for staff to be reallocated to create this unit, noting it may also require a reprioritisation of existing work.