



Australian
Human Rights
Commission

Gender segregation in the workplace and its impact on women's economic equality

**AUSTRALIAN HUMAN RIGHTS COMMISSION SUBMISSION TO THE
FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE**

6 March 2017

ABN 47 996 232 602
Level 3, 175 Pitt Street, Sydney NSW 2000
GPO Box 5218, Sydney NSW 2001
General enquiries 1300 369 711
Complaints info line 1300 656 419
TTY 1800 620 241

Australian Human Rights Commission
www.humanrights.gov.au

INTRODUCTION.....	3
BACKGROUND	4
INTERNATIONAL HUMAN RIGHTS OBLIGATIONS AND GENDER SEGREGATION.....	4
CONTENTIONS AND DISCUSSION	5
NATURE AND EXTENT OF GENDER SEGREGATION:	5
Statistics on gender segregation	5
Management and leadership roles.....	6
Findings from the Sex Discrimination Commissioner's 2016 consultations	6
Previous Commission research.....	7
IMPACT OF GENDER SEGREGATION:	7
Statistics on the gender pay gap.....	8
Findings from the Sex Discrimination Commissioner's 2016 consultations	8
Previous Commission research.....	9
CASE FOR CHANGING GENDER SEGREGATION:	10
THE CASE FOR IMPROVING GENDER BALANCE IN MALE-DOMINATED INDUSTRIES AND WORKFORCES	10
Previous Commission research.....	10
FEMALE-DOMINATED INDUSTRIES – THE CASE FOR IMPROVING GENDER BALANCE IN UNPAID AND CARING WORKFORCES.	11
Statistics on unpaid work.....	12
Findings from the Sex Discrimination Commissioner's 2016 consultations	12
Previous Commission research.....	13
BROADER CONSEQUENCES OF THE STATUS QUO:	14
VULNERABILITY OF WOMEN IN FEMALE-DOMINATED INDUSTRIES	14
Statistics on female-dominated work.....	14
Findings from the Sex Discrimination Commissioner's 2016 consultations	14
Other research.....	15
SEXUAL HARASSMENT AND SEX DISCRIMINATION IN GENDER SEGREGATED INDUSTRIES	16
Findings from the Sex Discrimination Commissioner's 2016 consultations	16
Other research.....	17
RECOMMENDATIONS.....	17

Introduction

1. The Commission welcomes this inquiry. The Commission contends that reducing gender segregation in workplaces will have significant benefits for Australia. Gender-balanced workplaces will benefit workers, families, organisations and the economy.
2. In recent years, many initiatives have been directed towards developing the pipeline for recruitment, women's development programs, mentoring women on how to survive and 'get ahead in a male-dominated world'. However, little has been done to disrupt the systems and practices of that world, or to engage a wider audience of the workforce, so that long term systemic change can happen.
3. The Commission has investigated and reported a number of times previously on the causes and impacts of women's inequality in the workforce and in economic life more broadly.
4. The causal link between gender segregation in the workplace and low economic security over a woman's lifetime is clear from those reports, and many other reports from experts in this area.
5. A central theme from these reports, and from recent studies around the world, is that addressing the gender pay gap is not just about equal entitlements, but also about equal gender representation throughout the workforce – in all industries, occupations and roles.
6. In this submission we refer to gender segregation in the workplace by reference to
 - a) gender segregation by industry: male dominated industries include construction, mining, utilities and several more; female dominated industries are education and training, and health care and social assistance.
 - b) gender segregation by occupation: for example, men dominate the occupations of Machinery Operators and Drivers, Technicians and Trade Workers, Labourers, while women dominate the occupations of: Clerical and Administrative Workers, and Community and Personal Service Workers.
 - c) gender segregation by role within organisations: refers to the fact that men hold the majority of leadership roles across all industries; while women dominate part time work.¹
7. Importantly, unpaid caring work is very much an 'industry' and a 'workplace' within this analysis.
8. This submission refers to some findings from previous studies and reports, as they relate to the Commission's contentions and recommendations with respect to this inquiry.
9. However, the Commission's recommendations in this submission are confined to areas of action that may be undertaken immediately, and where the Commission believes it may, in a tangible way, assist government and business to address the impact of workplace gender segregation.

Background

10. Australia's record on gender equality is mixed. Despite very high attainment in education, Australia's position on the Global Gender Gap Index is comparatively very low at 46th. Economic participation and opportunity of women is one of the areas where Australia lags most significantly - it is 42nd² on the World Economic Forum's global index.

11. The relevant table from the WEF's 2016 Global Report paints a sobering picture:



12. This picture is reflected, most recently, in the experiences that the Sex Discrimination Commission heard from Australian women in consultations she conducted across the country in 2016, and which are described further below ('the SDC consultations').³

13. Women remain under-represented in traditionally male-dominated industries, such as science, technology, engineering and maths (STEM), as well as mining and construction. Workers in the male-dominated industries and occupations generally earn more than those who work in industries and occupations dominated by women such as education and training, administrative support, health care and social assistance.

14. Conversely men are under-represented in female-dominated industries – other than in senior management and leadership positions – and rarely responsible for unpaid and primary caring roles. As well as those larger employers captured by the Workplace Gender Equality Agency reporting, many small to medium size businesses are in industries dominated by female workers, including retail, hospitality, cleaning, home child and elder care, where many roles are casual, rosters uncertain, payment cash in hand, and no human resources support.

15. The economic consequences of this imbalance disproportionately disadvantages women and contributes to the gender pay gap and lifetime economic inequality.

International human rights obligations and gender segregation

16. Australia is a party to the seven key human rights treaties. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provides the overarching international human rights legal framework for the protection, promotion and fulfilment of the human rights of women. The International Covenant on Economic, Social and Cultural Rights (ICESCR) sets out the rights to work, equal remuneration for work of equal value, and safe working conditions.

17. The UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) considered Australia's combined 6th and 7th periodic reports in 2010.⁴ The Commission made a submission to the UN Committee that addressed, amongst other issues,

occupational segregation, the gender pay gap, unpaid caring work, the absence of superannuation from paid parental leave and the gender gap in retirement savings.⁵

18. In its Concluding Observations, the CEDAW Committee urged the Australian Government to take concrete measures to eliminate occupational segregation by removing barriers to women in all sectors and to ensure equal opportunities for, and equal treatment of, women and men in the labour market.⁶

19. The UN Committee on Economic, Social and Cultural Rights (ESC Committee) considered the fourth periodic report of Australia on the implementation of ICESCR in May 2009. In its Concluding Observations, the ESC Committee noted concern with the gender pay gap between women and men in the workplace, particularly in managerial positions, and low representation of women in high-ranking positions in political and public life, and recommended action to address this.⁷

20. In 2014, the Australian Government, along with other G20 members committed to reducing the gender gap in workforce participation by 25 percent by 2025. Reducing gender segregation in the workforce will be central to achieving this goal.

Contentions and Discussion

Nature and extent of gender segregation:

Gender segregation in the Australian workforce is significant and operates at three levels: industry, occupation and role.

21. Gender segregation in the workplace has been a persistent feature of the Australian economy for over 20 years.⁸ Gender segregation occurs at the occupation, role and industry levels. In 2015, less than 30% of workers in reporting organisations worked in gender balanced organisations

22. Statistics clearly demonstrate that women are more likely to be employed in lower paying and insecure jobs, while men are more likely to work full-time and in the highest paid industries.

23. This significantly impacts on women's economic security and the gender pay gap, and the high levels of poverty experienced by many older Australian women.

Statistics on gender segregation

24. Current data shows us that gender segregation is not reducing with time. The most recent Workplace Gender Equality Agency (WGEA) reporting identifies that the Australian labour market is highly gender-segregated by industry and occupation, a pattern that has persisted over the past two decades.⁹

25. Other key findings include:

- Traditionally female-dominated industries (*health care and social assistance, and education and training*) have seen the proportion of women increase further.

- Some male-dominated industries (*construction and wholesale trade*) recorded a decline in female representation, while others (including *electricity, gas, water and waste services and transport, postal and warehousing*) recorded growth.
- Although men dominate in leadership roles across all industries, women are substantially more likely to hold CEO or key management personnel roles in female dominated industries than male dominated industries.
- Average remuneration in female-dominated organisations is lower than in male-dominated organisations. However female managers working in male-dominated organisations are more likely to earn salaries closer to their male colleagues.
- Performance pay and other additional remuneration plays a greater role in male-dominated industries, leading to higher gender pay gaps for total remuneration.
- On an occupational level, male-dominated workplaces have smaller proportions of part-time employees while full-time employees tend to work longer hours - attributes that may deter people with family and caring responsibilities.

Management and leadership roles

26. This imbalance not only disadvantages women economically but also means diversity of decision making is missing in both male and female dominated industries.

27. Women are still significantly under-represented in senior leadership positions right across public, private and community sectors, and in parliament. Clearly, this perpetuates the gender pay gap.

- In the private sector, there are around 3 times as many men on boards as women and around 10 times in executive management positions.¹⁰
- In the Commonwealth public sector, around six in ten staff are women but only 4 in ten senior executive roles are held by women.¹¹

28. The disproportionate amount of unpaid caring by women is identified as a key barrier to progressing to leadership positions as it prevents women from achieving their full economic potential.¹²

Findings from the Sex Discrimination Commissioner's 2016 consultations

29. In the SDC consultations, a consistent story was heard. While some progress is being made in gender equality for women in larger workplaces and full time employment, many women are constrained by structural barriers and the lack of choice when it comes to work and care, casual work, gender segregated industries and new ways of work.

30. These challenges are exacerbated by policies that cause some sectors to expand and contract, effectively clustering women in vulnerable sectors. For example, the SDC was told that:

- Women hold the majority of administrative roles, and men the operational roles, in the mining sector. During the mining downturn this meant women were more susceptible to losing their jobs.
- Women employed in the care sector (aged care, National Disability Insurance Scheme providers, child care etc) are being impacted by the casualisation of the industry, low pay and poor conditions. This is particularly prevalent for young women and Culturally and Linguistically Diverse (CALD) workers.

31. In the SDC consultations, there was a strong desire from women working in male dominated industries to raise awareness of the pathways available through STEM careers.

32. However, employers are responsible for creating jobs, advertising jobs, setting rosters, hours of work and conditions. Women are being channelled to occupations and tasks undertaken by casual roles, while men are being channelled to occupations and tasks undertaken by permanent roles.

33. The SDC consultations heard that, out of the need for more flexibility, women entrepreneurs are emerging across all industries but the challenge for these women is that often building their businesses comes at the cost of their economic security – for example, they are not paying themselves superannuation.

Previous Commission research

34. These stories are consistent with the Commission's findings from its 2013 examination of women in male dominated industries.¹³

35. The Commission noted that the mining, construction and utilities industries have historically been perceived to be a 'man's domain' and the representation of women has remained low across all levels. Industries that have the greatest representation of women at all levels include health care, education and training and retail trade.

36. The Health Care and Social Assistance, and Education and Training industries are increasingly dominated by women. In 2015, the former industry had almost 80 percent female employees, while the latter had 70.6 percent. The top two male-dominated industries are Mining and Construction with the workforce comprising only 12.9 percent and 12 percent female employees respectively in 2015.

37. Where women do find employment in male-dominated industries, it is in lower-paid administrative roles.

38. The stark consequence of this multi-faceted gender segregation is that no matter what industry a woman chooses, she is likely to lose out on the gender pay gap, which means that women on average earn 16.2 per cent less than men.

39. Even women who take out no time for parenting, and who work fulltime over a 45-year career, will earn seven hundred thousand dollars less than an equivalent man.¹⁴

Impact of gender segregation:

Gender segregation contributes to systemic gender inequality and low economic security and for many Australian women, due both to the resulting gender pay gap and long term career impacts.

Gender segregation is a significant cause of lifetime poverty accumulation for women.

40. In 2016, the Senate Standing Committee on Economics noted that women are more likely to work in lower paid roles and lower paid fields, are more likely to work part-time or casually, and are more likely to take breaks from paid employment to provide unpaid care for others, and concluded that Australia's retirement income system does not adequately accommodate these gender differences.¹⁵

41. Importantly, despite the assumption that most women will have access to the retirement savings or income of a partner, the statistics show through death, divorce or choosing not to partner, a significant proportion of women end their lives without a partner. Many of these women will live the final years of their life in poverty.¹⁶

Statistics on the gender pay gap

42. The national gender pay gap is currently at 17.7 percent (based on average full-time earnings).¹⁷ Industrial and occupational gender segregation accounts for 30 percent of the gender pay gap.¹⁸

43. This is the second biggest contributing factor to the gender pay gap following sex discrimination, which accounts for 38 percent in 2014.¹⁹

44. In May 2016, those employed in the Mining industry had the highest full-time adult average weekly earnings in Australia at \$2,597. In comparison, the full-time adult average weekly earnings for people employed in Health Care and Social Assistance was much lower (between \$1,300 - \$1,600 per week).²⁰

45. The pay gap of course translates into a longer-term gap in economic security. On average, the superannuation balances of women at retirement are 46.6% less than those of men.²¹

Findings from the Sex Discrimination Commissioner's 2016 consultations

46. The SDC consultations heard that women's experience of economic disadvantage often arises from a false sense of having options whereas, in fact, women are not making informed choices – rather, entrenched societal attitudes and culture are strongly guiding their "choice".

47. Gender segregation in the workplace has become an almost inevitable consequence of this situation.

48. For example:

- The "choice" of subjects at school is influenced by parents, teachers and friends and women are guided into subjects that result in lower paying roles (eg. caring professions vs. STEM).
- The "choice" of profession or industry steers women towards lower paid, female dominated industries due to the fear and challenge of male dominated professions
- The "choice" to take on unpaid caring responsibilities is influenced by family economic decisions such as the cost of care and comparative wages of men and women after parental leave
- Social disapproval of working mothers, and stay at home dads impacts decision to return to work or study
- The "choice" of affordable and flexible child care is not accessible to many women.
- Teenage parents are more likely to experience lower education and employment prospects.

The 'choices' serve to make the gender segregation a self-fulfilling prophecy about the life of many women, where the cultural drivers in their early lives crowd them into industries with limited career and financial prospects, and the closed culture of male dominated industries perpetuate and reinforce those cultural drivers.

The consultations identified that this 'choice' scenario is at the heart of the ongoing challenge of economic insecurity for women which accumulates to a lifetime of experiences that continue their economic disadvantage. For example, they:

- are restricted by the gender segregation of industries (male dominated industries earn more), and of occupation (again men earn more)
- are at the wrong end of the gender pay gap, which includes salaries, superannuation contributions, bonuses, incentives and control over flexible workplace practices (or their lack)
- are very likely to experience sexual harassment
- experience domestic violence without workplace obligations to assist maintaining her connection with employment
- break from employment when they have children
- experience discrimination through pregnancy, when they are on maternity leave and when they return to work
- cannot access affordable and accessible/ flexible child care options
- face barriers to returning to decent secure work, more likely part time than fulltime.
- accumulate no or low superannuation (which accumulates most beneficially for those who are employed, earning higher wages, and accumulated at an early age, typically men)
- face gender segregation in leadership roles (ie men dominate boards and executive positions and also by salary breakdown in the highest paid roles), and
- take responsibility for most unpaid caring and domestic duties, including for children and other dependent family members.

Previous Commission research

49. The Commission's 2013 study on women in male-dominated industries, also identifies that the systemic barriers leading to gender segregation,

"include the lack of family role models, stereotypes and bias starting at school, negative perceptions and lack of awareness of occupations in male-dominated industries, stereotypes about women in the workplace, 'blokey' non-inclusive workplace cultures, and lack of flexibility and work-life balance."²²

50. In 2009, the AHRC report, *Accumulating poverty: Women's experiences of inequality over the lifecycle*,²³ articulated succinctly the long-term impact of a workplace culture which is centred on gender segregation:

"Currently, superannuation balances and payouts for women are approximately half of those of men... Instead of accumulating wealth through the retirement income system as intended, due to experiences of inequality over the lifecycle, women are more likely to be accumulating poverty."

51. The report also strongly supports the findings from the SDC consultations about the link between the constrained choices presented to women, gender segregation in employment, and longer term economic insecurity:

"Women's decisions to take time out of paid work, to trade salary for flexibility or to work in a low paid job are often viewed as a matter of individual choice and responsibility. Yet, these choices are very often constrained by a range of external factors such as inflexible workplace structures, family dynamics, cultural pressures and gendered

stereotypes... the sum of these factors could leave her in a financially impoverished retirement.”

Case for changing gender segregation:

Improving gender balance in all industries, occupations and roles (whether traditionally male or female dominated) would benefit businesses and the broader economy, as well as significantly advance economic gender equality.

This includes improved gender balance in unpaid and caring workforces, and support for those workforce by government and industry.

The case for improving gender balance in male-dominated industries and workforces

52. Increasing participation of women in male-dominated industries also has benefits for organisations and the Australian economy.

53. With respect to organisations, increased employment of women can address the skills shortage and improve organisational performance.²⁴

54. It is only in recent times that the focus on advancing gender equality has been on increasing women in male dominated occupations, roles and industries. Previously the focus had been on improving pay and working conditions in female dominated industries and occupations.

55. An increased focus on increasing gender balance in male-dominated industries, as well as improving pay and conditions in female dominated industries, will be a key to addressing the negative impacts on women, the community and the economy in the long term.

56. The motivation for change in those industries (supported by authoritative research) has been recognition of business benefits for those organisations, whether through:

- the diversity and increased talent in their employee and management pool,
- improved performance and innovation in key business areas, and/or
- enhanced capability to meet customer and community wants and needs.²⁵

Previous Commission research

The Commission has had significant experience working with organisations to close the gender gap in male dominated industries, in particular:

- Since 2014, the Commission has been working in a collaborative relationship with the ADF, to encourage cultural reform and enhance the participation of women in the ADF. This builds on cultural reform initiatives in Pathway to Change, an implementation strategy for cultural change across the ADF.²⁶
- The ‘Male Champions of Change’, is a group of senior male leaders across industry and government who have committed to advance gender equality. The Group uses their individual and collective influence and commitment to ensure the issue of women’s representation in leadership is elevated on the national business agenda, with a focus is

on addressing systemic, policy, behavioural and cultural impediments. In particular, their focus is to elevate women into traditionally male dominated leadership roles; but they are also interested in opening access of flexible work to more men and challenging male dominated workplaces such as defence, police, emergency services and sporting organisations.²⁷

57. As the Commission asserted in its 2013 study on women in male-dominated industries:

“The organisations that develop and implement strategies to recruit and retain women, will reap the economic benefits of gender diversity and equality and be the most competitive and sustainable in the long term”²⁸

58. The Commission made strong arguments in support of the benefits to the broader economy and individual organisations, of narrowing the gender gap in employment, noting that:

- Research has estimated that increasing the overall hours worked by women across sectors would substantially bridge the gender gap and increase a country's GDP. ²⁹ For example, a six percent increase in overall women's workforce participation could boost Australia's GDP by \$25 billion.³⁰
- The current composition of the workforce means that women may be employed in roles where their productivity is not maximised. If the gender productivity gap was minimised by increasing the number of women in leadership positions, the level of economic activity in Australia could be boosted by 20%.³¹
- Flow-on economic benefits to the community would include addressing the problem of pension sustainability by lifting the longer term levels of retirement incomes, lifting household savings rates and increasing tax received by the government.³²

59. The Commission also described the benefits to individual organisations, including:

- Addressing the skills shortage where it is most pronounced: in occupations such as trades, engineering and sales, all of which have remained at the top of the local skills shortage list for more than a decade,³³ and in traditionally male-dominated industries such as mining, construction and utilities industries.
- Reaching a critical mass of women at all levels of the organisation, including senior management, which studies have shown to:
 - improve business outcomes across the board (including higher customer satisfaction, greater productivity, and higher profitability),³⁴ and
 - result in significantly better return on equity and operating results than companies that have all-male executive committees.³⁵

Female-dominated industries – the case for improving gender balance in unpaid and caring workforces.

60. The gendered segregation of unpaid caring work is another key driver of gender gaps in workforce participation, wages and retirement incomes and savings.³⁶

61. There is a lack of social and economic value placed on unpaid caring work. Despite its significant contribution to the economy, the care of children and other family still does not have the status or value of paid work.

62. This situation is caused by a cumulative and interconnected set of circumstances, including social expectations of women, gender inequity in the division of unpaid work, the absence of proper structural support for employees with caring responsibilities, and the lack of economic benefit ascribed to caring work.³⁷

63. There are also some very significant consequences for those industries/sectors where women have disproportionately high representation, and this can have an impact on the broader economy and community. For example: the paid parental leave 'burden' falls disproportionately on those sectors and is relatively light in businesses that mainly employ men; and female-dominated businesses are more likely to have their workers taking leave to care for children.

Statistics on unpaid work

64. It is estimated that, in 2005, informal carers provided approximately 1.2 billion hours of care at an estimated replacement value of \$30.5 billion.³⁸ Yet, this work is not recognised or rewarded as work in the retirement income system.

65. Women do two thirds of the unpaid caring and domestic work in Australian households and spend almost three times as many hours each week looking after children as men. Women who work as unpaid carers have considerably lower rates of employment: less than 23 percent of female primary carers are in full time employment.

66. Caring responsibilities can span a woman's lifetime including the care of elderly people, children and adults with disability and grandchildren.

Findings from the Sex Discrimination Commissioner's 2016 consultations

67. In the SDC consultations, many stories were heard about undeviating cycles of pregnancy and caring related discrimination experienced by women:

- Women talked of entrenched norms in workplaces that prevent flexible work policies and grievance and complaint policies being adopted equally by women and men.
- Even where leadership in an organisation is 'on message' about flexible practices, a gap often exists between what leaders are saying and middle management is implementing.

68. The division of paid and unpaid work is also influenced by workplace cultures and attitudes to flexible work that constrain men. This maintains the status-quo of the male breadwinner/female carer model.³⁹

69. The Commission heard positive stories about men, particularly those with young children, becoming increasingly aware and interested in advancing gender equality, and in improving the balance of caring responsibility. However, the motivation to do so tends to be focussed on reducing the harm caused by the imbalance, rather than achieving a genuine, substantive equality, where paid and unpaid responsibilities are equally respected and valued. Consequently, there has not been a significant shift of responsibility in caring.

Previous Commission research

70. The social case for unpaid and caring work being valued equally with paid work is well understood. The Commission's 2013 research, *Investing in care: Recognising and valuing those who care*,⁴⁰ succinctly describes caring as: an inevitable function of living in a society, work that is central element of social and civic responsibilities, relationships that are crucial for the social fabric.

71. However, there are equally strong economic and business cases for genuine equal value being given to paid and unpaid work.

72. The economic case is based on four key elements:

- the importance of recognising non-market productivity, in particular the provision of care, as essential to economic productivity;
- the need to maintain a supply of unpaid care which underpins the formal care economy;
- ensuring women's workforce participation is not underutilised so that women's skills are fully valued and Australia's investment in human capital is utilised; and
- enabling women's workforce participation, which contributes to women's greater financial security and greater productivity in the market sphere.

73. The business case focuses on the need for:

- efficiency – it is more cost-effective to support unpaid carers in the workplace and retain their skills and knowledge than train new employees;
- productivity – support for carers in the workplace enhances employees' attachment, loyalty and commitment; and
- diversity – a diverse workforce, that includes unpaid carers, means a diverse set of skills, expertise, different ways of thinking, which contributes to greater innovation and productivity.

74. Options for reform were presented by the Commission in the abovementioned reports, and include a range of areas such as better legislative protection (eg regarding Paid Parental Leave), flexible work arrangements, leave arrangements, income support, services, early childhood education and care, workplace mechanisms, and community education.

75. These options merit review and further consideration, taking into account the findings of this inquiry.

Broader consequences of the status quo:

In addition to the pay-gap created by gender segregation in workforces, it causes other significant economic and social impacts:

- Female-dominated industries often create or perpetuate vulnerability of female workers, and are prone to intersectional disadvantage and sexualisation.
- Industries with male-dominated management and executive leadership can be prone to sexual harassment and sex discrimination.

Vulnerability of women in female-dominated industries

Statistics on female-dominated work

76. When employed, women are far more likely to work in part-time or casual roles than men. Within the Workplace Gender Equality Agency's 2015-16 dataset, around 60% of women were in part-time or casual roles compared with 30% of men.

77. Compounding this, part-time workers earn less and their income decreases comparatively over time, as their career progresses slowly, if at all, especially given likely breaks and caring commitments.⁴¹

78. As women are more commonly engaged in part-time work or take time off for carer commitments, this affects their earnings disproportionately when compared with men.

79. There are also lower levels of regulatory protections for casual and fixed term employees, such as lack of access to guaranteed hours of work and paid leave, and lower job security generally.⁴²

80. The outcomes for women in insecure work include financial insecurity, difficulty planning and saving for the future, and stress (including in the management of working time and family commitments).⁴³ The higher proportion of women engaged in part-time employment thus places them at higher risk of financial insecurity.

Findings from the Sex Discrimination Commissioner's 2016 consultations

81. One of the recurring themes in the SDC consultations was concern about women often being limited to insecure work.

82. Women in casual employment reported receiving unreasonable demands from their employers, and needing to trade-off decent work for poor quality jobs in order to accommodate their family responsibilities. For many women, casual employment also offered fewer opportunities for career development, progression and leadership.

83. The SDC consultations heard that the increasing casualisation of the care and social assistance industries, low wages, and poor working conditions, contributes to women's economic inequality. This is particularly prevalent for young women, Indigenous women, women with disability and migrant and refugee women.

84. Women from culturally and linguistically diverse backgrounds often “put up with” poor conditions or insecure work in order to maintain some form of employment, and have limited information about their rights. Very few report or seek remedy for loss of pay, poor working conditions, loss of employment or sexual harassment and assault. Women with disability frequently experience the same barriers and disadvantage when seeking employment and equal rights when employed.

85. Women in these insecure jobs do not have the protections typical of full-time jobs, such as under Enterprise Bargaining Agreements. This further marginalises women in insecure work. Many of these workers are completely unprotected as they are invisible to mainstream work, employed for “cash-in-hand” as cleaners or carers.

Other research

86. A roundtable on vulnerable workers and gender equality in late 2016, which examined these issues in detail, noted that there are female-dominated industries which are known for having vulnerable female workers: particularly hospitality (cleaners, bar and wait staff, hotel staff) and the aged care/child care sectors.⁴⁴

87. The roundtable also noted that vulnerable female workers are increasingly in “invisible workplaces”, such as domestic cleaning and home care. These spaces are not regulated like a regular workplace. Women are required to work under service contracts and to forgo workers compensation, award protection and other legal rights.

88. Women workers are often unable to report issues of sexual harassment and assault because of fear they will lose their job, or it will affect their visa or immigration status.

89. These assertions are supported by international research in this area. International Labour Organisation studies of the hotels, catering and tourism (HCT) sector have found that women facing multiple levels of disadvantage are particularly at risk in this regard.

90. Unskilled or semi-skilled women reportedly tend to occupy the most vulnerable jobs in the HCT sector, where they are more likely to experience poor working conditions, inequality of opportunity and treatment, violence, exploitation, stress and sexual harassment.⁴⁵

91. In particular, migrant and refugee women, and women with disability, face many barriers to equal employment rights, first in finding employment, and then being prone to exploitation, while not aware of their rights, or how to access help or enforce the law.

92. Migrant women often take cleaning work where they frequently experience underpayment or non-payment of wages, workplace injury, bullying and discrimination.⁴⁶

93. Women with disability face similar disadvantage, and often very pronounced limitations are placed upon them by employers' limited understanding about disability. In addition, often disability policies and programs aimed to ensure employment of people with disabilities do not address the specific employment barriers experienced by women with disabilities, so that ‘they often feel they have to put their disability first and their womanhood second.’⁴⁷

94. While these insecure industries are female-dominated overall, they are often male-dominated at the management level, while women are disproportionately represented in lower-skilled and lower-paid areas of work.

95. The ILO studies show that, while women comprise 55% of employees in the HTC sector globally, they are predominantly employed in 'traditional' areas of work carrying lesser responsibility, such as housekeeping, cleaning and some customer contact areas, and within informal and marginalised areas of work subject to disproportionate exploitation. There are few industries where women can access senior technical and managerial roles.

96. In addition, work in female-dominated industries can often be sexualised, with female workers expected to adopt stereotyped, sexualised roles in order to conform to the expectations of some customer market segments.

97. A study conducted in the United Kingdom on travel agencies, tour operators and other tourism organisations found that men dominated managerial, financial and business development positions while women worked predominantly in personnel, retail and marketing. The companies studied used young, attractive women as marketing images for selling tourist destinations and services, as they represented gendered images of care, patience and hospitality.

Sexual harassment and sex discrimination in gender segregated industries

98. Despite passionately pursuing careers in male dominated industries that they love, women often experience isolation and discrimination. In her first five years of work a woman has a one in four chance of experiencing sexual harassment and a one in three chance over her career. Women are unlikely to speak up or seek help when faced with sexual harassment and discrimination.⁴⁸

Findings from the Sex Discrimination Commissioner's 2016 consultations

99. The SDC Consultations heard of women being asked to wear revealing clothing (eg bikinis) at work; women being sexually harassed at work but unable to complain because the business was in a small community where there was no privacy; and young women in casual jobs being subject to verbal abuse and intimidation.

100. Often the barriers, perceived by employers, to women being employed in male-dominated industries spoke of an assumed and accepted gender discrimination – such as the lack of female toilets on a building site, or that a woman might be refused a job because she would 'find it unpleasant' being in such a gender minority.

101. The SDC consultations heard that the attachment of the community, to gender stereotypes around work and leadership is pervasive and entrenched. Of particular concern were prevalent mixed messages for young people in the commercial world - such as toys targeted at boys and girls separately, pop culture, accessible pornography and games - reinforcing discriminatory attitudes and social media backlash against those speaking out against the norm.

102. Women also experience backlash for asking about employment conditions. When they have questions about pay and conditions they are perceived as 'too assertive/threatening', especially in a male dominated workplace. Women are often bullied or their employment is terminated when they make complaints.

103. The research in this area indicates some complex connections between sexual harassment prevalence, and the gendered nature of industries and the roles within them.⁴⁹

Other research

104. Some studies suggest that a woman's specific role or occupation, and the power differentials between levels in the workplace, can affect women's likelihood of experiencing sexual harassment.⁵⁰ Other research has shown that employment status, particularly precarious employment types such as casual or temporary employment, is a risk factor.⁵¹

105. The Commission's sexual harassment workplace prevalence survey (2012) produced some key data with respect to the prevalence of sexual assault by gender in specific industries.⁵²

106. The lowest prevalence rates for sexual harassment, regardless of gender, was reported in traditional male-dominated industries (trades, technology, manufacturing etc). Higher rates of sexual harassment, more so against women, were reported in traditional female-dominated industries. However, by far the highest rates of sexual harassment were reported in 'professional' workplaces, and much higher rates experienced by women.

107. While these statistics at first glance appear contradictory, the common thread is an increasing rate of sexual harassment where the domination by males of management and leadership roles increases. In professional workplaces, for example, we know the the majority of staff are women, but an inversely proportional majority of executive management roles are held by men.

Recommendations

1. Actions supporting the reduction of gender segregation in Australian workplaces should be included as a priority in the forthcoming Government *Women's Workforce Strategy*.

2. The Commonwealth Government should develop and commit to a strategy for becoming a model 'industry' in reducing gender segregation:

- as an employer (roles and occupations, management levels, flexibility, parental leave arrangements/inducements for men etc)
- in policy and program design/development, and
- when contracting (impose contractual terms requiring demonstrated efforts to improve gender balance to 40-40-20 in organisations engaged by Government.)

3. The Government should fund a quantitative and qualitative study into the features of male and female-dominated workplaces industries and barriers to employees entering non-traditional fields. The study should build on the data held by the Workplace Gender Equality Agency, and of the relevant inquiries and reports previously conducted by the AHRC.

Based on this study, a report should be prepared for Parliament, including:

- proposed guidelines on the use of special measures to reduce gender segregation (ie using special measures to support women in male dominated and men in female dominated workplaces, including in non-paid caring roles), and
- options for facilitating relationships between employers and women's networks to workshop solutions to segregation in male dominated industries, and similar with male workers in female dominated industries.

4. Research should be conducted on whether there is higher prevalence of sexual harassment/sex discrimination in gender segregated workplaces, and if so, recommendations for change

- noting that, as a first step, the Commission's 2017 workplace sexual harassment prevalence survey, to be conducted mid-year, can examine this issue.

5. The Department of Foreign Affairs and Trade should partner with the Commission to consult internationally on special measures to reduce workplace gender segregation, focusing on States comparable to Australia in this context.

¹ WGEA fact sheet https://www.wgea.gov.au/sites/default/files/20160801_Industry_occupational_segregation_factsheet.pdf

² <http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=AUS>

³ Findings from SDC 2016 engagement with Australian Women ("The Voices of Women in Australia" - Reflections on Conversations in Gender Equality, May – December 2016)

⁴ Committee on the Elimination of Discrimination against Women. At

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=AUS&Lang=EN (viewed 23 October 2015).

⁵ Australian Human Rights Commission, *Australia's Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*. At <https://www.humanrights.gov.au/australia-s-implementation-convention-elimination-all-forms-discrimination-against-women-cedaw-2010> (viewed 7 February 2017).

⁶ Committee on the Elimination of Discrimination against Women, *Concluding observations of the Committee on the Elimination of Discrimination against Women*, UN Doc CEDAW/C/AUL/CO/7 (July 2010), paras 38 and 39. At

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fAUL%2fCO%2f7&Lang=en (viewed 7 February 2017).

⁷ Committee on Economic, Social and Cultural Rights, *Concluding Observations of the Committee on Economic, Social and Cultural Rights*, UN Doc E/C.12/AUS/CO/4 (12 June 2009), para 17. At:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fAUS%2fCO%2f4&Lang=en (viewed 8 February 2017).

⁸ Workplace Gender Equality Agency, *Gender segregation in Australia's workforce* (August 2016). At

https://www.wgea.gov.au/sites/default/files/20160801_Industry_occupational_segregation_factsheet.pdf (viewed 6 February 2017).

⁹ https://www.wgea.gov.au/sites/default/files/20160801_Industry_occupational_segregation_factsheet.pdf

¹⁰ Australian Institute of Company Directors, *Board Diversity Statistics*, (2016) At: <http://www.companydirectors.com.au/director-resource-centre/governance-and-director-issues/board-diversity/statistics> (viewed 2 September 2016); Workplace Gender Equality Agency, *Gender Work Place Statistics At A Glance* (2016), 1. At <https://www.wgea.gov.au/fact-sheets-and-research-reports/fact-sheets-and-statistics> (viewed 19 August 2016); Workplace Gender Equality Agency, *2012 Australian Census of Women in Leadership* (2012). At https://www.wgea.gov.au/sites/default/files/2012_census_summary_tag.pdf (viewed 22 February 2016).

¹¹ Australian Government, *Balancing the Future: The Australian Public Service Gender Equality Strategy 2016-19* (2016). At http://www.apsc.gov.au/_data/assets/pdf_file/0017/80117/FINAL-Balancing-the-future-the-Australian-Public-Service-gender-equality-strategy-2016-19.pdf (viewed 10 August 2016).

- ¹²McKinsey&Company, *Women Matter 2016: Reinventing the workplace to unlock the potential of gender diversity* (2016). At: <http://www.mckinsey.com/global-themes/women-matter/reinventing-the-workplace-for-greater-gender-diversity> (viewed 8 February 2017).
- ¹³ Australian Human Rights Commission, *Women in male-dominated industries: A toolkit of strategies* (2013), at <http://www.humanrights.gov.au/women-male-dominated-industries-toolkit-strategies> (viewed 1 February 2017).
- ¹⁴ CEDA Women in Leadership: Diversity and equity priorities, 16 November 2016
Brisbane, Queensland
- ¹⁵ Senate Standing Committee on Economics, 'A husband is not a retirement plan' *Achieving economic security for women in retirement* (2016), At http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Economic_security_for_women_in_retirement (viewed 1 July 2016).
- ¹⁶ Australian Human Rights Commission, *Accumulating poverty? Women's experiences of inequality over the lifecycle*, (2009). At http://www.humanrights.gov.au/sex_discrimination/publication/gender_gap/.
- ¹⁷ Workplace Gender Equality Agency, *Australia's gender equality scorecard* (November 2016). At https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKewiugOSlwr7RAhWB5QKHe2wAZ0QFgggMAE&url=https%3A%2F%2Fwww.wgea.gov.au%2Fsites%2Fdefault%2Ffiles%2F80653_2015-16-gender-equality-scorecard.pdf&usq=AFQjCNEwfbUW-ZwYe_1pp5gtJd8b9X09ew&bvm=bv.144224172,d.dGo (viewed 13 January 2017).
- ¹⁸ KPMG, *She's Price(d)less: The economics of the gender pay gap. Update Report prepared for Diversity Council Australia (DCA) and the Workplace Gender Equality Agency* (October 2016). At <https://home.kpmg.com/au/en/home/insights/2016/10/gender-pay-gap-economics.html> (viewed 6 February 2017).
- ¹⁹ KPMG, *She's Price(d)less: The economics of the gender pay gap. Update Report prepared for Diversity Council Australia (DCA) and the Workplace Gender Equality Agency* (October 2016). At <https://home.kpmg.com/au/en/home/insights/2016/10/gender-pay-gap-economics.html> (viewed 6 February 2017).
- ²⁰ Australian Bureau of Statistics, *6302.0 Average weekly earnings, Australia* (May 2016). At: <http://www.abs.gov.au/ausstats/abs@.nsf/mf/6302.0/> (viewed 6 February 2017).
- ²¹ R Clare, *Superannuation and high account balances, April 2015*, (2015).
- ²² Australian Human Rights Commission, *Women in male-dominated industries: A toolkit of strategies* (2013), at <http://www.humanrights.gov.au/women-male-dominated-industries-toolkit-strategies> (viewed 1 February 2017).
- ²³ Australian Human Rights Commission, *Accumulating poverty? Women's experiences of inequality over the lifecycle*, (2009). At http://www.humanrights.gov.au/sex_discrimination/publication/gender_gap/.
- ²⁴ Australian Human Rights Commission, *Women in male-dominated industries: A toolkit of strategies* (2013). At <http://www.humanrights.gov.au/women-male-dominated-industries-toolkit-strategies> (viewed 1 February 2017).
- ²⁵ 'Filling the Pool Committee' for Perth <https://www.committeeforperth.com.au/research/research-projects/filling-the-pool>, 'Unearthing new resources'http://www.minerals.org.au/file_upload/files/publications/unearthing_new_resources.pdf)
Catalyst, Deloitte (Juliet Bourke book "which 2 heads are better than one?")
- ²⁶ Department of Defence, *Pathway to Change: Evolving Defence Culture* (2012). At <http://www.defence.gov.au/PathwayToChange/> (viewed 15 January 2017). <http://www.westjustice.org.au/cms/uploads/docs/westjustice-not-just-work-report-part-1.pdf>, p218-219
- ²⁷ www.malechampionsofchange.com
- ²⁸ Australian Human Rights Commission, *Women in male-dominated industries: A toolkit of strategies* (2013).
- ²⁹ McKinsey&Company, *Women Matter 2016: Reinventing the workplace to unlock the potential of gender diversity* (2016), p9. At: <http://www.mckinsey.com/global-themes/women-matter/reinventing-the-workplace-for-greater-gender-diversity> (viewed 8 February 2017).
- ³⁰ Grattan Institute, 'Game-changers: Economic reform priorities for Australia' (2012), p39. At: <https://grattan.edu.au/report/game-changers-economic-reform-priorities-for-australia/> (viewed 8 February 2017).
- ³¹ Goldman Sachs JB Were Investment Research, *Australia's Hidden Resource: The Economic Case for Increasing Female Participation* (2009). At www.womenonboards.org.au/pubs/reports/091130gsjw.pdf (viewed 6 February 2013).
- ³² Goldman Sachs JB Were Investment Research, *Australia's Hidden Resource: The Economic Case for Increasing Female Participation* (2009). At www.womenonboards.org.au/pubs/reports/091130gsjw.pdf (viewed 6 February 2013).
- ³³ Manpower Group, "Manufacturing" *Talent for the HUMAN AGE 2011 Talent Shortage Survey Results* (2011). At <http://www.manpower.com.au/Research/white-papers.aspx> (viewed 6 February 2013).
- ³⁴ M Robinson, C Pfeffer and J Buccigrossi, *Business Case for Diversity with Inclusion*, wetWare, Inc (2003). At www.workforcediversitynetwork.com/docs/business_case_3.pdf (viewed 6 February 2013).
- ³⁵ In comparing the top 25 percent of companies in terms of share of women in executive committees against, McKinsey found that the former companies exceeded the latter by 41% in return on equity and by 56% in operating results. D Borisova and O Sterkhova, *Women as a Valuable Asset*, McKinsey & Company (2012). At http://www.mckinsey.com/global_locations/europe_and_middleeast/russia/en/latest_thinking (viewed 6 February 2013). Catalyst reported that Fortune 500 companies with 3 or more women on the board gain a significant performance advantage over those with the fewest women. These advantages include an increase of 73% return on sales, 83% return on equity and 112% return on invested capital. L Joy and N Carter, *The Bottom Line: Corporate Performance and Women's Representation on Boards*, Catalyst (2007). At <http://www.catalyst.org/knowledge/bottom-line-corporate-performance-and-womens-representation-boards> (viewed 6 February 2013).
- ³⁶ Australian human Rights Commission, *Accumulating Poverty? Women's experiences of inequality over the lifecycle* (2009). At <https://www.humanrights.gov.au/our-work/sex-discrimination/publications/accumulating-poverty-women-s-experiences-inequality-over> (viewed 23 August 2016); Australian Human Rights Commission, *Investing in care: Recognising and valuing those who care* (2013). At <https://www.humanrights.gov.au/our-work/sex-discrimination/projects/investing-care-recognising-and-valuing-those-who-care> (viewed 23 August 2016).
- ³⁷ Australian Human Rights Commission, *Accumulating poverty? Women's experiences of inequality over the lifecycle*, (2009). At http://www.humanrights.gov.au/sex_discrimination/publication/gender_gap/.
- ³⁸ Access Economics, *The Economic Value of Informal Care* (2005) p i. At <http://www.accesseconomics.com.au/publicationsreports/getreport.php?report=6&id=6> (viewed 2 September 2009).
- ³⁹ Australian Human Rights Commission, *Accumulating poverty? Women's experiences of inequality over the lifecycle*, (2009). At http://www.humanrights.gov.au/sex_discrimination/publication/gender_gap/.
- ⁴⁰ Australian Human Rights Commission, *Investing in care: Recognising and valuing those who care*, (2013). At <http://www.humanrights.gov.au/investing-care-recognising-and-valuing-those-who-care>.
- ⁴¹ KPMG, *She's Pricedless, The economics of the gender pay gap* (2016) p. 11 (viewed 1 February 2017)
- ⁴² Victorian Department of Economic Development, Jobs, Transport and Resources, *Victorian Inquiry into the Labour Hire Industry and Insecure Work Final Report* (31 August 2016), Chapter 6. At: <http://economicdevelopment.vic.gov.au/inquiry-into-the-labour-hire-industry> (viewed 6 February 2017)

⁴³ Victorian Department of Economic Development, Jobs, Transport and Resources, *Victorian Inquiry into the Labour Hire Industry and Insecure Work Final Report* (31 August 2016), Chapter 6. At: <http://economicdevelopment.vic.gov.au/inquiry-into-the-labour-hire-industry> (viewed 6 February 2017).

⁴⁴ Roundtable on vulnerable workers and gender equality 10am – 12pm, 10 November 2016 RMIT Building 80, 445 Swanston St, Level 9, Room 11

⁴⁵ International Labour Force, *International Perspectives on Women and Work in Hotels, Catering and Tourism: Working Paper 1* (2013), p.2-59

⁴⁶ WestJustice Report "Not Just Work: ending the exploitation of refuge and migrant workers" talks about the vulnerability of migrant women working in female specific jobs: unskilled (cleaning etc) and skilled (teachers nurses). See: Dec 2016.

⁴⁷ Speech to the World Blind Women's Forum Melbourne Town Hall, Friday 17 November 2000 Susan Halliday, Sex Discrimination Commissioner and Acting Disability Discrimination Commissioner)

⁴⁸ CEDA Women in Leadership: Diversity and equity priorities, 16 November 2016
Brisbane, Queensland

⁴⁹ <https://www.humanrights.gov.au/working-without-fear-results-sexual-harassment-national-telephone-survey-2012>

⁵⁰ P McDonald and K Dear, 'Discrimination and harassment affecting working women: Evidence from Australia' (2008) 22(1/2) *Women's Studies Journal* p.29; R Illies et al, 'Reported incidence rates of work-related sexual harassment in the United States: Using meta-analysis to explain reported rate disparities, 56(3), 607-618.' (2003) 56(3) *Personnel Psychology* p.607; R Jackson and M Newman, 'Sexual harassment in the federal workplace revisited: Influences on sexual harassment by gender' (2004) 64 *Public Administration Review* p.705.

⁵¹ A LaMontagne et al, 'Unwanted sexual advances in Australian Workplaces: variations by employment arrangement' (Paper presented at the World Conference of the Promotion of Mental Health and the Prevention of Mental and Behavioural Disorders, Melbourne, 10-12 September 2008).

⁵² <https://www.humanrights.gov.au/working-without-fear-results-sexual-harassment-national-telephone-survey-2012>