



Australian
Human Rights
Commission

everyone, everywhere, everyday

Listening Tour Report

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*A report of the Listening Tour consultations in
2007-08*

Australian Human Rights Commission

Table of Contents

1	Foreword	4
2	Overview of Listening Tour findings.....	5
2.1	<i>The themes of the Listening Tour were reflected back to the Commissioner as central to the daily experience of gender inequality.</i>	5
2.2	<i>The themes of the Listening Tour represent a set of interconnected and interdependent issues that cannot be considered in isolation from each other.</i>	6
2.3	<i>Stark differences amongst women, based on race, disability, age, sexuality and socio-economic status, mean that a gender equality agenda must take into account disparate groups of women.</i>	6
2.4	<i>Attitudinal change is a central means of achieving long term gender equality</i>	7
2.5	<i>Listening Tour framework</i>	7
2.6	<i>Listening Tour methodology</i>	8
2.7	<i>Listening Tour events</i>	9
2.8	<i>Bibliography</i>	10
3	Theme One: Economic Independence for Women	11
3.1	<i>What is this chapter about?</i>	11
3.2	<i>Gender pay gap</i>	12
3.3	<i>Superannuation and retirement savings</i>	16
3.4	<i>Low paid work</i>	23
3.5	<i>Women’s workforce participation</i>	25
3.6	<i>Women and leadership</i>	29
3.7	<i>Sole parents and Welfare to Work</i>	31
3.8	<i>Housing</i>	32
3.9	<i>Education, skills development and training</i>	34
3.10	<i>Bibliography</i>	38
4	Theme Two – Work and family balance over the life cycle	40
4.1	<i>What is this chapter about?</i>	40
4.2	<i>Choice or constrained choices?</i>	41
4.3	<i>Flexible work practices</i>	43
4.4	<i>Availability of quality part time work</i>	49
4.5	<i>Sharing of unpaid work</i>	50
4.6	<i>Paid maternity leave</i>	52
4.7	<i>Parental and paternity leave</i>	55
4.8	<i>Child care</i>	57
4.9	<i>Carers</i>	59
4.10	<i>Hours of work</i>	61
4.11	<i>Job security</i>	62
4.12	<i>Bibliography</i>	64
5	Theme Three – Freedom from discrimination, harassment and violence	65
5.1	<i>What is this chapter about?</i>	65
5.2	<i>Sex Discrimination</i>	66
5.3	<i>Sexual harassment</i>	70
5.4	<i>Gender related violence</i>	75
5.5	<i>Trafficking</i>	82

5.6	<i>Bibliography</i>	84
6	Issues raised outside the themes	85
6.1	<i>What is this chapter about?</i>	85
6.2	<i>Age discrimination</i>	85
6.3	<i>Migrant and refugee women</i>	87
6.4	<i>Indigenous health</i>	88
6.5	<i>Northern Territory Intervention</i>	89
6.6	<i>Women in Prison</i>	91
6.7	<i>Women’s health</i>	92
6.8	<i>Men’s health</i>	94
6.9	<i>Gay, lesbian, bisexual and transgender issues</i>	96

1 Foreword

I am pleased to present the report of my Listening Tour, reflecting the major issues you shared with me as I travelled the length and breadth of Australia.

I became the federal Sex Discrimination Commissioner with the Australian Human Rights and Equal Opportunity Commission (HREOC) in September 2007. One of my main responsibilities as Commissioner is to promote gender equality in Australia as a human right.

Coming into this role, it was important to me that I listen to Australian women and men. I wanted to find out what you see as the major challenges we face in creating a fairer and more equal society. Of course, I had my own ideas and concerns, but my aim was to provide a genuine cross-section of the community with an opportunity to have their say on gender equality.

So, in November 2007, I began a nation-wide 'Listening Tour'. I wanted to ask the Australian public two big questions: How far have we come in our journey towards gender equality? And where should we focus our efforts into the future?

During the Listening Tour, I travelled to every state and territory, visiting cities, regional towns and remote communities. I also set up an online blog so that people could share their views in an alternative format. I met over 1000 people during the course of the Tour. I heard stories and experiences from factory workers, Aboriginal and Torres Strait Islander Australians, women's and men's services workers, refugees, academics, government ministers, investment bankers, gay and lesbian people, young women and older people, to name a few.

Women and men across the country provided their input on what I could do to make a difference.

The Listening Tour has greatly enriched my understanding of the lives and experiences of women and men across Australia. I also hope that it has been a positive experience for all those who have been involved.

I am delighted and proud to share the stories and experiences of the people I have met. I thank each one of you for your contribution. Your participation will help shape the agenda for my term as federal Sex Discrimination Commissioner.

Elizabeth Broderick

Sex Discrimination Commissioner and Commissioner responsible for Age Discrimination

2 Overview of Listening Tour findings

The Listening Tour had three key themes, identified by the Sex Discrimination Commissioner Elizabeth Broderick (“the Commissioner”) before the Tour as likely to guide her work towards achieving gender equality in Australia. These were:

- Economic independence for women;
- Work and family balance across the life cycle; and
- Freedom from discrimination, harassment and violence.

The three key themes resonated strongly with women and men in the Australian community. Overall, participants in the Listening Tour supported the continuing need for a national gender equality agenda, to achieve full and equal participation of women in all spheres of life. This report contains the stories, opinions and ideas of participants about how Australia can achieve full, and lasting, gender equality.

The aim of this report is not to provide a close analysis of what participants said, but to provide an accurate and respectful account of the contributions made during the Listening Tour.

2.1 The themes of the Listening Tour were reflected back to the Commissioner as central to the daily experience of gender inequality.

The stories told during the Listening Tour provide qualitative support to the quantitative research evidence around the three themes. These stories give a powerful human dimension to the statistics on women’s status in Australia; the struggle of men and women to balance paid work with unpaid caring work; and the ongoing problem of violence, discrimination and harassment against women.

Women reported on the barriers to their career progression and workforce participation, providing individual narratives to explain the under-representation of women in senior leadership positions. Many older women shared their anxieties of poverty in their later years, consistent with the statistic that half of women aged 45-60 have \$8000 or less in retirement savings.¹

Men and women expressed their difficulties in sharing work and family responsibilities, and their disappointment at the lack of a legislated paid leave scheme for parents. Men reported on the pressure that they felt to be the primary breadwinner within families and the long working hours that prevented them from sharing time and caring work with their partners, children and other family members.

Consistent with HREOC’s research showing that 41 per cent of women experience sexual harassment and 28 per cent of women experience it in the workplace,² many personal experiences of sexual harassment were shared, along with concerns that making a complaint would result in “career death”. Stories about the impact of long term violence on a woman’s ability to fully participate in the paid workforce were told, adding a personal dimension to statistics estimating the cost of domestic violence to business as \$500 million per year.³

2.2 The themes of the Listening Tour represent a set of interconnected and interdependent issues that cannot be considered in isolation from each other.

A key finding of the Listening Tour is the interconnectedness of each of the three themes. For example, pay inequity is a contributing factor to the gender gap in women's retirement savings. Pay inequity also influences decisions within families on how paid work and caring responsibilities are shared. The movement of women in and out of the paid workforce due to caring responsibilities is another factor contributing to the gender gap in retirement savings.

Structural barriers in the workplace prevent women from balancing their paid work and caring responsibilities, reducing their workforce participation and their economic independence. The same structural and cultural barriers prevent men from taking up a greater share of caring responsibilities. Violence, discrimination and harassment also impact on women's ability to engage in paid work, affecting their economic independence.

The interconnected nature of these issues means that examining and addressing one issue in isolation will not deliver the systemic change required to achieve full gender equality. Each issue needs to be considered in the context of its causal and connecting factors.

2.3 Stark differences amongst women, based on race, disability, age, sexuality and socio-economic status, mean that a gender equality agenda must take into account disparate groups of women.

It is important to note that although there were shared experiences amongst women who participated in the Listening Tour, there were also stark differences based on the intersection of gender with race, disability, age, sexuality and socio-economic status. For example, for Indigenous women in remote communities, the issues of primary concern were basic living conditions such as the ability to live safely, and access to housing, education or employment and health care.

For women in low paid industries, particularly those in female dominated sectors, better pay and basic workplace conditions such as tea breaks and access to toilets were highlighted as chief concerns. For refugee women, access to education and employment without the fear of racial discrimination was most important along with the need for social acceptance of cultural difference.

For women with disabilities, the ability to live safely and have autonomy over one's life decisions was noted as a critical issue, alongside the ability to access education and employment.

An effective gender equality agenda must recognise and illuminate the particular disadvantage faced by different groups of women, just as it must address the shared experiences of women as a whole.

2.4 Attitudinal change is a central means of achieving long term gender equality

A number of policy and project ideas were provided to the Commissioner to advance gender equality under the three key themes. Of them, the need for education to change attitudes and build skills was the most commonly reiterated. For example, education on salary negotiation was proposed in order to close the gender pay gap and increase women's economic independence. Educating the community on the value of unpaid work and educating employers and employees on effective flexible work practices were offered as suggestions to overcome the paid and unpaid work conflict. Participants also suggested that sexual harassment could be countered through education on its impact and cost.

Underlying these suggestions was a clear message from the community that gender inequality is a pervasive and deep rooted phenomenon that will not be successfully addressed without significant attitudinal change.

2.5 Listening Tour framework

The Listening Tour commenced in November 2007 and included consultations across every State and Territory of Australia before concluding in April 2008.

The aims of the Listening Tour were to test the validity of the proposed themes and to gauge whether there were other major issues that needed to be considered as part of the Commissioner's agenda and future work plan. An additional aim was to gather qualitative information about current issues and possible future action.

The objectives of the Listening Tour were to:

- confirm the Commissioner's priority issues as set out in the themes;
- highlight new issues and possible future action to feed into the Commissioner's strategic planning process;
- connect widely and build strong relationships with key stakeholders;
- build public momentum on the issues and on the role of the Commissioner and the Human Rights and Equal Opportunity Commission in addressing them;
- build the Commissioner's profile across diverse groups in the community, including those who may be marginalised in public debates to ensure a heightened role for these groups in the Commission's gender equality work;
- gather stories and case studies for media and other public work to improve public understanding of gender equality in practice; and
- build a virtual community around the issues of gender equality to strengthen collaboration and communication between disparate groups and individuals.

The guiding principles of the Listening Tour were participation, inclusion and diversity. For this reason, there was a specific focus on reaching marginalised groups including women with disabilities, Indigenous women, culturally and linguistically diverse women, women of diverse sexualities and workers from low paid occupations

and industries. The Tour included visits to metropolitan, regional and remote locations.

2.6 Listening Tour methodology

To meet the Listening Tour objectives a variety of consultation tools were utilised.

2.6.1 Open community consultations

These events were held in partnership with local agencies and advertised widely through email lists, websites and paper mail outs. The format of each consultation was to highlight the issues for each theme using statistics, show a video narrative of a personal story relating to the theme and then open up to participants to share their experiences and ideas. There was also time given for participants to raise other issues and put their idea forward on what the Commissioner should prioritise in her term.

2.6.2 Women's and men's focus groups

These focus groups were targeted to specific industries to meet the Listening Tour objectives. The focus groups were structured with targeted questions designed to draw out personal experiences, opinions and ideas related to the themes.

2.6.3 Service provider and community group meetings

The aim of these meetings was to seek community feedback on the three themes with specific reference to disadvantaged and marginalised views. Meetings were also held with specialist service providers to gain knowledge of particular issues raised in community consultations and focus groups.

2.6.4 Meeting with Ministers, Members of Parliament and government agencies

Meetings with Ministers, Members of Parliament and government agencies were held to brief the Commissioner on current government initiatives and planned initiatives relating to the themes of the Listening Tour. Opportunities for further collaboration were also discussed at these meetings.

2.6.5 Academic roundtables

The academic roundtables were designed to inform the Commissioner of any emerging research and policy issues relating to the Listening Tour themes. The roundtables were also a forum to discuss how HREOC could work collaboratively with researchers. It should be noted that the research included in the report is not an exhaustive literature review, but a summary of the research that was presented to the Commissioner during the Listening Tour.

2.6.6 Business roundtables

Employers were invited to provide feedback on the three themes through structured roundtables. At the roundtables, each theme was introduced and a video was shown to illustrate the issues. Then participants were invited to share their experiences and ideas for addressing the issues.

2.6.7 Interactive website with blog

The website was designed to allow members of the public to contribute to the Listening Tour themes online. The website contained information about the Tour, a blog, case studies and regular diary entries from the Commissioner outlining her findings and raising new issues as the Tour progressed.

2.6.8 Communications and media

To meet the objective of raising the Commissioner's profile and building public momentum for the Listening Tour themes, a communications and media strategy was developed to support the physical Tour. This included opinion pieces in relevant newspapers and interviews with a diverse range of national and local media.

2.7 Listening Tour events

As part of the Listening Tour, 90 events were held between November 2007 and April 2008 with an estimated total of 1000 participants. In addition, 128 people contributed to the Listening Tour through the blog, and 39,612 viewers read the Commissioner's Listening Tour diary from its establishment in November until the end of April, with a total of 66,826 hits.

The Commissioner and staff visited each state and territory, as follows:

<i>Date</i>	<i>Location</i>
<i>26 Nov – 30 Nov</i>	<i>South Australia</i>
<i>03 Dec – 07 Dec</i>	<i>New South Wales</i>
<i>11 Dec – 14 Dec</i>	<i>Tasmania</i>
<i>21 Jan – 25 Jan</i>	<i>Victoria</i>
<i>28 Jan – 01 Feb</i>	<i>ACT</i>
<i>17 Mar – 21 Mar</i>	<i>Western Australia</i>
<i>25 Mar – 28 Mar</i>	<i>Northern Territory</i>
<i>21 Apr – 24 Apr</i>	<i>Queensland</i>

2.8 Bibliography

Human Rights and Equal Opportunity Commission, '20 Years On: The Challenges Continue, Sexual Harassment in the Australian Workplace' (2004)

Kelly S, 'Entering Retirement: the Financial Aspects' (Paper presented at the Communicating the Gendered Impact of Economic Policies: The Case of Women's Retirement Incomes, Perth, 12-13 December 2006)

VicHealth, 'The health costs of violence: Measuring the burden of disease caused by intimate partner violence' (2004)

3 Theme One: Economic Independence for Women

3.1 What is this chapter about?

I'm a mother who has been out of the paid workforce for two years and will probably be for the next 4 years, until my children are ready for pre-school. My return to work will probably be on a part-time basis and I will probably have to re-start my career after so many years out so I don't expect that I will earn very much. I never thought this would be the case - I studied for many years, earned a higher degree, worked overseas and then started my family...I can't see how, after this time out of the workforce, my earnings will ever come close to my partner's. I dread to think of how I will ever manage if I have to rely upon my meagre superannuation contributions in retirement.⁴

Achieving economic independence for women has been at the core of the vision for gender equality across the globe. Economic independence is about expanding the capacity of women to make genuine choices about their lives through full and equal participation in all spheres of life. It is about recognising women's work, paid and unpaid, as valuable, both socially and economically. It is about having policies and systems that value and celebrate women's contributions, and reflect the reality of women's lives.

Currently, women working full-time earn 16 per cent less than men who are working full-time.⁵ The gender pay gap is even greater when women's part-time and casual earnings are considered, with women earning two thirds what men earn overall.⁶ The reasons for this pay gap are complex. Women are more likely to be working under minimum employment conditions and be engaged in low paid, casual and part time work.⁷ Australian women are particularly over-represented in industries with high levels of casual work such as retail, hospitality and personal services.⁸

The gender pay gap has a number of critical flow-on effects. Pay inequity is often cited as a major factor determining how paid work and family responsibilities are shared. Women, having earned less than men and carried the lion's share of unpaid work, have significantly less retirement savings compared to men. Current superannuation payouts for women are one third of those for men.⁹ Almost 50 per cent of women aged 45 to 59 have \$8000 or less in superannuation savings.¹⁰

By focusing on economic independence for women, the Commissioner sought to understand how contemporary Australian women are faring in various aspects of their financial lives. Do women feel financially secure? Does this change over the lifecycle? How do these experiences vary amongst different groups of women? Most importantly, what can be done to ensure financial security for women?

This chapter contains a summary of the key issues raised during Listening Tour under the theme of Economic Independence for Women.

The chapter is structured as follows:

What we heard: This section is a summary of the key points made under each sub-issue, illuminated by personal stories and opinions.

Research and literature: This section summarises research that is relevant to each sub-issue. It should be noted the research included in the report is not an exhaustive literature review, but a summary of the research that was presented to the Commissioner during the Listening Tour.

Policy and project ideas: Listening Tour participants provided their ideas to the Commissioner on what could be done to address the various issues under this theme. Some suggestions are for the Commissioner and HREOC to consider and others are for government or other relevant bodies, but which HREOC could potentially support.

3.2 Gender pay gap

3.2.1 What we heard

Participants in the Listening Tour largely recognised closing the gender pay gap as central to achieving economic independence for women. A number of points were raised under this issue, including: the overrepresentation of women in low paid industries; the experiences of women working in male dominated industries; women's experiences of individual negotiations of pay; and the impact of pay inequity on personal decisions.

Work that is characterised as 'women's work' is undervalued

A key problem underpinning the theme of economic independence for women is the lack of value ascribed to the work that women do. Although Listening Tour participants cited examples of more women entering non traditional fields, many participants pointed to the fact that what is seen as 'women's work' remains undervalued both in monetary terms and social status.

One participant in the Canberra Community Consultation said:

I work in vocational education. Here the TAFE system in the ACT and in Australia is gendered. Women choose to do courses that mostly women study – aged care, beauty, community care, hairdressing, mental health work etc. Most of these are lowly paid too. We need more effort to get women into the non-traditional areas.¹¹

A woman working in the child care sector drew attention to the complex set of skills required in her work and the social benefit of high quality care for children. She pointed out that the pay and status of workers in this sector fails to acknowledge the skills required or the benefits returned:

The amount of pay is incredibly low and the work is undervalued. Caring for children should be valued in our society but we are invisible.¹²

Women in the female dominated aged care sector also told us that there was little prospect of any pay progression, however long they worked or gained experience.¹³

Some participants said that in female dominated industries, men had a greater chance of promotion, further contributing to pay inequity within those industries.¹⁴ One participant used the nursing sector as an example, pointing out that while men and women are paid the same, men “track up the ladder quicker into management which pays more”.¹⁵

One woman sought to explain why women are over-represented in low paid industries:

Women are clustered in lower-paid jobs due to educational choices, perceptions of ‘women's work’, and women's family and caring responsibilities. The average weekly earnings of men and women will not be the same unless men and women share family responsibilities equally; and this will be a long time coming.¹⁶

A woman working in a male dominated industry remarked upon the social attitudes that underpin pay inequity, pointing out the stereotype that women “can’t earn more money than a bloke” and also that women tend to undervalue themselves, thinking “I can’t do as much as a bloke so I shouldn’t earn as much.”¹⁷

As a solution to closing the gender pay gap one participant at the Adelaide community consultation said that “part of it is changing the idea of what sort of work boys do and what sort of work girls do”.¹⁸

There are still significant barriers to women working in male dominated industries

Both women and men working in male dominated industries recognised the barriers facing women working in these industries, based on assumptions about what is ‘women’s work’ and what is ‘men’s work’.

One woman spoke of her experience working in a male dominated industry:

I think there is a big difference in the [mining] industry in terms of jobs for women and jobs for men. You don't see any women working in hydrators or operations. Men still have the mindset that this is really a job for men. They will say, “You don’t want to do this”. I applied for a job in plant services and they just took me out of the running because they thought you don’t really want to do that.¹⁹

Another woman noted the physical features of her workplace as gendered, pointing out that there is a “huge” amenities block for the men and a “tiny cubicle” for the women.²⁰

A man working in a male dominated industry described how certain expectations made his a “male” workplace, including the view that “boys do it better” and “that you’ve got to be 6 foot 2, and size 14 shoes” to do the job.²¹

A male participant working in the banking and financial sector argued that it is women’s lesser commitment to the job that explains the under-representation of women in senior positions:

What proportion of women would find banking and finance something they want to do over a lifetime? The girls, they learn the skills from the business they’re in, and then they go away and travel. How many are committed enough to be doing the books unless they’re in a really good role that is interesting? The industry we are in can be

pretty boring. From a male perspective is there a greater incentive to continue to earn and progress in the career train versus different drivers for women.²²

In response to a question about whether the structure of work presents a barrier to women's participation one male participant argued that it did not:

[I]t's an industry thing, perhaps because [financial work] interests males more than females...I don't think you can get away from women being more interested in nurturing etcetera and men more interested in figures...The girls are good on the front line, that's where we make our money. They have strengths that males just don't have.²³

Women are not faring well with individual negotiations for pay and conditions

The gendered difference in negotiation of pay and conditions was raised as a contributing factor towards pay inequity. Participants commented on women's tendency to undervalue themselves and trade off pay for family friendly conditions, as well as the undervaluing of women employees by their employers.²⁴

One woman commented on the different negotiation styles of men and women:

Women are conditioned to put themselves as the last option, always putting themselves last. It is a huge issue to assert yourself around money. Men communicate with arrogance, but women are emotive and it doesn't work in the negotiating room. We do undervalue ourselves. But if you do negotiate well you are up against someone who doesn't value you, usually a man and so you still lose out. Women use evidence to build a case but men just go in with themselves.²⁵

Employers also recognised this matter as an issue for closing the gender pay gap, although some note that it is changing for younger women:

Men are [more] likely than women to come out and say I want more money. Women are more likely to hope they get praise or a pay rise. Unless they talk to each other and realize that it isn't fair and others are getting more it doesn't get fixed. Younger women are better at it.²⁶

Some people pointed to the introduction of WorkChoices and Australian Workplace Agreements as a factor in increasing the gender pay gap. One participant commented that the abolition of the "no disadvantage" test "has meant that women's wages have gone backwards."²⁷

A women's service provider commented that women generally fare better under collectively bargained agreements:

Women generally aren't as outspoken and assertive as men in negotiating their pay and conditions. If you look at AWAs the pay gap is bigger [than in certified agreements]. If you are a woman ... struggling to get back into work, you are unlikely to be asking for paid maternity leave or time off for school holidays.²⁸

One woman noted that for women from culturally and linguistically diverse backgrounds, the individual negotiation process could be more difficult:

It is possibly worse for migrant and refugee women. Culturally, we don't feel we can negotiate for pay. It's very rare.²⁹

A participant in a focus group said that when women are more assertive or “masculine” in a negotiation they are labelled as “hard” or a “lesbian”. Despite this, she said that she “goes in hard” when negotiating and “tells [the employer] what [she’s] worth”.³⁰

Pay inequity is influencing choices about paid and unpaid work within families

Many women and men said that decisions about sharing paid work and family responsibilities are borne out of financial necessity; they are largely determined by who has the greater earnings or earning potential in the relationship.

One man recounted his own experience:

Doing the sums of child care can make it more economical for my wife to stay at home because she earns less than I do.³¹

One service provider noted that closing the gender pay gap is critical for creating an environment where men can undertake greater caring responsibilities:

More and more blokes want to care for their children, but financially they are not making that decision because men are earning more. They are the breadwinners. If you do equalise women and men’s pay it will create opportunities for men to do that.³²

3.2.2 Research and literature

The following research projects were brought to the attention of the Commissioner during the Listening Tour.

Institutional effects on pay equity and pay inequity in emerging industries

Meg Smith at the University of Western Sydney is currently undertaking research in the area of gender pay equity and institutional explanations for the undervaluation of feminised work. Her research sets out to highlight the influence of industrial relations institutions in the shaping of pay inequity. Her more recent collaborative research projects have focused on the production of pay inequity in newly emerging industries and occupations, as well as the development of a methodology for better recognition of the skills in service work.³³

3.2.3 The gender pay gap in Western Australia

This independent review of the gender pay gap in Western Australia (WA) was commissioned by the WA Minister of Employment and Consumer Protection.³⁴ The report covers recent research dealing with the gender pay gap, the capacity of the State Wage Fixing Principles to close the gap, the efficacy of voluntary strategies, the role of the *Minimum Conditions of Employment Act 1993 (WA)*, and strategies for training. The report points to WA as having the largest gender pay gap of any state or territory in Australia. This gap has economic, social and political consequences for individuals, business and governments. The report identifies a number of causal factors contributing to the gap including: the nature of jobs and the type of employment in which women are concentrated and the lower level of earnings associated with these jobs; the value attached to jobs and skills associated with female labour; entrenched social norms that impact on wage determination; barriers

to women juggling paid work and caring responsibilities, and the deregulation and decentralisation of wage determination.

3.2.4 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. Consideration should be given to a differential tax rate for women and men in recognition of the gender pay gap and women's role in caring for children.³⁵
2. Skills in salary negotiation should be taught at university.³⁶
3. There should be an inquiry into work value examining why is it that the care industries are viewed as 'unskilled' and considering the value of part time and flexible work.³⁷
4. Pay equity clauses should be included in work agreements.³⁸
5. Increase minimum wages and conditions and make sure they are enforced.³⁹
6. Aim to close the gender pay gap for Average Hourly (Non-managerial) Earnings. This will require an overhaul of industrial relations guidelines, perhaps as part of the revision of WorkChoices, so that women's work is valued equally.⁴⁰
7. Service industries should be provided with guidelines, possibly enforceable, for how employees should be paid, depending on experience, and on training requirements for staff. These industries employ many women, often as casual employees, and may not increase the pay of employees as they gain experience nor provide training for better-paid positions.⁴¹
8. Reporting requirements under the *Equal Opportunity for Women in the Workplace Act 1999* (Cth) should be expanded from employers of 100 or more employees to include employers of 50 or more employees.⁴²

3.3 Superannuation and retirement savings

3.3.1 What we heard

The gender gap in retirement savings and superannuation resonated strongly as an issue with participants in public consultations and focus groups. Many women identified with our case study, Margaret's story, which described a woman who moved in and out of paid work due to caring responsibilities, and was required to move out of her house due to financial pressures later in life.⁴³ Stories about older women living in poverty due to minimal retirement savings and the inadequacy of the age pension were common. Young women commented on their lack of awareness about the importance of superannuation. Some women reported using the co-contribution scheme, designed by the federal Government to support low income workers, while others could not afford to make the contributions that would garner matching government funds.⁴⁴

Women are justifiably anxious about living in poverty in later years

Many women identified strongly with Margaret's story, revealing their own anxieties about their retirement savings and identifying the lack of societal value placed on unpaid work as an explanation for their vulnerable financial status.

One woman from Hobart shared her story:

I'm in a similar situation to Margaret and I have anxiety too. I was in the paid workforce which I left five years ago to care for my disabled husband. I'm a nurse and with nursing comes extreme pressures. It's a double whammy with pressure because of the type of work and [the] pressure of [the] caring role. [The future of [my] work is an on-going financial issue for me, like Margaret. I just downgraded to a shack and without my faith I would not be here. When family is unwell, women can't work and we have to remember that many may not always wish to work.⁴⁵

A 60 year old woman from Canberra also expressed her anxiety:

I am freaking out about retirement. After three months in hospital and enormous medical bills I had to start again.⁴⁶

A union official highlighted the financial pressures that prevent women from contributing extra payments towards their superannuation:

The first priority for people is to pay back the HECS debt, then to pay for a house. It's very difficult to get people to contribute to superannuation. Many women who are eligible for [the government] co-contribution [scheme] cannot afford to co-contribute so women have actually missed out on this incentive. Many women have an income so far behind the threshold that they are not getting the breaks.⁴⁷

The increasing casualisation of the workforce, and women's overrepresentation in this kind of work was also noted as a contributing factor to the gender gap in retirement savings with many women earning below the threshold for the co-contribution scheme.⁴⁸

Women working on farms were seen to be particularly vulnerable to poverty in later years with all joint assets tied up in the farm, leaving women with no financial security if they separate from their partners. In regional South Australia one woman noted:

In relationships there seems to be an unconscious transition towards being totally dependent on the other party. On the farm, tradition sees farms left to boys in the family or in a marriage the farm is often not in her name. Everything is in the name of farm and all money and assets tied up in the farm. If the couple splits, the women usually end up with nothing.⁴⁹

One man argued that the gender gap in women's superannuation gap is to be expected and should be compensated for by women's financial choices early in life:

[Women w]ill always have an interruption to [their] earning capacity ... but you would have hoped they'd make better use of an earning period of time before starting a family.⁵⁰

Women's past exclusion from superannuation schemes is still impacting on their retirement savings

One woman reminded us of the history of women's exclusion from superannuation schemes, which is still impacting on some groups of women:

When I worked years ago men could join the super fund but women couldn't. My husband said, "Don't worry about super because you'll be leaving [the paid workforce] soon". Then my marriage fell apart and I was left with no superannuation because all the money had gone into the house instead. I left after 15 years in the paid workforce with nothing, no superannuation, a bit of long service leave. I didn't get the same wage as the males yet I was expected to take on more secretarial work. That is the way the work was structured. Everyone worries about retirement savings but let's remember we were not invited to join the super fund until 25 years ago.⁵¹

One participant said that past superannuation rules and indirect discrimination against women has left many women with no choice but to extend their working lives:

I think so many of the grandmothers are working to a far greater age than they were before. [In the past, e]very time you got pregnant, you got your superannuation paid out. There was no compulsory superannuation, so you only got to do it by invitation.⁵²

Another woman pointed out the effects of multiple hurdles for some women, of past exclusion from paid work and superannuation combined with health issues:

I'm seventy three, was a teacher, had superannuation, then got married and had to retire. When I rejoined teaching after 10 years, I could get superannuation. But some couldn't get it because of health. That was thirty years ago, and so now, they are not able to live on the money that they have.⁵³

Women's work as carers is not socially and economically valued

Participants said that linking superannuation to paid work sends a strong message that unpaid caring work is not valued by society.⁵⁴ There was a strong view that the system needed to reflect the value of unpaid work to society.

Many women pointed to the lack of social and economic value placed on unpaid work.

[Margaret's] story resonates very strongly. What are the factors impacting [on women's poor financial status in retirement]? Public discourse doesn't value women's work. [There is n]o economic value [put] on homekeeping or mothering. We are told we don't work because we are not in paid work. Women like Margaret do the best that they can do -- sending her son to university despite her personal costs. But what are the costs to society?⁵⁵

Some participants raised concerns about the superannuation system being linked to paid work, thereby disadvantaging unpaid carers:

We need to recognise unpaid carers – what about their superannuation? The policy of human rights needs to also focus on people who are not in paid work. We are talking about one in eight Australians.⁵⁶

Women are working longer to accumulate adequate retirement savings

Many women said that they were working longer to support themselves financially in retirement. This is impacting on the health and wellbeing of older women who find themselves under pressure to earn an income to pay for housing and other living expenses.

One woman shared her story of needing to work much longer in an attempt to secure her financial future:

As a baby boomer approaching retiring age and having spent most of my years raising children, I have very little hope of retiring and will need to work for as long as possible. I will not be independent financially. Many women I know are the main income earner, sometimes this will be off farm income in order to maintain the family farm and lifestyle due to drought or because they may have a husband with a disability. The pressure is really on women who have not been high income earners and the outlook for the future is bleak. I see many tired women who are working fulltime, supporting husbands and trying to be a helpful grandparent.⁵⁷

One contributor to the Listening Tour blog explained the health impact of working long hours to meet her loan repayments in retirement, highlighting the inadequacy of the age pension:

Because I was unable to access superannuation funds through my work in earlier years I had to return to work at the age of 66, because I found it was impossible to maintain a house on my own and pay service bills etc. on the old age pension. I am now 72 [years] old and still working. I took out a \$40,000.00 Home Equity loan (like reverse mortgage) ... before I was able to re-commence working. This loan is now charging 9.5% interest (compounding) and if I don't keep on working to pay the interest the bank will very quickly gobble up my home. I love my work and am dedicated to it - but long hours are having a deleterious effect on my health and the constant worry of not being able to meet the greedy interest rate payments is very stressful. ..Paying [a loan] back, out of a pension, is impossible - and women don't realise this until they have been forced in to the situation of using their only asset to try to achieve a liveable income.⁵⁸

Women are also working longer to help family members with their living expenses and are unable to save for their own retirement:

I talk to many women who can't retire when they thought they were going to be able to because of family transmitted debt. They are supporting kids through university and helping kids with a mortgage. With the cost of housing and university studies, older women can't save for their own retirement.⁵⁹

Employers also noted the rising trend of people staying on to work because they "haven't got a retirement nest egg built up".⁶⁰

However, not all women are able to supplement their retirement income by extending their time in the paid workforce. One participant highlighted the pressures on women between 40 and 60, who "have to leave the paid workforce because of caring for parents, and for grandchildren as well" which limits their retirement savings.⁶¹

There are mixed views about the adequacy of the age pension

There were mixed views about the age pension with many women bringing attention to the inadequacy of the payment while others looked forward to being able to receive it. One participant in the Brisbane community consultation reported that older women on the pension are really struggling financially, particularly with the rising cost of living.⁶²

A representative of the Women's Action Alliance (Victoria) raised her concerns about the adequacy of the age pension, particularly for single women:

I would like to draw your attention to the financial plight of single age pensioners, mostly women. On the death of a spouse, the age pension is slashed by 40 [per cent] even though their normal living costs barely change and may in fact increase.⁶³

This view was echoed by another service provider at the National Women's Secretariats in Canberra, who pointed out that "costs are fixed whether you are on a single or shared pension".⁶⁴

A contributor to the Listening Tour blog raised her concern about the tax disincentive to work while on the pension:

A single, age pensioner who does not own a home and must pay rent, simply cannot live on the pension. However, if you work, you lose 40 cents (like a tax) on every dollar you earn above \$62 per week.⁶⁵

One woman brought attention to an issue of inequity in access to the pension for Indigenous women:

Given the shortened life expectancy for Aboriginal women, there is an issue around access to the age pension and superannuation.⁶⁶

A representative of the Older Women's Network in NSW suggested that the age pension could be the first time a woman receives independent income, allowing women in abusive relationships to leave their partner:

Many older women don't have super or savings. Retirement is a difficult time for those only on the pension. But the pension is equal between men and women. This allows those in abusive relationships to leave their partner after retirement as they have their own funds to live independently because they will be able to have access to money for the first time in their lives.⁶⁷

Some women working in low paid factory work said that they were looking forward to receiving the pension and wished that it would be available sooner:

It's not fair that women can only retire at 65 to get the pension. When we got older, we don't have the energy to do the hard work. The work that we do is heavy like cleaning.⁶⁸

Young women need increased education about superannuation

The need to educate young women about financial security and superannuation was raised a number of times throughout the Listening Tour as a way of redressing the gender gap in retirement savings.⁶⁹

One young woman spoke of her superannuation situation:

I don't even know who my super fund people are.... I know I've got about eight or nine different funds all around the place. And I got a letter at one point saying, "you've got money here". I'm like, "who are they?" And I've had letters saying, you had 500 dollars but because your scheme hasn't been used, we're taking that in admin fees.⁷⁰

In recognition of this issue, Unions ACT ran seminars for young women about superannuation and about combining jobs and Centrelink payments. They were targeted mainly to women working in low paid industries.⁷¹

One woman supported broader access to financial advice in a blog entry:

[We need a] network of government-funded financial advisers who could analyse a woman's situation and advise her on how to organise her affairs in order to maximise her income in old age. The advisers would preferably be women with good communication skills (that is, who can put a case in plain English and make sure the client understands it). They would not recommend specific investments as commercial advisers on commissions do; rather, they would list the pros and cons of various alternatives. Such a system would:

1. inform women of their entitlements to government funding
2. enable them to maximise the return from funds/investments they control so as to obviate the need for government assistance; and
3. could help protect them from financial scams.⁷²

3.3.2 Research and literature

The following research projects were brought to the attention of the Commissioner during the Listening Tour.

Women's access to superannuation and retirement savings

Diana Olsberg reported on her research of the last twenty years examining women's access to superannuation and retirement savings. Although her earlier research influenced the policy of removing explicit discrimination in the superannuation system, her recent research has demonstrated that there is still a level of implicit discrimination due to the occupation-linked nature of the system. She is now doing work on ageing and housing and her research has identified female renters as in the most financially vulnerably position.⁷³

Women in Social and Economic Research (WiSER) at the Curtin University of Technology, Western Australia, have a strong research focus on the gender gap in retirement savings.⁷⁴ In particular, recent research conducted by Therese Jefferson highlights how Australia's superannuation system poses particular difficulties for women who have broken patterns of paid employment and relatively low wages. Economic simulations show that women in the baby boomer cohort will spend around 35 per cent less time in paid employment than their male counterparts. This will translate into a gender gap in compulsory accumulations of a similarly large magnitude. In addition, interview based studies reveal that many women are uncertain about how to save for retirement. For some, the problem is having too little money to participate in a savings scheme, while for others there is a real concern with 'how to get started'.⁷⁵

Financial literacy

This report, by the Victorian Women's Information and Referral Exchange, is based upon research involving over 300 women through a web based survey, focus groups and interviews.⁷⁶ The study sought to ascertain how Victorian women self assessed their financial literacy levels, and how these levels can be improved. The research found that for women, emotion, money and family were interconnected. Women were found to be generally fearful about money and there is a lack of confidence about how to access the financial market.

3.3.3 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

Superannuation

1. A lump sum superannuation payment should be paid on the birth of a child, paid directly into a superannuation so that women will earn compound interest on the money.⁷⁷ Alternatively, some of the baby bonus could be put into a superannuation fund.⁷⁸
2. People who are getting welfare benefits should get an additional payment towards superannuation.⁷⁹
3. Educate girls at the school level about the importance of superannuation for financial security.⁸⁰
4. Employers could include an extra contribution to superannuation as part of a bonus or pay rise, benefiting both the employer and employee because of tax benefits.⁸¹
5. Adopt a national goal of achieving a universal basic income with superannuation.⁸²
6. Rethink the assumptions on which the current superannuation model is based. Instead of basing superannuation schemes on a man working full time for 35 years, increase the minimum contribution and reflect the casual and broken working patterns that are the reality of working lives.⁸³
7. Women should be able to contribute money towards superannuation when they are outside of the paid workforce undertaking caring responsibilities.⁸⁴

Age pension

8. The adequacy of the single pension needs to be reviewed as a measure to address the gender gap in retirement savings, with a view to increasing income for single aged pensioners without other income.⁸⁵
9. Age pensioners should be allowed to continue in work and earn the equivalent of the age pension, "not as a passive income from investments ...but as a productive, intelligent contributor to productivity".⁸⁶

Financial advice

10. Specialised financial planners are needed who will deal with specific issues facing women and who are not commissioned.⁸⁷

3.4 Low paid work

3.4.1 What we heard

For women in low paid work, adequate pay and conditions were of paramount concern. Women of Asian backgrounds working in highly casualised factory work raised the issue of poor hourly rates, with minimum conditions and little prospect of pay progression. Many women working in a range of low paid jobs do not get work breaks, annual leave or sick leave. Some women described a lack of simple measures in their workplaces, such as air-conditioning or a place to sit, that would make their working conditions more comfortable. Women who work from home in the clothing manufacturing industry get paid per garment with no superannuation.⁸⁸

Women, particularly migrant women, need more support and assistance over workplace issues

The Asian Women at Work Group highlighted their concern about the lack of formal support and assistance available to migrant women workers:

Many migrant women have no idea about where to go for information and assistance on issues we face in the workplace. Some women assume there is nothing they can do. Some women are used to enterprise unions and so if there is no union in their workplace they believe there is no union that can assist them. Some women do not know there are laws to protect them. Sometimes it is our English class teachers that we go to for help, but they often don't know where we can go for help either.⁸⁹

Women in low paid work need stronger minimum workplace conditions

Workplace and employment conditions were also primary concerns for workers in the aged care sector, a female dominated workforce. For example, women raised their concern about the lack of staff to patient ratios, which impacted upon their work intensity, stress and the quality of care. Time pressure and long hours were also identified as concerns with the example provided that workers often only had six minutes per patient every morning to get each person fed, washed, dressed and ready. This was because each worker was required to attend to 30 patients. Some women will often take on supervisor duties which require significantly more work for an extra \$1 a week.⁹⁰

Women working in the aged care sector reported having little control over their hours of work. Many were employed as permanent part time, but working full time hours. These women explained that employers were reluctant to make them permanent full time because they didn't want to guarantee the extra hours. Women reported that if they are asked to work extra hours the onus is on them to request overtime rates. Otherwise, it is assumed that the employee agreed to work extra hours at the same rate and overtime payments are not paid.⁹¹

One woman shared her experience of low pay and her difficulty in finding better quality work because of her age:

It is difficult to get more quality work because [I am] getting older. I am only getting \$5 per hour, making uniforms at home. I asked my boss for a pay rise and [got] a rise [of] 20 cents per garment. I only get \$5 per hour – I can do 25 garments an hour and I only make a piece of each garment. I don't get a pay slip.⁹²

Women on '457' working visas are particularly vulnerable workers

The Women's Employment Rights Project (WERP) at the Inner City Legal Centre voiced their concern about the conditions of women working on '457' visas.⁹³ They reported that these women often do not have workplace protections and are on statutory salaries under Australian Workplace Agreements with poor working and living conditions. Women on these visas are often unable to question their employer or make a complaint out of fear of their sponsorship being cancelled. This problem has been reportedly occurring mainly in the nursing industries.⁹⁴

3.4.2 Research and literature

The following research projects were brought to the attention of the Commissioner during the Listening Tour.

Causes, effects and responses to low pay in Australia

Helen Masterman-Smith and Barbara Pocock from the University of South Australia reported on their Low Pay Project which examines the dimensions, causes, effects and responses to low pay in Australia through quantitative and qualitative research.⁹⁵ The research identifies the characteristics of low paid work such as poor wages, limited control over hours of work, occupational health risks and a weak negotiating position. The research also exposes the impacts of low paid work such as financial and time poverty, poor health and psycho-social issues.

Women in the aged care sector

Sarah Kaine from the University of Sydney is currently conducting doctoral research examining employment relations in the aged care sector. Women make up 94 per cent of the caring workforce, so the research has a specific gender component. Her research has found that there has been an influx of migrant women from the garment industries and women falling under the Welfare to Work regime for entry level positions such as personal care assistants. She concludes that 'care' work continues to be 'invisible' and a possible explanation for this is the high representation of women in this sector.⁹⁶

WorkChoices and women in low income employment

Research conducted by the Women and Work Research Group at the University of Sydney examines the impact of WorkChoices on low paid women in New South Wales, and with a larger group, across Australia.⁹⁷ Amongst the findings of the research was that Work Choices was lowering wage rates, lowering employment security and reducing women's capacity to schedule hours. This was increasing dependence upon family members, male partners and welfare payments. The research showed that loss of control over hours directly undermined women's capacity to have a say over the balance between work and care in their lives. The researchers recommended that consideration be given to arrangements which would give women some capacity to control scheduling of hours. The system was especially difficult for women co-managing 'welfare to work' and WorkChoices.

Another report, published by the Centre for Work + Life at the University of South Australia, summarises the impact of WorkChoices on 120 Australian women in low paid employment.⁹⁸ The report, based on in-depth interviews, examines issues such as the workplace climate, pay and conditions, job security, work and family balance and pay equity. The report concludes that the system of WorkChoices is unbalanced and has a detrimental impact on women. A key recommendation of the report is to reinstate the right to unfair dismissal action.

3.4.3 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

Education and information

1. Provide funding for Working Women's Centres and similar specialist centres as resource places for migrants to get information and assistance on their rights and responsibilities at work.⁹⁹
2. Provide education for low paid workers about rights, standards, responsibilities and Occupational Health and Safety.¹⁰⁰

Minimum workplace standards

3. Develop a Workplace Standard for acceptable and unacceptable workplace culture including practical measures such as access to toilets when needed, provision of toilet paper and facilities to prepare and reheat food; through to measures to overcome bullying and racial discrimination and promote cultural and religious acceptance.¹⁰¹
4. Reinstate much broader minimum protections in the workplace to ensure wages and conditions are secure.¹⁰²
5. Repeal Work Choices and strengthen the award based industrial relations system to provide for adequate pay and decent working conditions including adequate minimum wages.¹⁰³
6. Introduce staff to patient ratios as part of the accreditation process for the aged care sector.¹⁰⁴

3.5 Women's workforce participation

3.5.1 What we heard

Paid employment was seen by participants as crucial for building women's economic independence. On the question of women's workforce participation one woman said:

I definitely see paid employment as important for building economic independence. Gone are the days where the male controls the money. More often women have their own bank accounts where we control our own money.¹⁰⁵

However, Listening Tour participants identified a number of barriers that exist for women's participation in the paid workforce, particularly for marginalised women, women in regional and remote areas and women returning to work after pregnancy.

Employers have also identified attracting and retaining women workers as an important business issue, particularly with the increasing skills shortage. One

employer commented that currently a “serious talent pool gets excluded” which needs to be addressed in the interests of a thriving economy.¹⁰⁶

Women’s work decisions are influenced by their social and professional development needs

An important point raised in a number of community consultations and focus groups was the motivators for women’s workforce participation. A number of women said that paid workforce participation was an important aspect of their identity, provided a social network and allowed them to continue to develop professionally.

One man told the story of his partner’s workforce participation:

My wife is the country manager for a software house. We had the option that either one of us could step out [of] paid employment for a period of time. But ... she loved the work, she enjoyed her work We had a routine where I would get up and get the kids ready and get them to day care and then my wife would basically pick them up in the afternoon. There wasn’t really a purely financial decision, it was more around she would have gone mental ... after only a couple of months and going from a fairly high powered role to sitting at home, she was missing the interaction.¹⁰⁷

Women face barriers to continued workforce participation after a break to care for children

Many women commented on the difficulty of re-entering the paid workforce after a break to care for children. Issues raised included the availability of work at the same level, control over the hours of work, lack of family friendly workplace policies and the need for skills development.¹⁰⁸

One woman noted:

After children, women lack confidence to get back into the workforce, they have low self esteem, and [a lot has] changed since they were at work. We need to work on developing skills in return to work cases.¹⁰⁹

Another woman explained the experience of her social network in finding work at the same level after pregnancy:

I have a lot of friends who are professional women and who have had children. Overall, many are having trouble reengaging into work at the same level after having a baby. In most cases they have to take a step back to be able to find a job that fits in with their caring responsibilities. This is different for men at the same level.¹¹⁰

There is a significant lack of opportunities for women in regional and remote areas

There was a clear message from women in regional and remote areas around the lack of opportunities to participate in the paid workforce. Other barriers to workforce participation in regional and remote areas include limited transport options and a lack of training and development opportunities.

One participant from a community consultation in regional South Australia commented on the experience of women in her community:

Young women with qualifications in maths and science get married to farmers but then find down the track that they can't get jobs in rural areas. They are in love and yearn for a career but can't have one. Then there's a frustration at the lack of opportunities. For many, they have to travel long distances such as one to two hours drive for jobs that are below their skills level. So they retrain or take a low paid job.¹¹¹

Women in Launceston, Tasmania recounted a similar experience:

There is also the issue for women trying to re-enter the workforce. So many of us are in service industries because of the lack of [other] opportunities. Skilled women are going back into the workforce after having children but working in jobs that don't use their skills because those positions aren't available in regional areas.¹¹²

A participant in a men's focus group said that women's inability to find appropriate work put increased pressure on men in regional areas to be the primary breadwinner. Asked if there was one thing the Commissioner could do to make a difference one man suggested "more casual jobs for women so they can earn more money and go back to work and take the pressure off."¹¹³

In remote communities, training and employment opportunities are extremely scarce. One issue is the lack of infrastructure to support training, education and employment. One woman in Fitzroy Crossing proposed a community 'shed' to allow women in the community to develop skills and start their own initiatives such as jewellery making, cooking and child care. She said that many women are bored and looking for opportunities.¹¹⁴

There are specific barriers to workforce participation for immigrant and refugee women

Immigrant and refugee women indicated a number of specific barriers to workforce participation. These include the recognition of overseas qualifications, access to training and development and access to English classes. Race discrimination was also a common barrier to workforce participation.¹¹⁵

When asked whether she would like to find a better job, one female factory worker of Asian background said:

Yes, I would. I wish that I could improve my English, and learn computer skills. I am over 50 but I still have time. I am not in the dark.¹¹⁶

One service provider stressed the need for better access to English classes as a precursor to finding paid employment:

Migrant women are highly dependent on Centrelink, and have no clue about how they will live in Australia in the future. All of them want to get English classes, and get into work. They are also the ones helping out in the community, so [the issues are] very complex. They are interested in things like catering but don't know how to get self-employed. There is no superannuation at all for these women.¹¹⁷

African women noted their concern that women in their community often put time into developing submissions and providing input to government programs, however larger organisations are offered the government contracts and women in the community miss out on the employment opportunity.¹¹⁸

There are specific barriers to workforce participation for Indigenous women

In metropolitan areas, Indigenous women raised the need for better support to get into jobs. Many of the jobs provided through the 'Workplace Ventures' program were in the hospitality industry and required shift work which is incompatible with managing family responsibilities.¹¹⁹

Service providers reported that it is impossible to support families on the minimum wage, yet many Indigenous women are earning minimum wages due to a lack of education, training and employment opportunities. The loss of transport and health care benefits when they engage in paid work is also a significant disincentive to find work, particularly if there have children to support.¹²⁰

In remote areas, most employment opportunities are provided through the Community Development Employment Program (CDEP). For example in Fitzroy Crossing, CDEP provides many work opportunities for women in the community in areas such as community health work (including in first aid and environmental health), the women's resource centre, housing and community maintenance and adult education.¹²¹ The pending termination of CDEP in a number of communities raised concerns amongst Indigenous women that it would reduce incomes and further limit employment opportunities.

3.5.2 Research and literature

The following research project was brought to the attention of the Commissioner during the Listening Tour.

The relationship between family tax benefits and women's labour force participation

Elizabeth Hill from the University of Sydney has conducted research to examine the relationship between the family tax benefit scheme and work disincentives to women's labour force participation. She has also studied the development of work and family policies and their impact on women's labour force participation.¹²²

3.5.3 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. Examine the culture of employment to identify barriers preventing women's workforce participation and develop strategies for removing these barriers to allow women to get back in the workforce.¹²³
2. Review current family tax benefits with the aim of treating women as equal partners with reference to tax.¹²⁴
3. A joint project should be carried out by the Sex Discrimination Commissioner, the Race Discrimination Commissioner and the Disability Discrimination Commissioner to identify structural barriers to workforce participation for marginalised women.¹²⁵

3.6 Women and leadership

3.6.1 What we heard

There was a view that increasing the representation of women at the highest levels is needed to challenge and change the gendered culture of workplaces and institutions.¹²⁶ Participants identified a number of barriers to increased representation of women at senior levels including the availability of quality part time work, male oriented workplace cultures, and a lack of family friendly or flexible work conditions.¹²⁷ Indigenous women in particular need to be supported to move into leadership positions.

The fact that men tend to hold management positions in many female dominated industries was raised in a number of forums.¹²⁸ For example, in Tasmania women make up 70 per cent of the education sector but only 37 per cent of management. The representative union for teachers is advocating for skilling and training courses in management to address this disparity.¹²⁹

Employer and workplace attitudes are a barrier to women's leadership

A female participant pointed out the disparity in what employers say and what they do in terms of women's leadership:

[Our CEO] has publicly said he would have 50 per cent women in his work force if he could. But then he also... set up an executive structure that is going to hinder his ability to get women into those senior positions by setting meeting times that women with caring responsibilities won't be able to attend.¹³⁰

Some women pointed to the fact that many male Baby Boomers or early Generation X "have been brought up in different generational circumstances where their mothers did not work" as an explanation for the continued lack of women in leadership roles.¹³¹

One male participant noted that women's career progression is hindered by the emphasis on 'years of experience' which disadvantages women who are in and out of the paid workforce because of caring responsibilities:

[I]t's part of our own problem with our own mirror, looking at ourselves and saying, 'Well, is it all about experience, or is it more about capability of whoever can do the job?' So there's a couple of things there that are just traditional that we hang onto, which we have trouble with casting off.¹³²

Women may no longer be disadvantaged in accessing leadership positions

On the question of how to increase women's representation in senior levels, some people held the view it is a generational issue and will be fixed over time. One man commented:

I think the younger women that are coming out of school now, out of universities and through the system, are more confident to put their hand up for jobs that were traditionally male oriented. And I think engineering is a good example of that. When I went through school... the only women who were teaching at the school had home economics and maybe English, and maybe history. Now, when we look at the

schools, there's a lot more women in the education system that are across all disciplines.¹³³

One male participant suggested that since the era of equal opportunity and diversity, employers are actively encouraged to advance women. He stated that "to be a female in the business world now ... is an advantage" and "there is a pressure on organizations now to advance women."¹³⁴

Indigenous women's leadership needs to be supported

Indigenous women's leadership is critical to the wellbeing of Indigenous communities as a whole. For example, in Fitzroy Crossing senior women in the community initiated a women's bush camp to discuss the issues facing the community and canvass potential solutions. The most recent bush camp resulted in three main objectives: a 12 month moratorium on the sale of take away alcohol, a stronger focus on the wellbeing of men and boys, and a better relationship with police. This leadership shown by women in the community has now led to significant changes in community health, levels of violence, school attendance and community morale.¹³⁵

Started by senior women from the Women's Resource Centre of Yirrikala in north-east Arnhem Land around 15 years ago, the Night Patrol now operates three vehicles which patrol the local area every night to provide safe transport for the community, protect people at risk of violence and defuse potentially violent incidents. One of the key factors contributing to the success of this patrol is the leadership shown by respected women in the community who have been the driving forces behind the initiative. The women who operate the patrol told us about the considerable change since the introduction of the permit system for the purchase of take away alcohol. Since, the permits were introduced; the streets have been notably quieter, with a marked decrease in alcohol-related problems. As with Fitzroy Crossing, this is another example of a women-led solution to a community problem.¹³⁶

3.6.2 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. Women's leadership in corporate life should be promoted by demonstrating the benefits to business of women leaders.¹³⁷
2. Australia should follow the lead of the European Union and set a target for 40 per cent participation of women at all levels of implementing and managing research programs and should link this level of gender equity to university income as a performance measure under the Infrastructure Grant Scheme.¹³⁸
3. Require companies to keep statistics around women going on maternity leave and their career paths compared to men. These statistics should be given to governments and industry bodies to be published.¹³⁹
4. Provide a platform for Indigenous women to act as leaders by having their voices heard beyond their communities.¹⁴⁰

3.7 Sole parents and Welfare to Work

3.7.1 What we heard

The Australian government's Welfare to Work policy was brought up at a number of forums as further marginalising women who are already disadvantaged. The concerns raised include the difficulties in finding work to fit in with caring requirements, the rigidity and harshness of the system, and the combined impact with WorkChoices.¹⁴¹

Welfare to Work amplifies poverty

One participant noted the way in which Welfare to Work amplifies poverty:

One of the issues is ... with the taper rates that women have to pay on every dollar they earn. This is the way the welfare system works creates poverty...it's very hard [for women] to advance.¹⁴²

The Working Women's Centre of South Australia reported that they were receiving many calls from women who had been notified that they must start looking for work. The Centre raised the issue of the limited availability of support services for women seeking employment and the lack of ability to claim prior learning or to pursue education to fit in with caring responsibilities.¹⁴³

Welfare to Work does not take into account different child care needs

The subject of the cost and availability of child care is a major concern for sole mothers getting back into the workforce under the Welfare to Work reforms.¹⁴⁴

Concerns were raised about the Welfare to Work reforms by Mudgin-Gal Aboriginal Women's Corporation. For grandmothers and mothers who have never worked in this community, the need to find work when the child turns six is a significant obstacle. The Corporation reported that the system does not take into account the unique caring and community responsibilities for Indigenous women, including the sharing of care within kinship circles. There are many instances where grandmothers and mothers are taking care of children both within and outside their immediate family.¹⁴⁵

Sole parents need special assistance to combine work and family responsibilities

One contributor to the blog highlighted the difficulties faced by sole parents at work and the need for particular consideration to allow them to combine work and family responsibilities:

Most of the comments I hear about are for married couples, and while it is tough for them, it is much tougher for sole parents, especially those who have no immediate family around for support. I really feel sole parents need that extra bit of consideration at work, similar to the same type of scheme which was used to help women advance in their careers (Affirmative Action). I feel that treating sole parents the same way as two-parent families (with up to twice the income) discriminates against them. For instance, in addition to being transferred to a location 70 km from where I lived, I was told that I could be rostered on any time between 8 am and 10 pm. I had to use public transport, and finishing work at 10 pm, I would not have been able to get home before

1 am, and by that time my children would have been alone for 10 hours, and without any meal. As it was, they were sometimes alone for 5 hours. I was always afraid that somebody would contact DOCS and say I was neglecting them, when I was trying to provide for them. The whole thing was a nightmare and I still have feelings of guilt and regret.¹⁴⁶

A sole parent at the Mackay community consultation also brought attention to the extra pressure felt by many sole parents juggling paid work and caring responsibilities:

I have to race home from work everyday to pick my daughter up from after school care and then, because I haven't had time after work, I have to spend Saturdays doing the shopping and other tasks. I don't have time to just hang out with my daughter.¹⁴⁷

3.7.2 Research and literature

The following research project was brought to the attention of the Commissioner during the Listening Tour.

The impact of Welfare to Work on sole parents in public housing

Sue Goodwin from the Faculty of Social Work at the University of Sydney reported on her research in the area of gender and social exclusion. Her current research is focussed on sole parents in public housing on Central Coast, examining the impact of the Welfare to Work changes. The research was borne out of concern from service providers about the number of sole parents not meeting the new requirements and not accessing information. Domestic violence and mental health issues have been experienced by many of the participants. A new program has been developed arising out of the research, *Women in the Way*, which aims to increase self confidence and job seeking skills for women. This course has had positive outcomes for women, particularly as many of the women would not otherwise have considered study at TAFE, but it is not counted toward study for Centrelink purposes.¹⁴⁸

3.7.3 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. Freeze the suspension of payments program for 18 months to see whether it is necessary or whether enough assisted parents fill available suitable jobs.¹⁴⁹
2. Allow sole parents to use their time on income support payments to upgrade their education skills in tertiary and diploma level courses.¹⁵⁰
3. Introduce a system of affirmative action to overcome the many barriers preventing sole parents from succeeding at work.¹⁵¹

3.8 Housing

3.8.1 What we heard

Housing affordability was raised as growing concern for women's economic independence. The rising cost of housing with interest rate rises and the increase in

rental prices is particularly affecting women on welfare, low paid women, Indigenous women, women with disabilities, migrant women and refugee women.¹⁵²

The cost of housing is a growing problem impacting upon women's economic independence

In the Perth community consultation, participants reported that the growing cost of housing with interest rate increases and shortages in the rental market was impacting upon women's economic independence, with many unable to meet loan or rental payments. We heard about the particular difficulties faced by low paid women and sole parents.¹⁵³

A male focus group participant shared his story, bringing attention to the financial and relationship pressures of repaying a mortgage:

We worked split shifts so we never saw each other. [I worked] 6am to 4pm, she'd work 4pm to 11pm. We both had to work because we had just got a new home and needed to. [We h]ad three kids – it got harder then.¹⁵⁴

In Mackay, Listening Tour participants suggested that the lack of affordable housing meant that women were staying in abusive relationships.¹⁵⁵

Women's lack of economic independence contributes to homelessness

The Women's Refuge Resource Centre in NSW said that their data from the last 12 years shows that 80 per cent of women who have young children or are pregnant are coming into refuges without any independent income. These women are struggling to find housing particularly in the context of rising housing costs. This is placing a strain on women's refuges because of the long waiting time for public housing. The Centre also commented that a major cause of homelessness in New South Wales is domestic violence.¹⁵⁶

Disadvantaged young women are at particular risk of homelessness

A visit to a young women's refuge in Tasmania brought to light the stories of a number of disadvantaged young women who are homeless or at risk of violence. These women often came from violent homes, had a history of drug and alcohol abuse and limited access to education or training opportunities.

I am 14 years old and living at Annie Kenney Young Women's refuge and this is my story. I never knew my Dad and always lived with my Mum. She got married when I was young to another guy. I was his little girl. I loved him a lot, but when he got drunk he would bash into my Mum until one day she had enough. And he went and got drunk and passed out in a gutter and got run over by a drink driver and died. I was so upset. Then me and my mum started to fight a lot. I tried to commit suicide. I tried hanging and overdosed 2 times – and then cutting instead of doing all of that. I started to smoke and me and Mum still kept fighting. I have moved out before to my cousin's but that didn't work, so I was cutting again and the fighting kept going – and smoking – and then one day I started to drink. So me and mum had a fight again and I moved out. If it wasn't for Annie Kenney I would be sleeping on a park bench.¹⁵⁷

There are particular difficulties in finding adequate housing for refugees

One service provider highlighted the particular housing problems for refugees, especially those on visas under the special humanitarian program. These refugees are unable to get health or housing support which places tremendous pressures on service providers. Women who bear the responsibility for managing household responsibilities with little support bear considerably greater difficulties.¹⁵⁸

There is a scarcity of appropriate and healthy housing in Indigenous communities

The lack of appropriate and healthy housing was a key issue raised during the Listening Tour in Fitzroy Crossing, Western Australia. There had been no major housing built in the region since the 1970s. The money that is provided to the local housing association does not include maintenance money, so nearly all of the houses are in ill repair and overcrowded. For example, one woman reported that she lives in a 'donga' (a tin shed) with 50 other people. All the men live in one end of the donga, and all the women live in the other end. There were lots of pools of water on the flooring and the roof was not properly attached. Service providers said that a lot of young people live in crowded housing with older people because there is simply nowhere for them to move to. It is also difficult to employ people to work in communities because of the scarcity of housing.¹⁵⁹

People from an Indigenous town camp community in Darwin reported that there were only 52 homes for a population of between 500 and 1000 people. Of these homes, only three have stoves that work. The public housing waiting time is usually 29 months and seven months if the situation is considered to be absolutely critical.¹⁶⁰

Services providers was reported a similar situation with housing for communities in north-east Arnhem Land.¹⁶¹ Overcrowding combined with alcohol abuse his impacting upon women's safety in the community, putting them at greater risk of domestic violence. People also suggested that the condition of houses had an adverse impact on the health of community members.¹⁶²

Indigenous elders and students in Mackay also identified housing as a priority issue. Participants said that they had difficulty in finding both public and private housing, with the limited availability of public housing and steep prices of private housing. Some said that people attempting to find rental housing often experienced racial discrimination.¹⁶³

3.9 Education, skills development and training

3.9.1 What we heard

Participants in the Listening Tour widely recognised the advances made in women's access to education and training. However, this remains a significant challenge for particular groups of women such as Indigenous women, migrant and refugee women, women in prison, welfare recipients and women with disabilities.

Another issue raised under this sub-theme was the ability of women, particularly mature age students, to pay off higher education loans.

Some programs successfully expand Indigenous people's access to education

Education opportunities were identified as extremely important for the economic status and wellbeing of Indigenous women. Yet there are significant cultural barriers to Indigenous women's access to mainstream education providers. One example of a successful program is a special block release course initiated by the University of Technology in Sydney and targeted to Indigenous people. The course requires one week of attendance, followed by learning support provided at home with a tutor and study groups. This assists students to manage family responsibilities, although the issue of child care during the week of class attendance is still an issue. Another positive aspect of this course is that its specific Indigenous focus encourages Indigenous people to apply.¹⁶⁴

Another example is the Mulka Project in Yirrikala, North East Arnhem which aims to build the skills of local young people by teaching them to use digital media to express their stories and ideas. At the school, there is a program for training the students in film and documentary production which runs up to Year 12. The Project has had difficulty keeping their graduates, who are being recruited by film producers around Australia. The project employed several high school students in school holidays.¹⁶⁵

In Fitzroy Crossing, the Adult Education Centre reported the highest demand for education in recent times. The Centre could keep another two staff occupied full time to meet the needs of the community. Education needs tend to be responsive to immediate requirements of community members such as assistance with drivers license and job applications, rather than long term career planning.¹⁶⁶ Parenting skills for young mothers is another area of identified need.¹⁶⁷ The attraction and retention of teachers is a key issue in providing quality education in these schools.¹⁶⁸

Indigenous students in Mackay reported experiences of racism from TAFE teachers on a daily basis. One participant said, "Some teachers put us down. They don't think we can achieve [in education] because we are black". Another student said that her teacher told her that she will not get into university and will get pregnant soon.¹⁶⁹

Migrant and refugee women need further education to support their workforce participation and career progression

Access to education was also raised as a significant issue for refugee and migrant women, particularly as a strategy for increasing their workforce participation and career progression. One woman shared her experience of the Australian education system as an African refugee:

Refugee African women are not entitled to HECS. Previously, when I had a concession card, I could apply for education, but the regulations are changing every year. When I started, I only had to pay about \$120. It was a bit easier for TAFE, but at the moment, you can't get into TAFE. I did a Diploma for two years and a half. But in the last year, I had to pay \$600.¹⁷⁰

For many migrant women, access to English is a priority to allow them to communicate in their workplaces, understand their rights and obligations and to open up further education options to facilitate career progression. Asian Women at Work report that there is a lack of accessible English classes for working women which limits their work options for the future.¹⁷¹

Women in prison are particularly disadvantaged in accessing education, training and employment

In their submission to the Listening Tour, the Australian Federation of University Women noted the particularly disadvantaged position of women in prison in relation to education, training and employment opportunities.

While training and education are theoretically provided to women in prison, the majority of women prisoners are on remand or are serving short-term sentences, which may make them ineligible for training inside the prison.¹⁷²

Welfare recipients with caring responsibilities face difficulties in accessing education

A number of Listening Tour participants brought attention to the Welfare to Work reforms and the capacity of people on welfare such as sole parents to access tertiary study. Under the reforms, part-time study, which would be the most appropriate for individuals with caring responsibilities, is not recognised as meeting their minimum work requirements. This presents a significant barrier for those who are wishing to build their skills to re enter the workforce.¹⁷³

Women take longer to pay off higher education debts

Another factor that impacts on women's economic independence is the cost of higher education and the ability of women to pay off higher education (HECS/HELP) debts. The Australian Federation of University Women drew attention to the inequity of the system, where due to women's lower overall pay, it take longer to pay off the debt. Mature age students, especially those with caring responsibilities, are faced with the prospect of significant debts over a period of time if they wish to pursue tertiary study.¹⁷⁴ These students require extra support to manage their caring responsibilities with study commitments.¹⁷⁵

One woman recounted her experience in an email to the Commissioner:

One issue that has been of concern to myself, and I imagine other university educated women is the payment of HECS fees. My story is that I returned to university later in life and having completed my degree last year I now find myself pregnant with my first child. As I wish to remain at home to raise my child until they enter formal schooling I will be out of the work force for at least 5 years. During this time my HECS debt will increase, with no ability for me to pay this debt off. Like the inherent discrimination within the superannuation system, it appears that the HECS system faces similar issues, especially for mature age students.¹⁷⁶

3.9.2 Research and literature

The following research projects were brought to the attention of the Commissioner during the Listening Tour.

Women and vocational education and training

The organisation Women in Adult and Vocational Education have released a report that focuses on women and girls to identify priority areas and accommodate diverse perspectives and needs of women in Vocational Education and Training (VET).¹⁷⁷ It highlights the need for expanded opportunities for technical and trade training for

girls and women in areas of skills shortages, increased funding for training opportunities for Indigenous women and more training places targeting women in low paid casualised jobs. It recommends the endorsement and implementation of VET equity related principles for women, key performance indicators, a specific women's policy and an incentive program for women.

Women and work related learning

Another report by Women in Adult and Vocational Education is based on a number of smaller research projects designed to provide snapshots of different groups of women within the area of work related learning, with particular reference to women who are not well served through the current Vocational Education and Training (VET) system.¹⁷⁸ The research reports on the aspirations for paid work, educational requirements, experiences of education and available support for five groups of women: young women and girls, Indigenous women, women from low socio-economic backgrounds, women and micro and small business and women retraining and returning to work.

Young pregnant women and education

The Association of Women Educators, in the report 'Present, Proud and Pregnant', examines the issues surrounding young pregnant women and their access to education. The report discusses research on young mothers and provides an overview of how education systems are responding to the issues. The author recommends a range of strategies that educational institutions can adopt to retain pregnant women and young mothers in schools.¹⁷⁹

3.9.3 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. Access to English classes in the workplace should be improved. The Workplace English Language and Literacy Program, through which workers can access classes in their workplaces, is a highly regarded program but few employers are taking it up. Provide incentives for employers to set up English language classes.¹⁸⁰
2. Community Groups should be able to access funding to run English classes close to workplaces, before or after working hours.¹⁸¹
3. The Higher Education Loan Program should be expanded to help women achieve their full educational and employment potential.¹⁸²
4. The quality and availability of education programs for women prisoners should be reviewed and improved.¹⁸³

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4 Theme Two – Work and family balance over the life cycle

4.1 What is this chapter about?

I admire working women today more than I can say.... I began work in the 1950's on unequal pay and worked for 42 years, picking up a university education on the way...I married but had no children as my husband would not guarantee to stay around to help me with a family...I could not even contemplate bringing up children on my own as well as working. At that time, the feminist movement begged for child care in work places...[W]hile developers always ensured there was space for parking in any new building, there was no provision for child care. While child care has improved, women continue to struggle with family and work and look ahead to a threadbare retirement income....All the women I know who have young children are exhausted most of the time. Feminism wasn't about producing overworked women who are expected to bear children and to work as many hours as they can fit in so the family can survive.¹⁸⁴

Successfully balancing paid work with caring responsibilities remains a major challenge for a large number of Australians. With women continuing to carry the majority of Australia's unpaid caring work, creating workplaces that support women *and* men to balance paid work and share caring responsibilities is critical to achieving gender equality.¹⁸⁵

Australians are juggling their paid work with caring for their children, their grandchildren, relatives with illness and disability, or their ageing parents. Yet there remains a notable gap in support provided by governments and employers in allowing women and men to meet these responsibilities. Australia remains one of only two OECD countries without a legislated paid maternity leave scheme. Paid maternity leave is accessed by only around one third of employed pregnant women.¹⁸⁶ The use of paid paternity or parental leave by male partners is even lower at 25 per cent.¹⁸⁷

Over one third of fathers with young children are currently working more than 50 hours per week.¹⁸⁸ With the rapid ageing of our population there will be increasing pressure on workers to balance the caring of elderly parents with their paid work.

Under the theme of *Work and Family Balance over the Life Cycle*, the Commissioner sought to hear about contemporary experiences of Australians balancing paid work and caring responsibilities. Are flexible work and family friendly practices widely available? Are they working effectively? What are the challenges for employees and employers? Most importantly, what can be done to better support Australians to balance work and care over the life cycle?

This chapter contains a summary of the key issues raised during Listening Tour under the theme of *Work and Family Balance over the Life Cycle*.

The chapter is structured as follows:

What we heard: This section is a summary of the key points made under each sub-issue, illuminated by personal stories and opinions.

Research and literature: This section summarises research that is relevant to each sub-issue. It should be noted the research included in the report is not an exhaustive literature review, but a summary of the research that was presented to the Commissioner during the Listening Tour.

Policy and project ideas: Listening Tour participants provided their ideas to the Commissioner on what could be done to address the various issues under this theme. Some suggestions are for the Commissioner and HREOC to consider and others are for government or other relevant bodies, but which HREOC could potentially support.

4.2 Choice or constrained choices?

4.2.1 What we heard

One of the key questions raised with the Commissioner under this theme was about choice: whether decisions about paid work and family responsibilities are guided by genuine personal choice or by compromises arising from external pressures. Many women raised as an issue the complexity of the messages that they receive about having children, having a career or staying at home. The dominant view throughout the Listening Tour was that workplace policies and structures and the expectations that accompany paid work limit the choices that women and men make about managing their family responsibilities. However, some participants held the view that having children is an active personal choice, and argued that there should not be an expectation on governments or employers to support such personal decisions.

The language of choice does not reflect women's experiences of work and family

One participant from the Adelaide community consultation pointed out the problems with the 'language of choice':

This language of choice is very troublesome... [It is] not choice but compromise. [The statistics] don't show what proportion of women want to work part time...[W]e need to get some real statistics on what people would be doing [if they had choice]. This country runs on unpaid overtime.¹⁸⁹

One woman remarked on the mixed messages that women receive about parenthood and workforce participation:

It's a mixed message that all women who want children are getting, about working and being in the workforce, but also staying home for their child.... You get criticised for putting them in child care and going back to work, but then you get shat on by the government if you want to stay at home and be with them.¹⁹⁰

Women's choices are bound up in social expectations about women's roles as carers

One woman commented on the expectations placed on women around caring responsibilities:

...I would have to say that... there is a general expectation that women will look after the child care, put their careers on hold regularly or stop...their careers completely and then move on back into the work force at another time.¹⁹¹

Another woman described her feeling of being trapped by her caring responsibilities despite having flexibility with her own company:

My children are three and a half and nineteen months and I have my own company and [the pressures] would be the same in any environment. For mothers there is a physical necessity to care...I felt very trapped that I needed to be there [with my children]. Even in my company it was hard to make it work.¹⁹²

Contemporary Australian families want to 'have it all'

One woman labelled the pressure felt by contemporary Australian women as a lifestyle choice:

I have been married 50 years. I did stay home with the kids, and we managed. When we wanted something, we saved for it. We took 38 years to pay off our home. I went back to work when our children went back to school. Now, young married ones want everything straight away. So they both have to work to keep up this lifestyle.¹⁹³

Another man was firm in his belief that children were a personal choice, as was his partner's decision to stay at home:

A lot of people are afraid to use the [word] 'choices'. My wife and I chose to have a child ... so it was our choice for one of us to stop working. And we lived in a suburb where we chose we could afford a house on one income. We don't drive flash cars, we're a two-car house, and it was our choice...I think people are scared to take responsibility sometimes for what they want to do. My wife, at the moment, is a domestic goddess. She doesn't need to work, so she doesn't. She can out-earn me about four times my income...per year, if she chooses to work. But she's a psychologist, a psychiatrist, one of those two...[S]he doesn't work, so she just stays at home, and manages the house. And that's a full time job looking after the kids and looking after the house. She states that that's a full time career choice for her.¹⁹⁴

Commitment is needed from both women and men to create genuine choice

One contributor to the blog suggested that change requires a commitment from both women and men to provide genuine choices:

I agree that both men and women are not commonly afforded 'real' choice when it comes to sharing time in raising children and spending family time. I know there are many surveys that reflect women's wants in this area, but is there data available that would support men's claims that they would, ideally, prefer to work less and spend more time at home? There will be little change in existing employment arrangements unless both men and women are prepared to demand change.¹⁹⁵

4.3 Flexible work practices

4.3.1 What we heard

Listening Tour participants made very clear to the Commissioner the need for employers not only to put in place flexible work practices, but to embrace them and actively promote them at the highest levels. There was a strong view that the current way work is structured favours the 'ideal worker' who is male, without any visible caring responsibilities and able to exceed full time hours of work.

At the heart of flexible work needs to be a commitment to job redesign. Listening Tour participants made it clear that where flexible work policies were an 'add on' instead of built in to work practices across an organisation, they did not deliver. In addition to job redesign, there is a need to shift organisational culture to make flexible work mainstream. This requires leadership to model and champion flexible work.

Some male participants told the Commissioner that whilst flexible work policies were often available to them, unsupportive workplace cultures meant they did not take them up. Many participants told us that unless women and men take up flexible work in equal numbers, the male bread winner model will remain unchallenged and unchanged.

There is a fundamental mismatch between unpaid caring work and workplace structures and practices

Many participants told the Commissioner that the structure of work does not take into account the realities of people with caring responsibilities, referring to rigid hours and the emphasis on 'presenteeism'. Given that women continue to undertake the large majority of unpaid caring work, the current structure of work presents a significant barrier to women's equal participation in the paid workforce.

One woman described her frustration with the difficulty she experienced finding work that would allow her to fulfil her caring responsibilities:

I followed my husband around so wherever he has had a job I've had to either find a job or just sit back and watch the world go by. It has been difficult because at certain points of my life I've had a young child that I've really wanted to look after or be with a little bit more than a full time job would allow me to be with her. So, it's the inflexibility of the work place that I found really difficult to deal with.¹⁹⁶

One female participant commented on the artificial separation of caring from working life, which shaped her own experiences of unpaid and paid work:

We need to see caring for children as a fact of life. Caring for children isn't very well integrated into the workforce. When I was caring for [my] children I was totally disconnected from the world of work. When I came back to work I wasn't able to fit in breastfeeding into my work schedule. As a general attitude, women with children are not accepted into the world. The only way I could see it happening is to have child care in the workplace so mothers could drop out to breastfeed in the morning tea break. Employers need to take on the responsibility of understanding what it is to be a parent and what caring involves. The employer should [have] training to know the importance of breastfeeding and importance of having kids around.¹⁹⁷

Another woman commented on this barrier between working and caring roles, by pointing to the lack of understanding that employers in the mining industry have for the family circumstances of their employees in fly in/fly out jobs:

Employers have very little understanding of the pressure this puts on families. [With f]ly in/fly out work there is an] expectation that women will cope. There is no respite for women – you're it! I regularly collapse[d] when my husband got back.¹⁹⁸

A contributor to the Listening Tour blog made a similar comment about the divide between public policy on work and family issues, specifically in relation to schooling. The contributor points out that this mismatch pressures women into taking on full time caring or part time working roles:

The great frustration for me is the big mismatch between so much public policy relating to work and family... All state school students get twelve weeks leave each year... But the mandatory leave provision for parents is only four weeks. This means the vast majority of working parents cannot cover the leave of their children, and this is a source of great anxiety when they are primary school age. The same with the working day - there is a great mismatch between school hours and working hours, and again this is the source of enormous stress. My family uses enormous amounts of emotional resources just planning to ensure we are able to provide care for our children around work - before we even begin to look at whether we can have time off together as a family. This suggests [industrial relations] arrangements are still written by men for men...and therefore assume the woman will either remain at home or take a 'hobby' job so she can provide care in the hours and weeks their children are on leave.¹⁹⁹

Flexibility in the workplace needs to be available to more employees

One lesbian co-mother noted the particular obstacles encountered due to workplaces not recognising her family responsibilities as a parent in a same-sex relationship:

My partner and I have an 8 month old baby. We are both women. Our plan was that we would both work 3 days per week so that we could share the care of our daughter and both still continue our careers. It hasn't been that simple - there is a dearth of meaningful part time work available. And if it is hard for men, it is just as hard, maybe harder, for a non-birth mum lesbian to have her family needs recognised by her workplace. Unless you have a very progressive workplace it is hard to be recognised as a 'real' parent, even though you have taken on all the real responsibilities of parenting.²⁰⁰

One employer said that flexibility needed to encompass a broad range of work and life issues:

Flexibility [means the ability] to work under the terms that you want to work – take an overseas trip, study commitments, family commitments. These are important and [are] recognised as key retention issues. We need to think more broadly to flexibility than just flexible work arrangements.²⁰¹

Flexible work practices will also have the benefit of retaining mature age workers and facilitating phased retirement. This will become necessary with the ageing population and skills shortage.²⁰²

The Working Women's Centre of South Australia raised menopause as a matter for workplace flexibility. There are measures that can be put into place to support

women during this time including flexible work arrangements and access to natural light. This highlights the need to recognise that flexible work arrangements will be necessary for men and women at a number of different points in the lifecycle.²⁰³

Employers need to make a strong commitment to job redesign and training

Generally, employers agreed on the business imperative to introduce and promote flexible work and family friendly policies, particularly as an attraction and retention strategy in the current climate of a skills shortage. Employers identified job redesign as a priority issue and essential in delivering flexibility in the workplace.²⁰⁴

The need to adopt flexible work practices as a measure to attract and retain women was recognised by one employer at the Adelaide Business Roundtable:

We've just picked up a staff member who we think will be very good, because she couldn't work 5 days a week in another job... So I'm saying that the smart businesses will pick up these really talented women.²⁰⁵

Another employer pointed out that re-evaluating the measurement of work outputs was an essential part of job redesign and flexible work:

We need to rethink how we measure commitment to an organisation. As an input we have traditionally measured time as opposed to value output. We need to be more creative in our thinking.²⁰⁶

Flexible work arrangements need to be modelled and championed at the highest levels

Some participants observed that flexible work arrangements can be disadvantageous to career advancement because they are not yet standard practice, nor completely embraced by the organisational leadership. One woman commented on her fear of flexible work hindering her career advancement:

It is difficult to make a choice and negotiate this choice without being disadvantaged. For example, if I wanted to go flex [work flexible hours] I would not be taken seriously and my [opportunities for] advancement would be diminished.²⁰⁷

The availability of flexible work arrangements is often dependent on supportive individuals, rather than codified workplace policies. This can leave people vulnerable when there is a change in management. On this point, one woman noted:

If you have an understanding employer you might be ok, but if you don't you'll be up the creek without a paddle. It is so dependent on the relationship with the [individual] employer. Policies and legislation should be put in place so that women are not so vulnerable [when there is a change in management].²⁰⁸

On the other hand, where flexible workplace policies do exist, some participants noted that these policies are often not supported by workplace cultures. In one focus group, participants remarked that policies do not often filter through to workplace culture:

Policies are there but the workplace culture doesn't support flexibility. It's more the looks you get when you leave to pick up the kids, and pressures in the work place.²⁰⁹

Men can be particularly constrained by negative workplace cultures. A woman at the Darwin community consultation said that her male partner worked full time because his workplace culture pressured him to, despite it making more financial sense for her to work full time:

You really have to push for work and family balance. I work part time so that I can pick up the kids from work. It would work better for us financially if my partner worked part time but his workplace culture won't allow it. He doesn't feel he can ask for part-time hours because he's a male and it's outside the realms of the workplace norm.²¹⁰

There was a strong emphasis on the need for senior leadership to support and champion flexible work in order for it to become mainstream and accessible. One woman made the case for role models of flexibility in her contribution to the Listening Tour blog:

We would love it if my husband could also work flexibly to care for our son. I work three days per week in the office; the other two I'm contactable but at home caring for our 1 year old. My husband is a relatively junior member of the management team at his company and while he is keen to change his days, he says that no other male at his level or above works flexibly. A lack of role models means he is not so confident about approaching [Human Resources] or his own manager to talk about the issue. It's awkward for both men and women, because the time of your life when you're having kids is also the time when you're trying to build your career and profile. ... Having role models - who tell the warts and all story - makes a big difference.²¹¹

Men need to be supported and encouraged to take up flexible work

Some Listening Tour participants told the Commissioner that current workplace cultures do not support men taking up flexible work practices. There is still significant pressure on men to be the primary breadwinner and adhere to the full time 'ideal worker' model.²¹² One focus group participant suggested that there was a difference between white collar and blue collar industries, with white collar industries being more likely to support men in flexible work arrangements.²¹³

One woman's experience highlights the expectation on men to be the primary breadwinner:

Culturally, it is really difficult for men to take up family friendly [work arrangements]. When my child got chicken pox, we were going to each take a day off. But when my husband rang his workplace, they said "who wears the pants in your family?"²¹⁴

Having senior men who are role models for flexibility encourages and supports other men to take it up. One participant shared her husband's story of using flexible practices because his manager did:

My husband worked under a manager who was a single father, he needed flexibility so my husband was afforded flexibility. Modelling is very important.²¹⁵

Importantly, if men are to take up flexible work in equal numbers to women, there is a need to close the gender pay gap to avoid economic disadvantage.²¹⁶ When asked if there was one thing the Commissioner could do towards gender equality, one participant pointed to the cultural change that was required for men and women to use flexible work practices equally:

[I would like the Commissioner to advocate to] change the culture of Australia so that women and men can balance their family responsibilities. We need equal access to flexible work with no economic disadvantage.²¹⁷

There are a number of examples where men have taken up flexible work arrangements successfully. One male focus group participant shared his experience of using flexible work practices:

[W]hen we had our child my wife was earning more than I was so it made financial sense, as well as her desire, [for me] to stay at home for a very short period of time. I think we lasted about eight months. But I was lucky to have a fairly flexible working arrangement where I could work from home two days a week and go in to the office the other three days.²¹⁸

Some men expressed their desire to partake in a greater share of family responsibilities and reiterated the need for employers to support this. When asked what would be the ideal work and family arrangements one man responded that his ideal would be “to work less, spend more time with the family, go to the sports days.” He added that when it came to spending time with his children “their mum does it all now”.²¹⁹

There is strong evidence that flexible work can be beneficial to both the employee and employer

Employers and employees who are using flexible work arrangements told us that when flexibility is negotiated and meets the dual interests of the employer and employee, it works effectively.²²⁰

One manager commented on the need to think laterally in order to develop mutually beneficial positions for employers and employees:

I've got a girl that actually started back with me today...she said, “These are the shifts I can work”, and I said, “Fine, good, no problem”. And it fits around the child care arrangements, around the arrangements with her husband, who's also in the organisation. I think in 2008 we've got to think a bit more laterally than just throwing them back into 8.00am to 4.00pm jobs or part time jobs...if they want to work other hours.²²¹

A key obstacle to implementing flexible work practices is the misconception that presenteeism delivers productivity. One participant suggested that there is an underlying distrust in workplaces that if an employee moves outside of mainstream work practices that they cannot be trusted to do their job. There is a lack of acknowledgement amongst employers that productivity levels can go up if people are able to work in a way that suits their lifestyle.²²²

Participants suggested that employers need to be innovative and use telecommunications and other technologies to enhance flexibility. One employer commented that a change in attitude on the “out of sight, out of mind” philosophy is required to achieve greater acceptance to flexible work.²²³

A Darwin based community organisation told the Commissioner that they had to radically change their workplace culture because of a skills shortage. Due to limited funding they were unable to offer staff competitive remuneration, but they have introduced systems to allow people to work from home through remote access. This

has made a positive difference in recruiting and retaining skilled staff. The quality of the work is better now and the reputation of the centre amongst stakeholders and clients has improved.²²⁴

4.3.2 Research and literature

The following research projects were brought to the attention of the Commissioner during the Listening Tour.

Work and family balance

Marian Baird from the University of Sydney reported on her research with Damian Oliver on the development of a Work and Family Index. An audit of all work and family policies in the Australian States and Commonwealth has been undertaken and will be released in early 2008 as the 'Work-Family Index – Where does Australia Stand Globally?' This work will provide valuable comparative benchmarks of Australia's public policy positions.²²⁵

John Murray from the University of Sydney is undertaking doctoral research in the area of work and family balance over the life cycle. Murray is conducting qualitative interviews with individuals at different points in the life cycle to uncover the gender differences in the way people anticipate being a parent and its impact on their paid career progression. His preliminary findings suggest that gender is a key factor in guiding decisions about parenting, with women feeling the pressure to choose between paid work and family formations and men feeling the pressure to be primary breadwinners.²²⁶

The Centre for Work + Life at the University of South Australia has established the Australian Work and Life Index, a national survey of work-life outcomes amongst working Australians. The survey will be undertaken annually.²²⁷

Work and family balance in the United Kingdom

Sarah Wise from the University of Sydney reported on research projects conducted in the United Kingdom on work and life balance. Her review has focussed on how work and life policies (parental leave, right to request, working time directive) have actually been experienced. She has also researched workplace culture examining what makes a good employee and a good employer organisation. Her research from the United Kingdom highlights the need for integrated work and life policies rather than 'tack on' ones, to ensure that policies continue to be implemented when resources are tight.²²⁸

4.3.3 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. Legislation should be introduced to make family-friendly working arrangements mandatory across the board.²²⁹
2. Across the board training should be provided for managers on the practical implementation of job redesign.²³⁰

3. There should be visible role models in senior positions who are juggling work and family within workplace to encourage work and life balance.²³¹
4. The International Labour Organisation Family Responsibilities Convention should be properly implemented and employers should be educated on its principles and application.²³²
5. Cities should be made more livable and services, especially public transport, more accessible to make work and life balance easier.²³³
6. The right to refuse additional or excessive overtime should be considered alongside the right to request flexible work arrangements.²³⁴
7. Legislation should be introduced to ensure that every position has to be advertised as available on a flexible work arrangement.²³⁵
8. A minimum of six weeks of annual leave for parents should be provided, and opportunities for primary care givers to work split shifts or additional hours at home as a first step toward genuine family friendly hours.²³⁶
9. There should be a scheme where women and men can bank time, through salary sacrifice, which can be used for a broad range of things including family responsibilities.²³⁷
10. Flexible work arrangements should be made available to mature age workers to change the nature and extent of their workforce participation.²³⁸

4.4 Availability of quality part time work

4.4.1 What we heard

Listening Tour participants frequently cited the lack of quality part time work as a barrier to women's workforce participation and career progression.²³⁹ Issues raised in relation to this topic include the need for more part time work to be available at senior levels, the need for employers to recognise part time work as equally productive and for more men to take up part time work.

There is a lack of quality part time work

The availability of quality part time work was raised consistently for many women, particularly those returning to work after caring for children or those wanting a phased retirement.²⁴⁰ One contributor shared her personal difficulties in finding a permanent part time role:

Since the birth of my eldest ten years ago I have only ever seemed to have had the option of short term contract work or full-on full-time jobs, so I have done countless contracts for the sake of flexibility and had a lot of unemployment and job-hunting in between...In all that time, I have never achieved my wish to find permanent part-time work. If I had my time over I would not have missed the time with my children but I have grieved for the loss of my career potential as I put the hard yards in the early stages of my career and then missed out for ever after on meaningful part-time roles.²⁴¹

Women also raised the issue of being deskilled when they took part time work, and the lack of career progression opportunities. However, when asked what would be the ideal work and family arrangements part time work remained the best current

arrangement for many women with caring responsibilities. One participant responded, “I would want to work part time to keep my mind and skills up”.²⁴²

The perceptions of part time work as less productive or more costly to employers need to be challenged

Amongst employers, there was a view that part time work presented both challenges and opportunities. One manager pointed out that part time work “is a pain in the neck...but you get people who want to hit the ground running and work hard”.²⁴³ On the topic of job share, one employer noted the difficulty of finding people with the same skills set who can work together.²⁴⁴

Some participants held the view that part time work was not as productive as full time work.²⁴⁵ However, some challenged this perception with one woman stating, “I’ve never worked so hard as when I job shared because you are always looking out for the other person”.²⁴⁶

In a similar vein to flexible work, there was a view that unless men started to take up part time work in larger numbers, it will remain undervalued and under acknowledged by employers.²⁴⁷

4.5 Sharing of unpaid work

4.5.1 What we heard

Closely linked to the topic of flexible work was the discussion of how caring responsibilities and unpaid work is shared within families. Participants brought the Commissioner’s attention to the gendered assumptions and norms about caring and the lack of social and economic value placed on unpaid work.

Gendered assumptions and norms influence everyday decisions in families

Although participants cited financial reasons as a basis for decision making around sharing caring responsibilities, many also raised the gendered assumptions and norms that influence everyday decisions in families. For example, one woman shared her experience of “automatically” attending to a sick child:

We have a situation where our daughter was sick and I took an annual leave day to look after her. Then a week later I was like, why did I just assume that role? Next time, you’re going to take the day off. It’s just an automatic reaction.²⁴⁸

A male focus group participant commented on the “unspoken expectation” that “if someone is going to stop work it’s normally going to be mum”.²⁴⁹

For many women from culturally and linguistically diverse backgrounds, the idea of sharing family responsibilities was both amusing and unrealistic. One woman of Chinese background said that her expectations were simpler.

If we don’t argue and there is food in his plate... that will be already good. If my husband doesn’t ask me for food on his plate and for soup in his bowl that would be really good. It has to be under the nose.²⁵⁰

In a focus group with lesbian mothers, a researcher reported that for the majority of lesbian families, both parents work part-time and share the care equally. One mother reported that her children do not see a big difference between their two parents: “[w]e both work, we both cook meals. So the modelling is very equal”.²⁵¹

Some men argued that gendered assumptions and expectations are heavily ingrained and unlikely to change even across generations. One young man in a focus group remarked on his own upbringing and argued that traditional assumptions about gender will persist well into the future:

[G]ranted my father was making more money than my mother who was quite a good journalist too, but... and it sounds terrible, there is no way in the world he would have stopped working because he was born in 1950 in Gundagai so he's the father, he makes the money and she cooks the dinner, do you know what I mean by that? ... I don't know whether everyone discloses that openly but I think there's an element of that in all of us. And even when if I have children in 15 years time, while it may have been beaten down in the present era of more equality and so on, I will still have that belief because I just think you do.²⁵²

Men want to undertake a greater share of caring responsibilities

Some men reported wanting to undertake a greater share of caring responsibilities and unpaid work, but felt impeded by rigid workplace cultures and social norms.²⁵³ One example was provided where a man wanted to “go out from work to pick up [his] children” but found it difficult because of the cultural expectation placed on men to not be seen as caregivers.²⁵⁴

One men's service provider organisation reported that men who undertake primary caring responsibilities to support their female partners return to work often question their role as men and their masculinity. He suggested that role models were important to encourage men to feel proud about taking on caring responsibilities and unpaid work.²⁵⁵

Male participants conveyed mixed reasons for wanting to undertake caring responsibilities. One male participant wanted to spend more time with his children to fulfil his own ambitions about fatherhood, not necessarily to share the load with his partner:

I regretted not spending time with [my] children when [I] did night school... You don't realize it until 20 years later when you've shot yourself in the foot. It's not about the mother – I don't care about her or relieving her of her duties.²⁵⁶

Another man reflected on the idea that paid work was necessary to affirm masculinity and male pride:

It's a self affirmation thing...the work you do [and] the income you bring in...it's not a dividing thing between working and caring.²⁵⁷

4.5.2 Research and literature

The following research projects were brought to the attention of the Commissioner during the Listening Tour.

The distribution of unpaid work between men and women

Michael Bittman from the University of New England reported on his research analysing time-use as a way of documenting the distribution of unpaid work between women and men. His longitudinal and cross-sectional research found that men's time on domestic and child care responsibilities is very resistant to change, but women's is extremely variable in terms of their responsibilities to others. Based on the research, he recommends three key policy instruments be implemented: family friendly labour market measures; substitutes for unpaid work (whether provided by the market or by government); and the tax transfer system.²⁵⁸

The Universal Basic Income for unpaid work

Judith Willis from the Centre of Policy Studies at Monash University explores the idea of a Universal Basic Income, based on a system of reciprocity for unpaid work. Her paper argues that a Universal Basic Income can contribute to gender equality by 'promoting equality based on sameness within a new norm for both men and women.'²⁵⁹

4.5.3 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. There should be an early education campaign for young men around their role in caring responsibilities.²⁶⁰
2. There should be a mentoring program for young fathers.²⁶¹
3. A public awareness and education campaign should be developed around the value of unpaid work to encourage more balanced sharing of responsibilities.²⁶²
4. Communal caring systems should be introduced widely to encourage the sharing of care within communities.²⁶³
5. The Catholic Bishops group were in favour of a 'family wage' to support one parent being able stay at home and one parent being able to work. They recommended that the minimum wage needs to be re-evaluated to assess whether a family can be supported by it. They argued that the current transfer payments system discriminates against a person who chooses to remain at home when children go to school.²⁶⁴

4.6 Paid maternity leave

4.6.1 What we heard

The need for paid maternity leave was strongly supported throughout the Listening Tour with the large majority of participants agreeing that it is a long overdue reform. The points raised by participants in relation to paid maternity leave include: that women outside of government and large corporations are currently missing out; that the onus on businesses to pay leads to discrimination against women; and that there is a need for workplace policies to support paid maternity leave.

Paid maternity leave is a basic right for working women and long overdue

There was a view that paid maternity leave should be a basic right, in recognition of the need for mothers to recover from childbirth and establish a bond with the baby, and to redress the disadvantage that mothers experience in the workplace due to motherhood.²⁶⁵

One attendee at a community consultation shared her experience whilst overseas. She gave birth to twins in Germany and got 15 months paid maternity leave with a superannuation contribution. She said, "It is a disgrace that Australia has no paid maternity leave. No improvement in [women's] workforce participation is possible without it".²⁶⁶

In a letter to the Commissioner one woman notes the cultural change that is needed to support paid maternity leave:

The government needs to create the climate of acceptance [for paid maternity leave]. I was recently speaking to a Swedish man who employed something like one hundred people [and] he said [about their paid maternity leave system], "It's only 2 years". We need that same acceptance here.²⁶⁷

There was a sense that it was possible to introduce paid maternity leave in Australia without much fuss, but that the political will to do so is lacking. One participant commented that "[w]e have the economy, we have the system...all that is lacking is the political movement".²⁶⁸

Women who need paid maternity leave the most are currently missing out

The women who currently have access to paid maternity leave are those working in government or large corporations, leaving those women working in low paid industries, small businesses or the community sector without.²⁶⁹ One woman commented that "[i]t's the very elite group in our society that gets paid maternity leave, the average doesn't."²⁷⁰

One woman working in the retail sector recounted her experience of having to go back to work two days after giving birth:

The fact that we don't have paid maternity leave is a disgrace. When my second child was born, my husband wasn't working, so I had to go back to work after a caesarean after two days. I had no choice. It would make a huge difference if we got 14 weeks to be able to physically recover.²⁷¹

Another woman spoke of having to work late into her pregnancy and then take annual leave:

I worked up until I was 38 weeks pregnant then took 2 weeks of annual leave because I didn't have access to paid maternity leave.²⁷²

A participant at a community consultation raised her concerns about being able to afford to live on one income without paid maternity leave:

We need government-funded [paid maternity leave] as a right. No longer can you pay a mortgage on one income.²⁷³

Paid maternity leave will help attract and retain skilled labour

One employer reported to the Commissioner that he introduced paid maternity leave at the request of staff because he wanted to create the best possible environment to attract and retain quality staff. For this organisation, paid maternity leave is part of a suite of family friendly and flexible work policies. The employer reported that paid maternity leave makes it easier for women to move in and out of work, commenting that “the benefits outweigh the costs by increasing productivity”.²⁷⁴

The National Foundation for Australian Women raised concerns about the loss of superannuation, difficulties returning to work and reduced workforce attachment as some of the problems associated with the lack of a paid maternity leave system. They argued that the baby bonus doesn’t contribute to addressing these issues. They referred to the Swedish model as a good example, where payment for three years is provided to the family and it is the family’s decision on how it will be split up.²⁷⁵

Current paid maternity leave proposals will not apply to contract workers or the self employed

One women’s group argued that paid maternity leave favours women in the paid workforce who have been there for the required period of time to qualify, whilst contract workers and self employed women missing out.²⁷⁶ The Women’s Access Alliance said:

We are opposed to paid maternity leave because some women will never be eligible for it. They may not be in the same employment for long enough. We need to allow [women] to do whatever is best of their family. We need to increase the maternity payment and direct some of it into superannuation.²⁷⁷

Opposition to paid maternity leave is based upon the idea that children are a personal or lifestyle choice

Some opponents believed that children were a personal or lifestyle choice and that the government or employers should not bear the cost of this choice. One male participant said, “Why should employers pay for a lifestyle choice?”²⁷⁸

A contributor on the Listening Tour blog added the following view:

I’m not really sure I understand the idea behind paid maternity leave. To me, it is completely unfair that government workers receive it whilst others don’t except for the small percentage in the private sector.... I fully agree in the need to have more flexible working arrangements for all including parents, but that if you have a family I can’t see why employers/government should be financing it.²⁷⁹

Requiring businesses to pay may lead to further discrimination against women

There was also a concern raised that requiring business to provide paid maternity leave would lead to further discrimination against women by employers.²⁸⁰

4.6.2 Research and literature

The following research project was brought to the attention of the Commissioner during the Listening Tour.

The use of parental leave in Australia

At the Sydney Academic Roundtable, Marian Baird reported on her research examining the use of parental leave in Australia.²⁸¹ A survey of 3500 parents found that among parents who were in paid employment during the 12 months prior to the birth, around 30 per cent of mothers and 35 per cent of fathers did not meet criteria for eligibility for Australia's statutory 52 weeks of unpaid parental leave. Reasons for non-eligibility included: self-employment; not being with the same employer for 12 months prior to the birth; and not working for an employer for the full 12 months. Around one third of mothers who were employed in the period leading up to the birth accessed paid maternity leave. Less than one quarter of fathers who were employed in the period leading up to the birth used paid paternity leave.

4.6.3 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. Legislation should be introduced to make paid maternity leave accessible across the board for all types of employees - permanent, temporary and casual.²⁸²
2. If there is a government funded paid maternity leave scheme, employers should pay a minimum of 9 per cent superannuation contributions while women are on leave.²⁸³
3. Government funded services and community organisations should be funded to provide the same paid maternity leave entitlements to their staff as government staff entitlements.²⁸⁴
4. Women with less than 12 months prior service should be eligible for paid maternity leave.²⁸⁵

4.7 Parental and paternity leave

4.7.1 What we heard

There was repeated support for parental and paternity leave throughout the Listening Tour. Some held the view that an emphasis on parental leave was important to encourage men to take up a greater share of caring responsibilities and therefore critical to achieving gender equality. Some participants argued that a non-gendered approach was necessary to break the entrenched male primary breadwinner model.²⁸⁶

Paid parental leave will provide greater decision making capacity to parents about paid work and caring

A young female focus group participant said that paid parental leave was the next step forward from paid maternity leave:

I would like to see paid parental leave, not just paid maternity leave. There's a lot of campaigning going on at the moment for paid maternity leave, and a lot of the women's groups and the politicians say that we need that as a first step. I think we

need to go bigger and broader than that, and it needs to be paid parental leave for both parents.²⁸⁷

One woman highlighted that parental leave gives greater decision making capacity to the family about who stays at home and who is in paid work:

[We need to r]emove the label 'maternity' leave...why not have it available to both genders? I still think that the woman can come back to work [after child birth] – I came back from having my baby after three days.²⁸⁸

A blog contributor highlighted the need for equality between women's and men's paid leave entitlements so as to prevent discrimination against women:

I do have concerns as to not having equal paternity and maternity leave. The danger in women being entitled to a greater period of leave to that of men is that employers may look less to employing women over men as women would have more time off work and thus the employer lose[s] a particular skill set/employee during that period. I would hope that there would be an equal maternity and paternity leave of say 3 months each for both parents or, alternatively, a shared caring scheme of some sort. In any case, any scheme should ensure that women are not disadvantaged over men in their search for work.²⁸⁹

Men want paid paternity leave to support their role as fathers

A men's advocate group brought attention to the need to ensure that parental leave is considered alongside paid maternity leave:

Our new fathers...talk about physically aching at being away from their new babies - at the pain of missing the first step, the first word. A national system of paid parental leave is long overdue. However, establishing a paid maternity leave scheme without a simultaneous parallel paternity leave scheme will simply serve to reinforce the old "female home-maker, male breadwinner" roles that have served modern society so poorly.²⁹⁰

In a male focus group, when asked about the availability and use of paid paternity leave, most men who had access to paid paternity leave took it although nobody took unpaid leave when a child was born.²⁹¹

One contributor to the blog shared his experience of becoming a new parent:

My wife had the benefit of paid maternity leave (12 weeks) and it really helped. Friends who don't have such things find it much harder - one mother I know went back to work in about a month which was too soon for her. It's pretty tough in the first few months especially for new mothers so anything the government can do would help... As for paternity leave - 2 weeks is a good help - many fathers take annual leave to be around to help out, so this [would be] welcome, also if it was mandated and government paid then it'd get around hard case employers rejecting the leave. It's not a huge amount of time off for the dads but I think it's worth pushing for in the beginning.²⁹²

4.7.2 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. A government funded paid parental leave scheme that includes fathers should be introduced.²⁹³
2. A paid parental leave system should include equal entitlements for women and men.²⁹⁴
3. There should be a minimum of one month's paid leave for fathers that can be taken at any time in the first 12 months of a child's life.²⁹⁵

4.8 Child care

4.8.1 What we heard

The cost, availability and quality of child care were raised consistently during the Listening Tour. Participants indicated to us that the rising cost of child care was influencing decisions about women's paid workforce participation. Many were finding it difficult to find before and after school care. Many people are increasingly relying on grandparents and other informal types of care. Some parents also commented about the social pressures placed on them not to place their children in child care.

The cost and limited availability of quality child care is placing a serious financial burden on parents, often influencing their decisions about paid work

Many women put forward the cost of child care as a major barrier to paid workforce participation.²⁹⁶ One woman noted the particular difficulties around the cost of child care for low paid workers:

You often lose that [financial] independence just with child care fees. I work in child care that charges about sixty-six or seventy dollars. I was amazed. If you work in a lower paying job then it does hurt. You might as well think of giving up your job and caring for your child.²⁹⁷

One man likened the cost of child care to paying another mortgage:

I'm from North Queensland, so we don't have any family here...long day care is not cheap, we have two [children] there now, 3 days a week, \$65 per day per child... We are effectively paying another mortgage.²⁹⁸

Another man explained that the cost of child care could mean that both parents working created a financial loss for a family:

The cost of child care and not having that family support, outweighs the dramas that go with having to go to work. There's one period of time where I know Anne was working, and it was costing more with child care, parking and whatever, for her to work.²⁹⁹

One participant claimed that child care benefits made it more affordable:

My experience is that people think child care is more expensive than it really is because once you work out the child care benefit etc, it's not as bad as it looks...[You n]eed to sit down and do the sums before you make assumptions about what is affordable.³⁰⁰

One woman reminded us of the internal struggle that many women face in deciding to enrol their children to child care:

Choice about child care is huge for every woman. It is an emotional and economic conflict. In a community that is conservative you are seen as not a good mother if you use child care. Also is not worth the money. [For me, the] balance is \$10 a week extra and [it is] not worth it [to] not to be with my child.³⁰¹

In addition to the cost, many parents raised their concerns about the availability of child care. One woman commented on her decision to work part time instead of full time for this reason:

My daughter has just gone into child care. I wanted to go back to work full-time but I could only get child-care three days a week so I had to go back part-time.³⁰²

Families are increasingly using grandparents and other informal networks for child care

Many parents were seeking assistance from grandparents to save on child care costs and make ends meet. Grandparents commented on the financial and health stresses stemming from this, impacting on grandmothers in particular.³⁰³

One contributor to the blog wrote of his family's reliance on grandparents for help:

We're lucky that the grandparents can take our kid for a day a week, saving us a fair bit on child care each year, as well as giving them more contact with the baby. It does bother me that we're sucking up their time and I guess it will get worse when he goes to school and we run out of holidays. I can't really see much else of a solution though - child care is barely affordable as it is.³⁰⁴

Another woman emphasised the stress on her mother of undertaking extra caring responsibilities:

Without my mother providing me with practical support supporting my children and buying clothes from them, I wouldn't survive. But there is a lot of stress for my mum too in supporting eight grandchildren all up.³⁰⁵

The Anti-Discrimination Commission in Tasmania has observed a number of older women taking part-time work to care for their grandchild while the mother goes to work full-time and cannot afford child care. They noted the detrimental impact on the finances of the grandmothers in this situation.³⁰⁶

At the Perth community consultation one participant commented that "there are now a whole generation of women who have raised their children and then they find themselves with another unpaid role". She added that many of these grandmothers may have other caring and community responsibilities too.³⁰⁷

Parents are having difficulty in finding before and after school care

The hours of full time work present a challenge for parents of school age children, particularly those with limited access to before and after school care. One participant from the ACT noted, "The 9am to 3pm school hours are difficult. Someone has to pick [the kids] up. Picking kids up from pre-school is hard too".³⁰⁸

A participant in the Launceston community consultation drew attention to the problems with accessing before and after school care in regional areas of Tasmania.³⁰⁹ In Melbourne, a participant at the community consultation emphasised the point that care responsibilities don't stop with babies and that adolescents often need more care:

The belief that once kids are at school, [the need for child care is] all over is clearly mistaken.³¹⁰

4.8.2 Research and literature

The following research project was brought to the attention of the Commissioner during the Listening Tour.

Child care policy in Australia

In their book, *Kids Count: Better early childhood education and care in Australia*, Barbara Pocock and Elizabeth Hill have examined the structure of Australia's system of early childhood education and care, in particular the relationship between Commonwealth expenditure (amount and structure) and its impact on measures to improve the quality of services.³¹¹

4.8.3 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. The taxation of onsite child care should be reviewed as well as accounting systems so that child care can be considered as part of running costs for organisations.³¹²
2. Education departments should review school hours and school holidays to better fit with working life.³¹³
3. A public awareness and education campaign for affordable, quality and accessible child care should be developed.³¹⁴

4.9 Carers

4.9.1 What we heard

The need for greater support of carers of people with disability and older people was raised in a number of states.³¹⁵ Given the large majority of carers are women, this is a significant issue relating to gender equality. Participants told the Commissioner of the need to extend workplace flexibility to all carers, the inadequacy of carer payments, and the limited services in regional areas placing extra pressure on carers. These were highlighted as problems that would intensify in the face of the rapidly ageing population.

Carers are under personal and financial stress

One participant in the Launceston community consultation shared her mother's experience, highlighting the personal cost of being a carer:

The lives of carers are affected by what is going on in the lives of the person they are caring for like how well they are at that time. Carer Payments are inadequate especially to pay for all the health problems of the person being cared for and it ends up costing the carer. My mother cannot contemplate working even part time because she is the sole carer of my brother. If she wants to go away for a while or go on holiday it is very expensive. My mother got quotes for private support between \$8,000 and \$32,000 and the care needed by my brother is not 24 hour care.³¹⁶

She also described the difficulty of accessing disability services due to services being cut back to metropolitan areas only. The limited availability of services places an additional burden on carers in regional areas.³¹⁷

At the Perth community consultation, one woman brought attention to the need for appropriate aged care services for culturally and linguistically diverse people. She found it difficult for her mother to access mainstream services because she spoke limited English. She said:

I had to juggle six respite arrangements. Only one could speak my mother's language. In the end I was lucky enough to have an employer who gave me twelve months leave. There is an assumption that carers will give up work and not have a career to care. We need services that are appropriate for culturally and linguistically diverse people, and we need support to care for people ourselves.³¹⁸

Carers need the right to request flexible work

Carers Australia reported that there are 2.6 million family carers and 500,000 are primary carers. Of these, 70 per cent are women. The caring role is calculated to be worth \$30.5 billion to the Australian economy. Carers Australia raised the need for workplaces' flexibility policies to extend to carers as well as parents. They also noted their concern with the government's proposed National Employment Standards, where the right to request flexible work conditions is limited to parents of young children only.³¹⁹

To assist the workforce participation of carers, Carers ACT (Australian Capital Territory) has initiated an employee carers' program where a worker is sent into the workplace to act as a mediator between employer and carer/employee to negotiate flexible work arrangements. The program has been running for twelve months with only two workers. There is large demand for this program and a backlog which demonstrates the need for broad legal protection against discrimination for carers as well as a legislated right to request flexible work conditions.³²⁰

4.9.2 Research and literature

The following research projects were brought to the attention of the Commissioner during the Listening Tour.

Workplace support for carers

The Taskforce on Care Costs has found that current Government services and workplace support for working carers is inadequate, leading to reduced levels of workforce participation.³²¹ Research from a Newspoll survey and various focus groups found that 34 per cent of carers said their job or career had suffered because

of the competing demands of their caring responsibilities and 44 per cent of carers chose a role below their skill level to give them the flexibility they require.

Caring and the ageing population

The National Centre for Social and Economic Modelling conducted a study for Carers Australia projecting the future demand for and supply of informal carers of older persons (persons aged 65 years and over) in Australia.³²² The impetus for the study was changing trends in terms of the ageing of Australia's population and a change in the balance of care, from formal care to informal care provided in homes. The study projected a significant increase in the numbers of older persons likely to need informal care in Australia between 2001 and 2031 along with a smaller increase in the numbers likely to be carers. The study projected that carers will remain predominantly female changing from 71 per cent female in 2001 to 68 per cent female in 2031.

The health and wellbeing of carers

The Australian Centre of Quality of Life at Deakin University has undertaken the largest ever survey into the health and wellbeing of Australian carers.³²³ Carers have been found to have the lowest collective wellbeing of any group yet studied. More than one third of carers were found to be severely or extremely severely depressed. More than one third of carers were found to be experiencing severe or extreme stress. More than half of the respondents had a household income less than \$30,000 per annum. Even carers in fulltime employment have a \$7,200 deficit in household income compared with the national population

4.9.3 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. A twelve month carers' leave scheme similar to maternity leave should be introduced.³²⁴ A contribution to superannuation should be made by employers when employers are on carers' leave.³²⁵
2. A DVD or other educational resource should be distributed widely to workplaces and employers to communicate the specific issues and flexibility requirements for carers.³²⁶
3. Training should be provided for employers on flexible work and carers highlighting the potential benefits of providing flexible work arrangements.³²⁷
4. Federal legislation should be introduced to protect carers from discrimination.³²⁸
5. There should be a review of current carers' leave provisions to examine whether they are adequate in providing necessary support for carers.³²⁹

4.10 Hours of work

4.10.1 What we heard

Long hours of work, particularly for men, are having an impact on women's and men's ability to share family responsibilities. For both male and female low paid

workers, participants reported the need to work long hours to meet the cost of living.³³⁰ This has flow on effects to being able to manage caring responsibilities.

Long hours are ingrained in workplace culture

One male participant from the financial services sector commented on workplace culture as an important factor in encouraging long hours of work:

Long hours are addictive. Working sixty hours a week becomes normal. In June we have a big spike of work around eighty to ninety hours a week but in August we tell people to go back to normal hours... Absenteeism in July, August and September is huge because everyone is sick.³³¹

When asked what would be the ideal work and family arrangements one man commented, "Even an eight hour working day would be ideal."³³²

A focus group participant highlighted the irony of many men working long hours to get ahead so that they can have time with the family. He said that many men feel locked into working long hours to provide for their families as the primary breadwinner.³³³

One contributor to the blog discussed working hours and the need for employees to have control over their hours of work:

When we stop being an economy and return to being a society, then we have a chance at recovering our lives. At the moment, far too many people are doing the work of one and a half people on one person's pay. [They are doing] 45-60 hours per week on 38 hours pay. And they're the 'lucky' ones... For an economy with a supposed shortage of workers, workers have very little real power or capacity to control their own lives. This is true of so-called 'knowledge workers' as well as unskilled.³³⁴

Some employers also recognised that there is a growing trend of job intensification alongside an increase in working hours. This has significant impacts on the ability of employees to manage paid work and family responsibilities.³³⁵

4.11 Job security

4.11.1 What we heard

The Commissioner heard that job insecurity, particularly in low paid industries, is increasing the pressure on individuals balancing work and family because of financial worries.

Job insecurity is placing additional pressure on families

One man commented on feeling the pressure to be the primary breadwinner, a stress exacerbated by job insecurity:

It is a stress, always at the back of my mind because it could happen. I could lose my job...I have worries about how my family will eat.³³⁶

In the same focus group, another participant raised his concerns about providing for his family in the event that he is injured at work:

If we get sick badly we don't get sick pay and insurance doesn't kick in for two weeks so there's no pay for the family.³³⁷

Women in low paid work have limited bargaining power and are vulnerable to job insecurity

Asian Women at Work reported that WorkChoices has contributed to a significant fear amongst workers about losing their job. They said that this fear about job security meant that they do not question poor employment conditions or ask for pay rises.³³⁸

Some migrant women workers spoke of their fear of ringing in to say that their children are sick:

Many workers feel a great fear to ring up the employer to say I can't come in because children are sick. And if you ring up on a Friday or Monday, then you don't get paid. It is so difficult to get work, and we don't feel able to negotiate.³³⁹

Women in the care industries expressed their concerns about their job security, despite the skills shortage in this area. They said it was common for management to threaten their jobs if they asked for any flexibility.³⁴⁰

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5 Theme Three – Freedom from discrimination, harassment and violence

5.1 What is this chapter about?

I believe sexual harassment in the workplace is still very prevalent but its victims remain silent. Most women have experienced some form of harassment in their jobs. However most women will refuse to report it or speak out against their bosses for fear of retribution. I have just been through [six] years of trying to seek some justice in my male dominated place of work. The sexual harassment that I was subjected to was nothing compared to the victimisation that took place after I rejected my boss and eventually complained about him to higher management. Whereas I had hoped to stop this happening to someone else, I have served as an example to others that if you speak out you will be persecuted. My harasser and victimisers are part of a powerful system. In their view, I should've been a good woman and put up with it.³⁴¹

The right to feel safe in our workplaces, educational institutions, public places and homes is a basic human right enshrined in the Universal Declaration of Human Rights³⁴² and Convention on the Elimination of All Forms of Discrimination against Women.³⁴³ However, women continue to experience discrimination, harassment and violence as an everyday reality. Ending discrimination, harassment and violence against women is critical for women to be able to equally contribute to and benefit from economic, social, cultural and political life.

Sex discrimination and sexual harassment overwhelmingly affect women more than men. There were 472 complaints made to HREOC under the *Sex Discrimination Act 1984 (Cth)* in the 2006-07 financial year. Of these complaints, 87 per cent came from women.³⁴⁴ A telephone poll commissioned by HREOC in 2003 found that 41 per cent of women have experienced sexual harassment and 28 per cent of women experienced it in the workplace.³⁴⁵ The research also found that 70 per cent of all sexual harassment involved men sexually harassing women.

Discrimination and harassment are part of a continuum of gender related violence. Australian research has found that nearly one in five women has experienced sexual violence since the age of fifteen.³⁴⁶ An international study found that around one in three Australian women have experienced violence from an intimate partner in their lifetime.³⁴⁷ Domestic violence is a significant cost to the economy with Australian businesses losing at least \$500 million per year because of the effects of family violence on their employees.³⁴⁸

Under this theme, the Commissioner sought to understand the nature and complexities of women's experiences of discrimination, sexual harassment and gender related violence. What does sexual harassment and sex discrimination look like in our workplaces? Do people feel confident to complain? Do women feel they can live a life free of the fear of violence? And finally, how can women be supported to feel safe in their workplace, homes and communities?

This chapter contains a summary of the key issues raised during Listening Tour under the theme of *Freedom from Discrimination, Harassment and Violence*.

The report is structured as follows:

What we heard: This section is a summary of the key points made under each sub-issue, illuminated by personal stories and opinions.

Research and literature: This section summarises research that is relevant to each sub-issue. It should be noted the research included in the report is not an exhaustive literature review, but a summary of the research that was presented to the Commissioner during the Listening Tour.

Policy and project ideas: Listening Tour participants provided their ideas to the Commissioner on what could be done to address the various issues under this theme. Some suggestions are for the Commissioner and HREOC to consider and others are for government or other relevant bodies, but which HREOC could potentially support.

5.2 Sex Discrimination

5.2.1 What we heard

The continuing impact of sex discrimination as an everyday reality for women was raised repeatedly with the Commissioner during the Listening Tour. Participants spoke of their experiences of discrimination upon returning to work after pregnancy, the dual impact of sex discrimination and WorkChoices, the particular disadvantage faced by disparate groups of women and the limitations of the anti-discrimination complaints process and legislation.

Sex discrimination remains a harsh reality of women's lives despite 24 years of legislation to redress it

Many Listening Tour participants brought our attention to the gendered assumptions, attitudes, stereotypes and discrimination that permeate women's lives, particularly in workplace settings.

One woman spoke of her battle to gain a promotion in a male-dominated industry:

I was overlooked for a position which I knew I had the skills and experience for. When I asked about it, management said, "That would never happen - she is a female". I asked Human Resources what avenues I had and they said, "If you want to keep working there you should keep your mouth shut".³⁴⁹

A participant at the Hobart community consultation described the experience of her daughter-in-law, highlighting the powerlessness that many women feel:

I have a daughter-in-law who works for a call centre. She fell pregnant and had a baby, at this time her boss said that if she wanted to come back she could. After six months, he gave her a hard time and said she had to work full time if she wanted to work. He did this because he thought women should be in the home. She ended up leaving. She knew it was discrimination but he is the boss.³⁵⁰

Another woman reported her experience of workplace discrimination on the grounds of potential pregnancy:

I've had a comment about me that I shouldn't be given a permanent job because I may have a baby soon. I'm not even pregnant.³⁵¹

In a recent case study analysis conducted by the Women's Employment Rights Project at the Inner City Legal Centre NSW, out of 224 case studies, 60 women identified pregnancy and return to work discrimination as the reason for their dismissal.³⁵² This accords with HREOC's own complaints data, which show that pregnancy discrimination and return to work issues are two of the most common complaints under the Sex Discrimination Act 1984 (Cth).³⁵³ A number of women's legal services reported that WorkChoices has led to a rise in the number of women needing to access the family responsibilities provisions of the *Sex Discrimination Act 1984 (Cth)*.³⁵⁴

One women's service provider emphasised the vulnerability of women returning to work after pregnancy. They reported that it is often a peak time for bullying, with colleagues resenting their return to work.³⁵⁵

One male attendee at the Darwin community consultation brought attention to the fact that many women are unaware of their rights in relation to discrimination at work:

I knew a woman who had three kids. She came back into the workforce after maternity leave after having a baby twice. She went back into the same job, but after the third maternity leave period she wasn't given the same job back. I had trouble convincing her it was sex discrimination. If women aren't aware of it or aware of the legislation, it is hard to protect women.³⁵⁶

One organisation also raised the issue of discrimination against men in women-oriented services such as child, maternal and family services. Dads on Air argued that these services see parents only as a mothers which results in discrimination against fathers.³⁵⁷

Disparate groups of women experience particular discrimination and disadvantage

Listening Tour participants commented on the intersectional discrimination that disparate groups of women experience. The experiences of Indigenous, migrant and refugee women highlight a complex interplay of discrimination based on race and gender resulting in significant disadvantage in a range of settings.

One Indigenous woman told the Commissioner of her frustrations in trying to find paid work:

I want to work and do something with my life. After doing a coffee course, I sent out my resume to 50 cafes. I only got one response. It's even worse if I mention that I'm a mother. Stereotypes stop [Indigenous people] from getting jobs. Even when places get subsidies for hiring Indigenous people they still don't [hire them]. All businesses should get cross cultural training.³⁵⁸

A focus group participant who works with young women from refugee backgrounds recounted their difficulties in finding work and the impact on their self esteem and confidence:

I just think in terms of how racism ties with sex discrimination. The young women I work with are mainly from refugee backgrounds, so most of them are thirteen, fourteen [or] fifteen... They get bullied a lot because of how they look, their colour, or just because of their clothes. For them everything is rolled into one. And when you're in a new place... but you're not accepted, or you're too distinguishable, this hits their self confidence really hard. When you're being told you're inferior because of your colour, why would you like to talk about that? For them it's a massive problem, and they don't have anywhere to turn to or anybody to talk to. They're new in Australia. They barely know how to get from one place to the other, let alone who you do and don't talk to. There is emotional trauma that comes about.³⁵⁹

The Muslim Women's Association reported that Muslim women also experience particularly high levels of discrimination in employment if they wear a hijab. The Commissioner heard one example where a male employer asked a Muslim woman to take off her hijab. In the end she took the hijab off because she was scared of losing her job. The lack of awareness of workplace rights was noted as a significant problem for migrant women.³⁶⁰

A focus group participant of African background told us of her experience of racial discrimination because she wore a headscarf:

One of my daughters was going for a job and she kept going for a job and she didn't get the jobs because she was wearing her head scarf. Finally, she took the head scarf off, and she got [one]. I would rather her not have the job, and wear the head scarf. Another [time] my sister and I went for [a] job, I didn't wear a head scarf, and my sister did, but had better qualifications. But I got the job, and she didn't. I know it was because she was wearing her head scarf.³⁶¹

One participant in a focus group of female factory workers from Asian backgrounds told the Commissioner that her employer complains that she is talking too loudly if she speaks in Chinese. Women in this focus group also relayed their experiences of physical harassment such as managers grabbing arms and pulling. They said that in their workplaces, Chinese women are particularly vulnerable and targeted. Many are scared to complain in case they lose their jobs.³⁶²

A service provider at the Darwin community consultation who works closely with refugee and migrant women suggested that the low levels of reporting of discrimination amongst this group could be because many women have come from an environment where there is a fear of government agencies and a low level of trust in statutory bodies.³⁶³

There are limitations with the current legislation and complaints process in delivering long term systemic change

Some participants raised their concerns about the capacity of the current complaints process and discrimination legislation to deliver long term systemic change.³⁶⁴

Participants raised the issue of the accessibility of the complaints process, given the cost to individuals if the complaint proceeds to the Federal Court. One woman's service organisation suggested that very few people will go beyond the conciliation process because of this cost barrier.³⁶⁵

A union official attending the Sydney community consultation said that she would like to see a class arbitration process introduced to provide a more remedial and collective response, because it is rare to see a systemic outcome arising from an

individual case.³⁶⁶ This point was reinforced by a community legal centre representative who said that a system which relies on affected individuals to enforce remedies is unfair, and commented that “[i]t’s a big ask of individuals to hold the responsibility of making a complaint”.³⁶⁷ The National Women’s Secretariats meeting in Canberra also raised this issue with the Commissioner.³⁶⁸

One participant suggested that an aspirational or positive rewards system, in addition to the compliance system could encourage positive systemic changes.³⁶⁹ At the NSW Women’s Peak Roundtable, a participant said that it was essential “to get people back to the idea that these are structural, rather than individual problems”.³⁷⁰

On the issue of the new Victorian Charter for Human Rights, one participant commented that it undermined the application of the Convention on the Elimination of Discrimination Against Women because of its strong focus on the International Covenant on Civil and Political Rights. There was a concern that a National Charter of Human Rights would also fail to deliver systemic equality and justice for women.³⁷¹

5.2.2 Research and literature

The following research projects were brought to the attention of the Commissioner during the Listening Tour.

Analysis of current protection from sex discrimination

Belinda Smith from the University of Sydney has undertaken a regulatory analysis of the *Sex Discrimination Act 1984* (Cth), particularly exploring its weaknesses in respect of family responsibilities discrimination. Smith recommends an enhanced role for HREOC in supporting claimants, using an expanded array of remedies that could more effectively deter discrimination and prompt good behaviour. Such a regulatory role for HREOC is more akin to the role of the United Kingdom anti-discrimination commissions. She highlights the limitations of the process which requires victims to enforce the legislation, and the private process of individual conciliation with compensatory remedies instead of punitive or corrective orders.³⁷²

Women in medicine

The Australian Federation of Medical Women has published a paper to examine the current status of women in medicine. The paper outlines the discriminatory practices that exist as barriers in the profession to prevent women’s equal participation. These include the male defined structures and institutions of medicine, the hours of work as well as overt sexism. The paper recommends gender competent policy development in the profession as a way to overcome these barriers.³⁷³

5.2.3 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. Legislative protections against discrimination on the basis of family responsibilities should be strengthened.³⁷⁴
2. There should be a public education campaign focusing on employer responsibilities to prevent workplace sex discrimination.³⁷⁵

3. There should be a national discrimination awareness package that encompasses all forms and types of discrimination. It should be compulsory in all workplaces.³⁷⁶
4. There should be a sex discrimination audit of all legislation similar to the same-sex inquiry conducted by HREOC.³⁷⁷
5. The *Human Rights and Equal Opportunity Commission Act 1986* (Cth) should be reformed to simplify the process and minimise the costs to individuals of following through a complaint.³⁷⁸
6. There should be widespread education and enforcement around sex discrimination to change perceptions and attitudes at a systemic level.³⁷⁹
7. There should be an enforced 'gender equality' impact statement on all legislation coming before federal Parliament as part of cabinet processes.³⁸⁰
8. There should be counselling available for people who come through the complaints process in HREOC or state anti-discrimination commission.³⁸¹
9. Consideration should be given to 'naming and shaming' those employers that do not comply with legislation and do not implement equal opportunity principles. Similarly, anyone who is proactive in addressing discrimination should be credited and publicly acknowledged.³⁸²
10. There should be coherent reform to the *Sex Discrimination Act 1984* (Cth) in conjunction with the introduction of any national charter of rights.³⁸³
11. The powers of the Sex Discrimination Commissioner should be increased to include an intervention function; gender equality duty; spot auditing function and independent monitoring and benchmarking of gender equality.³⁸⁴

5.3 Sexual harassment

5.3.1 What we heard

One of the key findings of the Listening Tour is the all-pervading nature of sexual harassment. The Commissioner heard about sexual harassment across every state, industry and workplace that she visited. The main issues raised included: the victimisation of the person experiencing sexual harassment if they make a complaint; the lack of understanding around sexual harassment; the particular vulnerability of young women to sexual harassment; the increasing use of new technologies as tools for sexual harassment; and the culture of disrespect towards women which encourages sexual harassment.

Sexual harassment is alive across all employment levels and industries

Sexual harassment was raised consistently throughout the Tour in community consultations, focus groups and on the Listening Tour blog. One young woman working in the cleaning industry shared her experience of sexual harassment from her manager:

We were playing [and] mucking around. I knew he liked me. I didn't like him back. He made physical sexual advances and I had to fight him off. He was the boss. It was my word against his [so] I didn't raise it with the employer.³⁸⁵

Another female focus group participant shared with the Commissioner her comments on the constant self surveillance that women become accustomed to:

You wear a sack to not show yourself off, you talk to the safe people who you know [at work]. You are constantly thinking about your gender.³⁸⁶

In some male dominated industries sexual harassment is normalised. One woman commented on her experience of sexual harassment where she lives in close quarters to her male colleagues:

I've been living [in these work quarters] for three years and I've had knocks on my door at night with guys saying, "Guess you're feeling a bit lonely, love?" It shouldn't happen. I've been sitting with a group of males and one will ask, "Don't you think it's my turn [for sex] tonight?"³⁸⁷

A union official said that WorkChoices may have contributed to an increase in sexual harassment and confusion about rights and responsibilities:

We hear that WorkChoices plays a role in sexual harassment cases. The employer has more power, employees feel that they cannot go to their supervisor as they will say go find a job elsewhere. It's put up or shut up. This attitude has returned.³⁸⁸

There was a feeling that sexual harassment was almost impossible to eradicate. On this point, one woman recounted her experience of hearing her colleague talk about a woman in a degrading manner:

I don't think there's any organisation that's ever going to be able to put their hand on their heart and say, "We are free of sexual harassment in the workplace". I was absolutely astounded a few weeks ago now. I was having a cup of coffee with a colleague and one of them had actually participated in a selection panel recently and I literally spat my coffee out because they were talking about one of the females that they had interviewed. This guy just turned around and said, "And she had the best set of tits".³⁸⁹

A similar sentiment highlighting the pervasive and persistent nature of sexual harassment was expressed by a contributor to the blog:

I was recently sexually harassed by the boss at a work function and the company have since tried to sweep everything under the carpet. I have been left feeling very vulnerable and anxious. Whilst also feeling isolated by the management and workers. I am not feeling as confident with HREOC at the moment as the process [of making a complaint] can take up to 8 weeks and I feel I am being forced to hand in my resignation. This is 2008 when will it be an "equal" society for women, when will it be finally stamped out.³⁹⁰

There was also a silence and reluctance to talk about sexual harassment amongst employers with one stating that the usual attitude was "everyone else's but ours".³⁹¹

Participants felt that small businesses needed to be a target for education because they are unlikely to be familiar with the legislation and their obligations as employers compared to large corporations and government agencies. One woman suggested that workers in small businesses were likely to be the "main perpetrators" of sexual harassment.³⁹²

Young women in their in early employment are especially vulnerable to sexual harassment

Young women reported feeling particularly vulnerable to sexual harassment in their first jobs, especially if they were employed on a casual basis with minimal job security. One young woman described the sexual harassment experienced by her peers as “very extreme” verging on being “assaulted”. When asked what form this sexual harassment took, she said that it can be “comments, emails, text messages, constantly being asked out or pornographic material displayed”.³⁹³

One focus group participant told the Commissioner that she was asked to wear a transparent uniform in the supermarket where she worked:

They changed the uniform, and it was literally see-through. You could tell it was see-through, but all the girls had to wear it. In winter I'd wear a skivvy underneath it [and] get told to take [the skivvy] off...You're there in a see-through top and lacy bra scanning things. We complained about it, and we were told to take off the singlets underneath. All the men were older, and all the girls were between 15 and 18. When nothing came of the complaints I just wore the top.³⁹⁴

One young woman said that the messages condemning sexual harassment need to be clearer. She said that many young women do not understand where the line should be drawn:

You know that it's not okay to be touched by your dad or your uncle, but it's not okay to be touched by your boss either.³⁹⁵

A social worker who works with young women reported that young women's acceptance of violence and harassment is disturbing and is seen as “just what happens sometimes”.³⁹⁶ Another participant at the Melbourne consultation told the Commissioner that schools are rife with sexual harassment and it is not addressed effectively.³⁹⁷

The particular vulnerability of young women does not mean that women of all ages do not experience sexual harassment. One participant in Brisbane recounted her experience of sexual harassment at the age of 43:

I'm 47 and 4 years ago my boss asked me if I was wearing a g-string. It was in front of everyone. I gave him a mouth full. I was of the opinion that once you reach a certain age the risk is lower but it still happens.³⁹⁸

Victims of sexual harassment justifiably fear victimisation if they complain

The idea that a sexual harassment complaint could be resolved positively with no detriment to the complainant was viewed as a “fairy tale”, with one participant telling us that “anyone who complains [about sexual harassment] ends up [being seen] as the perpetrator rather than victim”.³⁹⁹

One female focus group participant echoed this comment when reflecting on her experience of sexual harassment, stating her belief that if she had complained:

I would not have been a victim of the incident; I would have become a victim of [the] repercussions of bringing the incident to attention.⁴⁰⁰

Other women referred to the idea of bringing a sexual harassment complaint forward as “career death”, fearing that the stigma would impede future promotions and career progression.⁴⁰¹ One woman said that bringing a complaint forward would mean being known to be a “bit unhinged” for the rest of her career.⁴⁰²

Another participant commented on the blame placed on women for making a complaint: “You end up being made to feel you’re the guilty party.”⁴⁰³

A common outcome for many victims of sexual harassment is leaving their workplace or even changing career paths if they are working in a small industry.⁴⁰⁴ An employer argued that most women will attempt to deal with sexual harassment informally or leave the workplace because of this fear of victimisation:

It absolutely still is an issue and people have a fear of making a complaint because it is a career killer. You try and deal with it informally or you just get out.⁴⁰⁵

One service provider raised concerns that there are no processes for rehabilitation for victims to go through to reintegrate into the workplace. Internal grievance procedures were labelled as “inconsistent and insensitive” from the victim’s perspective. Participants also noted the fact that victims may have to sign confidentiality agreements which may prohibit them from speaking about their experience is also disempowering and unjust. This is of particular concern if victims are not advised of the consequences of signing these agreements.⁴⁰⁶

One participant raised her dissatisfaction about the onus being on the victim to stop sexual harassment from happening. Commonly victims are made to feel that they don’t know how to take a joke. One woman said that perpetrators will say that women have “no right to feel upset”.⁴⁰⁷ Another woman said that male colleagues will suggest that she has her period if she questions sexual harassment with comments such as: “What, have you got your rags on this week, love?”⁴⁰⁸

There is a general lack of understanding around sexual harassment

There was a general lack of understanding about what constitutes sexual harassment and when the line is crossed between acceptable and unacceptable behaviour.

One man argued that showing pornographic images on phones doesn’t constitute sexual harassment because everyone does not have to look at it:

There are always guys showing each other stuff in [their] phones...[It] happens all the time at lunch and at smokos. [It] doesn’t affect anyone...[I]f you don’t want to look at it, don’t look at it. The phone is more discreet than women on the wall.⁴⁰⁹

There was a tendency for men to minimise experiences of sexual harassment. One man explained that although he didn’t see “serious” sexual harassment, inappropriate emails were common:

I don’t see a lot of the serious [harassment]... the extreme end of it... it’s more often than not ...inappropriate emails or the pictures and so on that will float around the office from time to time.⁴¹⁰

Another male focus group participant commented on the difficulty in knowing when the line was crossed between work and social events:

There's a bit of problem with the social aspect of [our] work which is based on personal and client relationships. [The o]verall philosophy of the [work] place is personal relationships. Women are also more forward these days. There is a grey area when you spend a lot of time together. Where do you overstep the mark when something is okay but then something is not, particularly at work social events?⁴¹¹

Some employers also commented that the connection of a social event with employment is often difficult to assess. There is confusion about where the employer's liability to protect staff from sexual harassment ends.⁴¹²

There was a concern raised about the quality and consistency of training around sexual harassment. Many organisations offer 'online training' about sexual harassment but this is not refreshed on a regular basis.⁴¹³

New technologies are adding a new dimension to sexual harassment

Listening Tour participants reported on the use of technologies, such as mobile phones, PDAs, social networking sites and internet chat rooms, by perpetrators of sexual harassment.⁴¹⁴ Schools were commonly the sites of harassment for these technologies, with both students and female teachers being targeted.⁴¹⁵

The Anti-Discrimination Commissioner of Tasmania reported that sexual harassment is increasingly occurring through the use of mobile phones with fewer physical contact cases being reported.⁴¹⁶

A culture of disrespect towards women normalises encourages sexual harassment

Some participants told us that the media portrayal of women and popular culture contributes to a culture of disrespect towards women which provides tacit support of sexual harassment.⁴¹⁷ One community consultation participant said:

We have a culture here treating people with a lack of respect and this is encouraged through TV, sport and parliament. These are powerful messages, and lead to sexual harassment. We need to treat people with respect. How do we do this?⁴¹⁸

Another participant said that to address sexual harassment there needed to be a change in the way women are portrayed in the media as sexual objects.⁴¹⁹

5.3.2 Research and literature

The following research project was brought to the attention of the Commissioner during the Listening Tour.

Contemporary experiences of sexual harassment in Victoria

Taking it Seriously: Contemporary experiences of workplace sexual harassment is a survey and collation of the experiences of those who have been sexually harassed in a Victorian workplace since 1999. The research included a survey, interviews and case studies. The survey of 235 participants found that 197 (84 per cent) reported

either personally experiencing or witnessing unwanted or unwelcome sexual behaviour in their workplace; 177 (75 per cent) reported that they had personally experienced unwanted or unwelcome sexual behaviour in their workplace; 147 (63 per cent) reported that they had witnessed unwanted or unwelcome sexual behaviour in their workplace; and 137 (58 per cent) of respondents had both personally experienced and witnessed unwanted or unwelcome sexual behaviour in their workplace.⁴²⁰

5.3.3 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. The school curriculum should include specific components to increase awareness of rights and responsibilities in relation to sexual harassment.⁴²¹
2. Consideration should be given to using technology such as social networking sites to provide people with information about sexual harassment when they are looking for their first job.⁴²²
3. A reward and incentive system should be introduced to recognise employers who have effective sexual harassment policies and procedures. Incentives should be offered for sexual harassment training and the development of good practice, rather than just the absence of complaints.⁴²³
4. There should be compulsory education on sexual harassment when a small business is registered.⁴²⁴
5. There should be heavier regulation of sexual harassment with a more preventative approach.⁴²⁵
6. The definition of sexual harassment should be changed and modeled on the South Australian definition.⁴²⁶
7. Education should be provided for newly arrived migrants on sexual harassment.⁴²⁷
8. Role models who show leadership around sexual harassment should be given a highly visible public profile.⁴²⁸
9. Australia should take part in the Global Media Monitoring Project to examine the portrayal of women in the media.⁴²⁹

5.4 Gender related violence

5.4.1 What we heard

The ability to live a life free from violence was reported as a significant concern for women in the Listening Tour, particularly Indigenous women. In particular, women told us that there were problems with access to emergency housing and other services along with the impact of the recent changes to the *Family Law Act 1975* (Cth).

The Commissioner also questioned employers about their response to domestic violence. Generally, employers agreed that domestic violence impacted upon business, but there was a lack of understanding around what the employer can do to support women experiencing domestic violence.

Domestic and family violence impacts on women's economic independence

Service providers who worked with women experiencing domestic violence made the point that domestic and family violence has significant impacts on a woman's economic independence. Domestic violence affects all aspects of life – personal, social, and professional. Perpetrators may often control when women are 'allowed' in and out of the paid workforce. This affects a woman's self-esteem which then further impacts upon a woman's capacity to gain employment after she leaves the relationship.⁴³⁰

One woman spoke of her experience of domestic violence and how it impacted on her workplace abilities:

Domestic violence is an issue that is hard to discuss. There is an element of shame. You are being violated but there is also love and loyalty attached to it. You think everyone else is leading a normal life. It was difficult to communicate with my colleagues. It affected me mentally and physically.⁴³¹

The impact of the new family law reforms, which require separating couples to attend mediation sessions, on women experiencing violence was also raised. One service provider reported that courts are sending back notices saying that mediation is not appropriate for family violence situations. Participants suggested that these reforms need to be reviewed to assess whether women and children are adequately protected from violence.⁴³²

One participant in the Perth consultation recounted her experience of child sexual assault and then the poor response she received from government agencies which she labelled, "institutionalised violence against children". She said that this experience has impacted upon her ability to undertake paid employment and education throughout her life.⁴³³

The right to live free from violence is a chief concern for Indigenous women, in both metropolitan and remote communities

Mudgin-Gal Aboriginal Women's Corporation (Mudgin-Gal) reported to the Commissioner that family violence is a major issue for Indigenous women in inner city Sydney. Many of their clients are women who have left violence in regional and rural areas and moved to the city, often entering into violent relationships again. The workers at Mudgin-Gal identified housing as a priority issue for women leaving violent relationships.⁴³⁴ One client of the service who recently left a 10 year violent relationship said:

I have had big troubles with housing. [I have ended up] going to refuges [or] staying with relatives and friends. How can you stay stable and provide good parenting to your children without a roof over your head? I was made to feel like a mental case.⁴³⁵

Another issue raised for Indigenous women was the child protection system treating mothers who were experiencing domestic violence as "bad mothers".⁴³⁶ A client of Mudgin-Gal who was experiencing domestic violence remarked about her experience with the Department of Community Services in NSW (DOCS):

When I have sought services [for domestic violence] I have been constantly questioned as to whether DOCS was involved. I wanted to tell them that I'm not the perpetrator here.⁴³⁷

There were some positive developments in addressing family violence and sexual assault in the local Redfern Indigenous community when a female commander headed the local Police station. Women reported that it makes a positive difference when the police officers are familiar with the community. Mudgin-Gal also has a strong relationship with Redfern Legal Centre which is important for providing family violence legal services in the community.⁴³⁸ In Adelaide, one Indigenous service provider reported that there was limited access to Family Violence Legal Services for Indigenous women in South Australia.⁴³⁹

In Mackay, Queensland, Indigenous women reported that there is only one women's refuge and another one for families. They were concerned about the lack of culturally appropriate services for Indigenous women as there is no specific Indigenous women's refuge and the local women's domestic violence service has no Indigenous workers.⁴⁴⁰

In Fitzroy Crossing, the township at the centre of four Indigenous language groups in northern Western Australia, women named violence linked to alcohol abuse as a primary concern. The main problems for women experiencing violence in this community include: high levels of alcohol abuse in the community; a shortage in housing; the long distance to travel to services; and minimal public transport. In 2007, the women in the community lobbied for a ban on the sale of take away alcohol which has had a considerable impact on the levels of violence, with police domestic violence reports decreasing by 43 per cent.

One woman reported to the Commissioner that prior to the ban she was calling the police up to three times a night because of alcohol related problems in her community. Another woman told her about running into the bush at night with her children for safety. Since the ban, many women reported that they now have a 'peaceful and quiet' night's sleep and feel safer in their homes and communities. Workers at the women's shelter also reported that the ban has reduced the severity of violence that they see for the women coming to use the refuge.⁴⁴¹

There is a shortage of emergency accommodation for women experiencing domestic violence

The shortage of emergency accommodation for women escaping domestic violence was highlighted at a number of community consultations. One service provider in a consultation in regional South Australia said that there is no emergency accommodation at all, and that the service will often pay for a woman to stay in a hotel or caravan park for a few nights in the case of an emergency. She said that many women and children will move to Adelaide where there are better services, but it is unsustainable in the long term because their family and social support systems are not there.⁴⁴²

A Melbourne service provider said that women experiencing domestic violence had very few housing options. She remarked that women who have previously left a violent relationship and were homeless were put at further risk of violence by being homeless.⁴⁴³

Employers have a role in responding to domestic violence

Some employers recognised domestic violence as a business issue but also identified a gap in knowledge and skills to effectively address it.⁴⁴⁴ One employer said, “We have the opinion that anything that impinges on your work performance is our concern”.⁴⁴⁵ Most employers currently refer staff to employee assistance or counselling programs if they are experiencing domestic violence.⁴⁴⁶

One male focus group participant shared his concerns about balancing his duty of care as an employer with getting involved in a staff member’s personal life:

.. [W]e have a duty of care over the person, which includes their personal life in circumstances in how that impacts them and how that’s going to impact them as a worker, but how far do you take that... where do you get the language around domestic violence? I probably will be referring them to other people. I’m not going to have the skills or [desire] to get involved in their personal circumstances.⁴⁴⁷

A Brisbane based organisation called the CEO Challenge is engaging with Chief Executive Officers of organisations to position domestic violence as an issue for the workplace. The program tells men and women (perpetrators and victims) where they can access help if they are in the cycle of domestic violence. Also, it encourages employers to give their staff time off for relationship counselling and financial counselling. One Chief Executive Officer said he did not think there was domestic violence amongst staff in his workplace but he reduced staff turnover by 20 per cent when he introduced the program.⁴⁴⁸

Men can be victims of violence too

Men’s groups and advocates raised the point that men can be victims of violence too, arguing that this has been an omission in public policy and programs relating to domestic violence.⁴⁴⁹

One contributor to the blog wrote about his experience of domestic violence and expressed his disappointment in the limited availability of services for men:

Whilst I have no problem with women victims being highlighted, the discrimination against including men and children victims needs urgent addressing. Services also need to be extended to father and child victims of domestic violence. To give but one example, I once had to flee with my two young children from their violent mother who had violently assaulted both me and our two children. I sought emergency accommodation and emotional assistance from several “women’s shelters” only to be told that they were women’s initiatives designed for female clientele only.⁴⁵⁰

In a submission to the Commissioner, some men’s advocates wrote about the lack of services for male victims of violence:

There are few services available for male victims of domestic violence and their children. There is a critical lack of emergency housing; programs for violent female partners; free [lawyers] to assist men with [Apprehended Violence Orders]; and training for social workers or counsellors to help men who have been victims of violence.⁴⁵¹

Women with disabilities are particularly vulnerable to violence

Women with Disabilities Australia and the Victorian Women with Disabilities Network highlighted the particular vulnerability of women with disabilities to violence. Although there is limited Australian empirical research on the incidence of this violence, Victorian Women with Disabilities Network cites a study suggested that up to 83 per cent of women with cognitive disabilities may experience sexual assault in their lifetime.⁴⁵²

Women with disability advocates point to a range of factors contributing to these statistics including: systemic factors that increase the likelihood of women with disabilities experiencing violence and prevent them from addressing it; the limited availability of information for women with disabilities about violence; lack of training for workers in responding to violence and the particular needs of women with disabilities.⁴⁵³

Migrant and refugee women need culturally appropriate services

Some refugee women reported to the Commissioner their need for culturally and religiously appropriate services. They commented that the current system “forces” women to go to a refuge, seek a violence order or get a divorce – all options which are not culturally appropriate for them. The women reported there was a dire need for culturally specific counselling services.⁴⁵⁴

A community cultural development worker in Western Sydney noted that the African women she works with have experienced extremely high levels of violence. Policy makers and service providers need to be made aware of how racial discrimination and violence interact with each other and impact on women. The community worker told the Commissioner that the experiences of these women are often erased because they fall between the gaps of race and gender. She added that often the racism experienced by these women is gendered violence. The most pervasive examples of Islamophobia in the last few years have been directed towards women, such as people pulling headscarves off women in public spaces.⁴⁵⁵

There is a silence in the community around sexual violence

A few participants brought the Commissioner’s attention to the subject of sexual violence as a serious human rights issue for women. Some pointed to the police and court processes as a barrier to women seeking justice after a sexual assault. In an email to the Commissioner one woman wrote of her concern about the court process:

My concerns are for those who have been sexually assaulted. Through my work I know many women don't report and that of those who do only 1.6 [per cent] get a conviction. We need our courts and prosecutors to take action to change this.⁴⁵⁶

Another participant suggested that better service provision could assist women through the court and police processes and asked the Commissioner to advocate for this.⁴⁵⁷

The NSW Rape Crisis Centre said that a major problem was the lack of a consistent national response to sexual assault. They recommended to the Commissioner that the response to sexual assault needs to be nationalized with minimum standards for service delivery across all areas.⁴⁵⁸

The Australian Federation of University Women wrote to the Commissioner about the experiences of women in prison. They reported many women in prison are likely to have suffered sexual violence prior to entering prison. When in prison, these women may be re-traumatised by the processes of cavity strip searching of women prisoners which is a significant breach of human rights.⁴⁵⁹

5.4.2 Research and literature

The following research projects were brought to the attention of the Commissioner during the Listening Tour.

Domestic violence and women's employment

At the Adelaide Academic Roundtable Suzanne Franzway reported on her research with Carole Zufferey and Donna Chung on the impact of domestic violence on women's employment in South Australia. The research aims to: identify barriers and support for women experiencing domestic violence whilst working or seeking employment; identify policy and program responses of trade unions, women's services, health services, employers, job networks and income support providers; and to identify program and policy changes to improve the response to domestic violence in the workplace.⁴⁶⁰

Refugee women, resettlement and violence

At the Sydney Violence against Women Research Roundtable the Centre for Refugee Research at the University of New South Wales reported on their work with refugee women and violence. The Centre has been undertaking a major project to examine how effective resettlement programs are in keeping refugee women safe by following women through all stages of resettlement. The research has found high levels of trauma, violence and discrimination at all stages of the process. Another key finding is that for many women the cycle of violence did not end once they arrived in Australia.⁴⁶¹

Domestic violence, homicide and self defence

Julie Stubbs from the University of Sydney provided information on her project reviewing legal cases of women who have been tried for murder as a result of domestic violence. The findings regarding indigenous women are particularly troubling, with a significant number pleading guilty with no trial. Julie Stubbs also raised the issue of women in prisons, and the increasing rate at which women are being incarcerated, particularly Indigenous women with past abuse histories.⁴⁶²

Routine screening for domestic violence in health services

Jo Spangaro from the University of New South Wales reported on an evaluation of a NSW Health initiative to routinely screen women for domestic violence in antenatal, early childhood, mental health and drug and alcohol services. The screening includes questions around the experience of violence by their current or past partner and their fear of the current partner. The program screens 120, 000 women yearly, and 7 per cent of women answer in the affirmative to one or both questions. One in 20 pregnant women is being abused currently which raises concerns about the health and safety of babies as well as pregnant women.⁴⁶³

Access to legal services for migrant and refugee women

A report by Women's Legal Services NSW documents the experiences of newly arrived migrant and refugee women and the difficulties they face in accessing legal services. The recent research, an update of a 1994 report, found that the areas of legal need for these groups of women have remained the same: family law, migration law and domestic violence. A number of barriers to migrant and refugee women accessing legal services were also identified. A key conclusion of the report was the need for consistent monitoring, coordination and sustained activity to progress the recommendations made in this report and the previous one.⁴⁶⁴

Sexual abuse and disclosure

Jan Breckenridge reported on her research regarding the experiences of survivors of sexual abuse seeking assistance. She has found that disclosures of sexual abuse are generally not well received and survivors are disillusioned by legal processes. Overall the most positive experience of receiving assistance was not from agencies, but from family and friends. Also highlighted is the general deficit of services, the lack of interest in gendered violence against children and the difficulty of the legal process for children.⁴⁶⁵

Preventing sexual assault with young people

Moira Carmody from the University of Western Sydney reported on her project with the NSW Rape Crisis Centre, *Developing ethical and sexual lives: Young people, sex and sexual assault prevention*. This Australian Research Council Linkage project is a study of 56 young people to assess their experiences of sex education, sexual experiences and negotiation of sexual encounters. The research concluded that gender, specifically expectations about male entitlement and feminine compliance, continues to be a major influence on the sexual experiences of young people. Their project highlighted the need for alternative approaches to negotiating sexual intimacy to prevent sexual assault that are broader than current education around avoidance and risk management. From the research a six hour education program was developed designed to help young people to build up skills to negotiate relationships. In a follow up study six months after the program, 80 per cent of participants were still using the skills from the education program, were feeling more confident in negotiating relationships, and had better skills to intervene with others and challenge behaviour in their communities.⁴⁶⁶

Violence and women with disabilities

Leanne Dowse from the University of New South Wales reported on the work of Women with Disabilities Australia (WWDA). She described a kit developed by WWDA which gives voice to the experiences of women with a disability, with specific reference to their experiences of violence. The kit highlights the different types of violence experienced including sexual assault, financial violence, reproductive violence and institutional violence. A key challenge in this area of work is access to information. Service providers and policy makers need to think about how to reach women with disabilities and how to ensure that appropriate information is communicated.⁴⁶⁷

A resource developed by WWDA provides an overview of violence against women with disabilities from a global perspective. The resource examines language and definitions, the incidence and prevalence of violence, the nature and forms of violence and the policy and program responses to violence. The book also contains an annotated bibliography of known published and unpublished resources of violence against women with disabilities.⁴⁶⁸

5.4.3 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. The proposed federal government National Plan of Action on violence against women should consider violence against women as a continuum inclusive of all types of violence.⁴⁶⁹
2. There should be a national strategy on violence against women with disabilities.⁴⁷⁰
3. HREOC's role in preventing violence against women should be expanded to ensure that the federal Government's response to violence against indigenous women and girls complies with human rights standards.⁴⁷¹
4. Changes to welfare and family law should be reviewed to examine the impact on women experiencing violence.⁴⁷²
5. The culture of violence should be challenged at a broader level – in sport, pubs and homes. It should all be recognised as male violence.⁴⁷³
6. HREOC should use its influence to monitor violence against women and children. HREOC should ensure that the optional protocol to the Convention on the Elimination of Discrimination against Women is signed.⁴⁷⁴
7. Children should be educated in non-violence and about sexual violence so they are empowered to act on it if they experience it.⁴⁷⁵

5.5 Trafficking

5.5.1 What we heard

Trafficking of women for sex work was another issue raised during the Listening Tour, with sex worker advocates concerned about the impact of anti-trafficking measures on sex workers, and differing views on whether sex work should be decriminalised and a valid avenue for migration to Australia.

Trafficking victims need unconditional access to support services

The trafficking of women was an issue raised by the sex worker group Scarlet Alliance. Scarlet Alliance argued that the media have created a 'sex slave' stereotype and that anti-trafficking measures have unfairly focussed on the sex industry when trafficking occurs in a range of other industries. They say the impact of these measures is that sex worker peer educators and partnership services report increasing difficulty in maintaining contact with these migrant workers and their workplaces. As a result, recently arrived migrant sex workers are cut off from services and other sex workers in the new workplace. These workers become more marginalised, less able to access services and less likely to be able to influence workplace conditions, such as occupational health and safety.⁴⁷⁶

Scarlet Alliance reported that up to 25 per cent of brothel and massage parlour sex workers in NSW are of non-English speaking backgrounds (NESB). They alleged that Department of Immigration and Citizenship and Australian Federal Police raids of sex worker venues to find trafficking victims have unfairly targeted all sex workers of Asian origin.⁴⁷⁷ Scarlet Alliance said that making eligibility for support services contingent upon a victim's assistance with investigations did not serve either the best interests of the victim or the investigation process.⁴⁷⁸

The Sex Workers Outreach Project also provided feedback to the Commissioner about the federal government's victims support program for trafficking victims. Second hand feedback from trafficking victims indicates that participants in the program suffer from depression, boredom due to inability to work and cultural shock from the isolated accommodation.⁴⁷⁹

There are mixed views about the legal status of sex work

Scarlet Alliance held the view that sex work needed to be decriminalised and included as a valid occupation for migration to prevent the illegal trafficking of women.⁴⁸⁰

An alternative view about the legal status of sex work was posted on the Listening Tour blog arguing that decriminalising sex work leads to increased trafficking in women:

I would like to know w[h]ere HREOC stands on decriminalising prostitution. It has just happened in WA, and I'm terribly concerned about increased trafficking of women, expansion of the sex industry, increased exploitation of women, and how our society will look when women are only valued as sexual objects.⁴⁸¹

5.5.2 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. There should be legal avenues for migration to Australia for sex work.⁴⁸²
2. All trafficking victims should be eligible for the government support program, rather than eligibility being contingent upon assistance with authorities.⁴⁸³
3. There should be specific federal legislation to protect sex-workers from discrimination.⁴⁸⁴

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6 Issues raised outside the themes

6.1 What is this chapter about?

This chapter contains a summary of the issues raised outside of the three Listening Tour themes.

The report is structured as follows:

What we heard: This section is a summary of the key points made under each sub-issue, illuminated by personal stories and opinions.

Research and literature: This section summarises research that is relevant to each sub-issue. It should be noted the research included in the report is not an exhaustive literature review, but a summary of the research that was presented to the Commissioner during the Listening Tour.

Policy and project ideas: Listening Tour participants provided their ideas to the Commissioner on what could be done to address the various issues under this theme. Some suggestions are for the Commissioner and HREOC to consider and others are for government or other relevant bodies, but which HREOC could potentially support.

6.2 Age discrimination

6.2.1 What we heard

Many older participants in the Listening Tour raised age discrimination as a barrier to full and equal participation in the workplace and other aspects of life. For example, some participants spoke about the discriminatory attitudes they encountered in finding work.⁴⁸⁵ Others recounted the barriers faced by older people in areas of life such as accessing public spaces and being awarded driver's licences.⁴⁸⁶

Age discrimination impacts on the ability of mature age workers to find and retain work

Older participants in the Listening Tour informed the Commissioner that ageist assumptions and attitudes impacted heavily on the ability of older people to find meaningful work.

One woman gave the example of her experience of differential treatment in applying for a teaching position:

The interviewer was worried that I might not be able to handle some of the students swearing at me. I could have been offended by his assumption but I chose not to be.⁴⁸⁷

Others said that many recruiters wrongly assume that older people automatically expect to be working in a senior role and this hampers their success in finding work.⁴⁸⁸

A contributor to the blog recounted his difficulties in finding part time work as a man over 50, an example of the combined impact of gender and age assumptions on job seekers:

As a male over 50 it has been next to impossible for me ... to find part time work. Many employers appear to actively discriminate against males - for some reason males seeking part time work are considered "suspect" in some way. How about legislation that allows rights to part time work and improved transition arrangements to retirement?⁴⁸⁹

The Aged Care Commissioner, Rhonda Parker, reported that for many years she has had people approaching her about the barriers in the workplace for older people, particularly those trying to re-enter the paid workforce. She said that many of these barriers have been and will continue to be addressed through the skills shortage in the market.⁴⁹⁰

The Council of The Ageing (COTA) in Queensland wrote to the Commissioner highlighting the specific needs of older people in the workplace. They argued that a range of flexible work options should be available to older people to facilitate their participation in the labour market. They suggested that phased retirement should be an option too.⁴⁹¹

Older people face barriers to full participation in many aspects of life

Older focus group participants identified a range of other barriers preventing their full participation in various aspects of life. These included: public transport not being linked to key public buildings and services, requiring people who are less mobile to walk long distances; and barriers in public infrastructure such as not having chairs in airports for people to be able to sit down when taking off shoes to go through security.⁴⁹²

A few people expressed their concerns to the Commissioner about recent legislative changes introduced by state governments targeting older drivers. These changes require drivers over 85 to sit new license tests and other checks before their licenses are renewed. In Melbourne, one participant reported that many elderly people are having their licenses revoked, leading to decreased independence and greater social exclusion.⁴⁹³

In the Perth community consultation one man raised his frustration about the new requirements in Western Australia for older drivers to sit new tests and go through various levels of bureaucracy to retain their license:

I obtained my driving license on the day I turned 18 years of age and was allowed by legislation to continue to drive for a further 67 years without being required to pass a driving test. Suddenly at 85, it is mandatory that I have a driving test as well as a health check. I have spoken to a number of other 85 year old drivers and have found that my experience of discrimination when I reached the age of 85 is typical.⁴⁹⁴

6.2.2 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. The exemptions under the *Age Discrimination Act 2004* (Cth) should be removed.⁴⁹⁵
2. There should be more awareness raising and public education campaigns to inform people about their options if they experience age discrimination.⁴⁹⁶
3. Flexible work arrangements should be made available to mature age workers to enable phased retirement.⁴⁹⁷
4. Access to training and support services for unemployed and underemployed people over 45 should be increased.⁴⁹⁸
5. Governments should improve public infrastructure and transport so that they take into account the needs of people who are less mobile.⁴⁹⁹
6. HREOC should ensure that its information is accessible to older people, taking into consideration that many older people do not use the internet.⁵⁰⁰
7. There should be a focus on addressing age discrimination against young people in employment.⁵⁰¹
8. Governments should introduce a system of random testing for drivers of all ages, including those over 85, rather than just targeting all drivers over 85.⁵⁰²
9. People over the age of 50 should get tax relief for any employment related training including university education.⁵⁰³
10. People over 75 should have free public transport and free taxis.⁵⁰⁴
11. There should be a greater focus on research around the abuse of older people and strategies to reduce such abuse.⁵⁰⁵
12. HREOC should develop an education campaign to support the implementation of the *Age Discrimination Act 2004* (Cth).⁵⁰⁶
13. The *Age Discrimination Act 2004* (Cth) should be reviewed by 2009.⁵⁰⁷

6.3 Migrant and refugee women

6.3.1 What we heard

Migrant and refugee women informed the Commissioner of their specific issues arising from their settlement in Australia. The primary issues raised include a lack of cultural understanding from government agencies and difficulties for refugees in negotiating cultural difference.

Refugees need cultural understanding from service providers and government agencies

One woman spoke of her difficulties in negotiating cultural differences, particularly around dealing with Australian authorities:

We have our own culture. With the teenagers, we have our way to talk with them, and to handle any situation. The Police just say you are wrong. When the police comes, it is very wrong to say to me that I am wrong in front of my child. My 14 year old girl wanted to go out. She had an argument with her brother, and he was tough with her. The police said this is wrong. They took us to the court. They said that I said that in my culture we are able to hit our kids. Then, the girl did go out and ended up using drugs, and leaving the school, and the police were wrong. We came to Australia to save our kids but we lost them.⁵⁰⁸

Another participant told us that a doctor had reversed a woman's genital mutilation without her consent, when she had gone to see the doctor for another reason. She

said that this was a basic denial of rights commenting that, “We [have] lost the rights to our own bodies”.⁵⁰⁹

6.4 Indigenous health

6.4.1 What we heard

Indigenous participants in the Listening Tour identified health as a primary area of concern. The main matters raised included specific health issues and access to healthcare.

There are significant health issues specific to Indigenous people

Staff at a community health service informed the Commissioner of the specific health concerns for Indigenous people in Fitzroy Crossing. Alcohol and drug use was noted as key health problem. It was estimated that up to 30 per cent of babies born in the region have Foetal Alcohol Syndrome.⁵¹⁰

Nutrition was also cited as an issue requiring urgent attention in Fitzroy Crossing, with diabetes becoming prevalent amongst a significant portion of the population. Availability and affordability of healthy food is also a key problem in remote communities. The community health service reported that some seven year olds already have Type Two Diabetes.⁵¹¹

Environmental health has been identified as a significant problem in Fitzroy Crossing, exacerbated by poor living conditions and overcrowded housing. Environmental health concerns include the lack of healthy housing, pest control, rubbish and waste removal, sewage and poor dog health.⁵¹²

Access to health care is an issue for Indigenous people

Access to health care for Indigenous communities was raised in consultations in Western Australia, Queensland and the Northern Territory. Problems of access relate to both cultural barriers and physical distance.

For example, in Fitzroy Crossing in Western Australia, community members had experienced racism at the local hospital. A community based health service was established in response to ongoing experiences of racism, and to work in partnership with the hospital to ensure that health services are delivered appropriately to the community.⁵¹³ In Mackay, community elders reported that there was no Indigenous-specific nursing home so Indigenous elders have to go to mainstream homes where there is minimal, if any, understanding of their culture.⁵¹⁴

In north-east Arnhem Land in the Northern Territory, a service provider raised the problem of physical access to a hospital. The nearest hospital can be up to three hours drive from some communities. There is a service available for patient transport for those who are more than 200 kilometres away from a hospital, however there are still problems with access for those who are less than 200 kilometres away and have no available transport.⁵¹⁵

6.4.2 Research and literature

The following research projects were brought to the attention of the Commissioner during the Listening Tour.

Foetal Alcohol Syndrome

Janet Hamill, a research fellow at the Centre for Indigenous Health at the University of Queensland is examining foetal alcohol syndrome. In a meeting with the Commissioner, she provided an outline of international efforts to prevent and manage foetal alcohol syndrome with particular reference to programs in Canada targeted to Indigenous populations. She also shared a number of personal stories of children who were living with foetal alcohol syndrome, highlighting the everyday impact of the disorder. One of the key problems is that service providers often treat the behavioural problems of the disorder without correctly diagnosing it as foetal alcohol syndrome. Janet said that there needed to be a greater emphasis on prevention of foetal alcohol syndrome in Australia, with a focus on providing services with the skills to identify and diagnose it.⁵¹⁶

6.5 Northern Territory Intervention

6.5.1 What we heard

The Northern Territory Emergency Response, known as the 'Intervention', was a chief topic of discussion during the Northern Territory Listening Tour. The Commissioner heard about various elements of the Intervention, including the impacts of the alcohol management system, the income management system and the closure of the Community Development Employment Projects (CDEP).

Alcohol management systems work best when they are driven by the community

There were conflicting views about the liquor bans imposed as part of the Intervention. The Commissioner heard that alcohol management was not working in Darwin town camp communities. These prescribed communities are declared 'dry areas' with a sign at the entrance but this does not prevent people bringing alcohol into the community. Larrakia Nation, an Indigenous service provider, reported that there is a great demand for sobering up treatments as a result of the liquor bans with a waitlist of 50 people needing services.⁵¹⁷

In north-east Arnhem Land, the local Indigenous community and remote homeland communities have lobbied for a permit system for the purchase of takeaway alcohol. Permits are awarded through a local committee made up of local authorities and community representatives. Permits are generally available to all community members, but are withdrawn if there is an alcohol-related incident. This system has been effective in reducing alcohol-related violence on the streets. At their own request, homeland community members are not eligible for permits, given that the homeland communities are 'dry' communities.⁵¹⁸

Centrelink income management is placing additional burdens on individuals and communities

The Commissioner heard about implementation problems associated with the quarantining of a certain portion of an individual's Centrelink income as supermarket vouchers. Darwin Listening Tour participants shared their stories of older people and women with children walking long distances in the searing heat to get their store vouchers, then either walking or needing to take a taxi to the store and a taxi home with heavy bags. People may have pooled money previously to save on transport costs and to share resources but income management does not allow for this, thereby increasing transport costs for individuals.⁵¹⁹

In Arnhem Land where the income management system was yet to be introduced, community members were anxious about its impact. They reported that a shopping trip to the local chain supermarket could cost up to \$1400 because of a two to three hour taxi ride. If individuals have to shop for themselves this will add a significant financial burden for them.⁵²⁰

Another issue raised was the difficulty for community stores to become accredited as part of the income management scheme. Accreditation places an extra administrative burden on stores so the bigger chains are more likely to be accredited.⁵²¹ For example, the Bagot community store has been denied a license because it does not have fresh food. The store owners are concerned about putting a lot of money into the store in order to get a license when they are not guaranteed a license.⁵²² Listening Tour participants also reported experiencing racism and harassment when using their vouchers to buy food in the big chain supermarkets.⁵²³

There is a need for training and education following the closure of CDEP programs

The closure of the CDEP program was also raised repeatedly as a concern for Indigenous people in the Northern Territory. In Darwin, Listening Tour participants reported that people are bored and have nothing to do, as there are no real options for training and development to assist with finding other work.⁵²⁴

In north-east Arnhem Land, the work to address environmental health issues has not progressed since the CDEP program was cancelled which is having a detrimental impact on the health of the communities. The lack of funding for training or education programs was also noted as a problem in this region.⁵²⁵

Others reported that CDEP gave community members something to do every day and it was good at motivating people to work and keeping the community clean. In one town camp community, Listening Tour participants reported that since the closure of CDEP the grass has grown very long because there is nobody to cut it, creating an unsafe environment.⁵²⁶

6.5.2 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. The Northern Territory Intervention should be reviewed. In particular, the quarantining of income should be reviewed to address the implementation problems.
2. There should be legislation to protect older people in the community similar to child protection legislation. This should put the onus on young people to respect and care for old people.⁵²⁷

6.6 Women in Prison

6.6.1 What we heard

Sisters Inside, a Brisbane based community organisation which advocates for the human rights of women in the criminal justice system, informed the Commissioner about the key issues faced by women in the criminal justice system. These issues include: systemic discrimination against women prisoners, particularly Indigenous women and those with mental illness; limited availability of support for women while incarcerated; and the lack of support for women upon release from prison.⁵²⁸

Some women experience systemic discrimination in prison

Sisters Inside reported that women with mental illness, Indigenous and culturally and linguistically diverse women, are subject to systemic discrimination within the prison system. This is largely because of the risk assessment tool that is used within prisons to determine the classification of prisoners. If someone is Indigenous or has been sexually abused they are considered a greater security risk and therefore classified differently. Sisters Inside commented that there are no programs in place to address the risk other than the classification system.⁵²⁹

There is limited support for women while they are incarcerated

Over the last few years a number of the services provided by Sisters Inside have been banned within prisons. Sisters Inside reported that women prisoners were provided with limited support around mental health issues, education and training during incarceration. They are also not supported to maintain close relationships with their children. Sisters Inside currently runs a program working with children in care while their mothers are in prison.

Sisters Inside commented that the lack of access to prisons for their organisation is problematic because it reduces their ability to keep prisons accountable to human rights standards. Currently, they obtain information about prison conditions through phone conversations with prisoners, through their families or when they are released.

There is a lack of adequate support for women upon release from prison

The minimal assistance provided to women upon release from prison was highlighted as a barrier to the effective reintegration into the community. For example, Sisters Inside reported that women leave prison without any cash and are then required to get to Centrelink to make a claim for a crisis payment. Prisons make no arrangements for transport to the nearest Centrelink to claim this payment. Given the isolated location of most correctional facilities, many women become homeless or

sleep in public places when they are first released. One service that brokered accommodation for released women has just been defunded.⁵³⁰

Women often have no personal possessions when they leave prison because many women have no family to take their possessions such as furniture and clothing when they enter prison. Many support services turn released women away because they are experiencing complex mental health issues and high levels of poverty.⁵³¹

6.6.2 Research and literature

The following research projects were brought to the attention of the Commissioner during the Listening Tour.

Human rights and correctional facilities

This audit by the ACT Human Rights Commission presents a snapshot of the treatment of detainees at the ACT's current remand centres, assessing the current legal framework, policies and procedures using international human rights benchmarks. The report identifies systemic discrimination against women inmates because of the transportation of women to particular centres for weekends which have fewer facilities. This results in three additional strip-searches; missed meals, late breakfasts; disrupted visits; problems receiving medication; loss of the minimal opportunities for work that exist at the remand centres during the week and the general stress of having to move accommodation every three to five days.⁵³²

6.6.3 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. HREOC should produce a report on State Government responses to the 2006 Anti-Discrimination Commission Queensland report, *Women in Prison*.⁵³³
2. Support services for women in prison should be improved to address the underlying problems that have led to their crimes and imprisonment.⁵³⁴
3. There should be a national study to accurately determine the scope of Indigenous women's need for legal aid services and their access to justice.⁵³⁵

6.7 Women's health

6.7.1 What we heard

A number of participants pointed to several women's health issues as requiring public attention, including reproductive and sexual health, access to health services, and the health impact of long term violence.

Women's access to reproductive and sexual health services needs to be increased

Women's Health NSW, a peak body for women's community health centres, highlighted the specific social, cultural and economic factors that impact upon women's health. The organisation told the Commissioner that women are likely to

have poorer health outcomes than men because of the higher social and economic disadvantage that women experience. In recent times, reproductive rights have been a strong focus for the organisation, particularly around the availability of the contraceptive pill and the availability and cost of termination services. Women's Health NSW said that they had heard of an increasing number of women who can't afford terminations and cited an example of a woman in a rural area hitchhiking to access the 'morning after' pill.⁵³⁶

One contributor to the Listening Tour blog expressed concern about the cost of terminations and the involvement of religious organisations in providing services:

One thing HREOC should make some statements on is the right to abortion - it is disturbing that the cost is quite high and that many abortion counselling services are run by religious groups and so they try to push those ideas on the rest of us, with little or no rationality to support them.⁵³⁷

ACON, formerly known as AIDS Council of NSW, brought attention to the rise in HIV/AIDS amongst minority groups, particularly Indigenous women and women from culturally and linguistically diverse backgrounds. In a submission to the Commissioner, ACON highlighted discrimination as a barrier to accessing services for these groups of women:

These communities already face high levels of stigma and discrimination. When this is compounded with HIV [positive] status, women and families encounter further barriers to accessing adequate healthcare and social support.⁵³⁸

In Fitzroy Crossing in Western Australia, the local community health centre said that there was previously very little information available to the community about sexual health and contraception. Sexually transmissible infections amongst women have been identified as a priority issue in this region. The health centre introduced "condom trees", where condoms and information are placed in trees, as a way of providing people with information about safe sex which has been successful in decreasing the level of sexually transmissible infections in the area.⁵³⁹

There needs to be a focus on the rights of women who give birth

A few Listening Tour participants expressed concern about the lack of choice afforded to mothers after having given birth. One participant told the Commissioner that some women experience post traumatic stress disorder after birth because they are not provided with opportunities to make informed choices in supportive environments.⁵⁴⁰

Janet, a contributor to the blog urged government to pay attention to the experiences of women who give birth:

We need someone to listen...to what is being done to birthing women in this country. Hospitals are leaving women shell-shocked, scarred in [their] body and mind. Women are denied basic human rights to autonomy, bodily integrity and the right to decide what happens in their pregnancies, births and beyond. Babies and mothers are routinely subjected to interventions with no basis in evidence and the rising rates of surgery are simply an indication of how frequently this occurs. Women need to control their own reproductive experiences whether that is the decision to choose parenthood, or not, but also what happens to us in hospitals.⁵⁴¹

6.7.2 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. Reproductive rights should be enjoyed by all Australians, and relevant education and services should be made accessible to all.⁵⁴²
2. Independent midwives should be provided with Medicare numbers and the right to insurance as care providers for pregnant women.⁵⁴³

6.8 Men's health

6.8.1 What we heard

The need for a specific and well funded men's health policy was raised by men's advocates and service providers.⁵⁴⁴ Some groups were also concerned that men were more likely to experience injury at work because they are employed under conditions that have high levels of health and safety risk.

Men are reluctant to seek assistance for health problems and need specific services

Listening Tour participants told the Commissioner that men were often reluctant to seek assistance for health problems and this resulted in poor health outcomes for them.⁵⁴⁵ They also raised concerns about the lack of public focus and spending in the area of men's health.⁵⁴⁶

A participant in the Adelaide community consultation brought the Commissioner's attention to the higher suicide rates for men and suggested the need for specific men's health services:

It seems that men need a lot of help...[W]e have to do something about this...[There are] no health centres for men...[W]e have them for women...[There is] absolutely nothing for men. [In relation to male suicide] we can't afford to have this wastage of young males...one of things we can do is put in some health centres...with male counsellors as well.⁵⁴⁷

A participant who works with men highlighted men's reluctance to come forward with health problems and the need for men's shelters:

There is a lack of services for men. I work with drug addicts who have been abused by females and have been raped in prison. There are no services [for these men]. Men don't come forward with their problems but women do. They need emergency shelters.⁵⁴⁸

Men's reluctance to speak about their own health was highlighted in a men's focus group. The Commissioner asked male participants whether improving their health was a driving factor for adopting flexible work practices. There were no real responses to this question apart from one participant who replied, 'We don't think about those things', reinforcing the point that men do not tend to give adequate consideration to their own health.⁵⁴⁹

The absence of specific men's services has also been identified as a contributing factor to violence in Indigenous communities. Women in Fitzroy Crossing have identified the need for a specific men's health and wellbeing initiative as a strategy to increase community cohesion and women's safety. They have lobbied for a men's shed to provide services to men which is expected to be developed in the coming months.⁵⁵⁰

A men's health service provider explained the need for a national men's health policy to have a strong focus on access to healthcare:

It's more around risk factors and how to reduce those in men, how to provide greater access to men, for men's health. So they can access the system, they can have information that is gender specific, that they can have information in settings they'll [already] be rather than getting them to go to places ...where they don't feel comfortable. They go to the GP and find *New Idea* for the last three years on the table. It's not a conducive environment.⁵⁵¹

Men are more likely to experience work-related injuries

Some groups and individuals argued that industries which have high occupational health and safety risks tend to be male dominated, which puts men in these industries at higher risks of disability and mortality.⁵⁵²

In a submission to the Commissioner, some men's advocates highlighted the higher representation of men in work-related deaths:

The vast majority of work-related deaths are of males — 541 males per annum (90.5 per cent of working and commuting deaths) as [compared to] 57 females (9.5 per cent of working and commuting deaths).⁵⁵³

A contributor to the blog also pointed to men's vulnerability to work related injuries and death describing it as an equity issue:

[Men] make up around 85 per cent of work-related deaths. Perhaps this is in part due to the fact men [that men are] employed in the most hazardous and dangerous jobs in this country - the "death professions". This is both unequal and inequitable.⁵⁵⁴

6.8.2 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. There should be a national men's health policy and specific funding allocated to the area of men's health for research and policy development.⁵⁵⁵
2. Specific men's health services should be funded.⁵⁵⁶
3. Local men's health action groups should be established, comprised of relevant service providers.⁵⁵⁷

6.9 Gay, lesbian, bisexual and transgender issues

6.9.1 What we heard

Some service providers and individuals brought the Commissioner's attention to specific issues for gay, lesbian, bisexual and transgender (GLBT) people. These included: discrimination against same-sex couples in the law; high levels of prejudice and violence against GLBT people; and the impact of this discrimination, prejudice and violence on the health and well being of GLBT people.

Legal and social inequality is a major concern for GLBT people

A number of Listening Tour participants put forward legal inequality and the lack of relationship recognition as a chief concern for people in same-sex relationships.⁵⁵⁸ In a submission to the Commissioner, ACON argued that legal inequality meant that women in same-sex relationships are financially disadvantaged in a range of areas such as workplace and health entitlements. At a broader level, legal inequality sends a strong message that same sex relationships are less valuable, thereby encouraging discrimination and prejudice. ACON presented the story of two lesbian parents to highlight the impact of legal inequality on families:

My partner and I have a daughter together, yet she cannot claim us as dependents. She cannot be included on our Medicare card and thus we don't qualify for the family Medicare safety net. She cannot get carers' leave should one or both of us fall ill. If I died tomorrow she would not automatically receive my superannuation. She cannot sign off on medical treatment for our daughter or even write her a sick note for school. I am sick of being treated like a second-class citizen in my own country, and do not wish to see my daughter grow up as one.⁵⁵⁹

A lesbian co-mother in a focus group informed the Commissioner about her difficulties in being recognised as a legitimate parent for her daughter:

I have been raising the children since they were 6 and 10. Yet, I have no rights at all. If something happened to [my partner], those children would be taken off me. Our daughter had to have her cervical cancer vaccination, and [my partner] couldn't do it because she was away. We turned up at the health centre. The woman asked for my form about being [my daughter's] guardian, and when I couldn't produce it, we got turned away.⁵⁶⁰

ACON also noted violence and harassment as key issues for lesbians, with lesbians being six times as likely to experience violence compared to heterosexual women.⁵⁶¹ The story of a lesbian couple who experienced violence in response to showing public affection was provided as an example:

My same-sex partner and I were assaulted in Adelaide airport in 2005. We were saying goodbye to each other, in the customary manner of our heterosexual peers, by holding hands and kissing. A passerby chose to hit me, hard, in the back of the head. As you can imagine, my girlfriend and I were both extremely shocked and upset by this incident. This type of violent outburst would rarely be borne by heterosexual couples under the same set of circumstances. Until same-sex couples are viewed and treated as equals to their heterosexual peers in our community, this type of discrimination will continue.⁵⁶²

Discrimination in the workplace was also noted as an issue for lesbians. A lesbian focus group participant remarked upon her experience of being passed over for a promotion due to her sexuality:

I was told that I was a bit radical for the board. I was pitching for the CEO position. There has been an entire board meeting looking at whether I would be suitable. I was told that ... because I would need to be in the public arena, I would not be suitable. My sexuality was openly discussed, and I was told that this made me unsuitable.⁵⁶³

A representative from the transgender advocacy organisation Changeling Aspects, wrote to the Commissioner outlining problems for transgender people with identity and official documentation, particularly due to the consistency between states, territories and federal law. She said that difficulty in obtaining official documents with a transgender person's nominated gender recognised often led to discrimination from services and government agencies.⁵⁶⁴

Discrimination and violence has adverse impacts for GLBT people

A GLBT youth organisation from Tasmania highlighted the health impact of violence and discrimination for GLBT young people. They said that GLBT youth are more likely to have mental health issues, compared to the general youth population which can be attributed to high levels of marginalisation, discrimination, harassment and abuse based on their sexuality and gender identity.⁵⁶⁵ This view was also supported by ACON in their submission.⁵⁶⁶

6.9.2 Policy and project ideas

The following policy and project ideas were suggested by participants in the Listening Tour.

1. Same sex couples and heterosexual couples should be treated equally before the law.⁵⁶⁷
2. Sexuality should be included as a question for all government research and data collection to provide disaggregated data on same sex attracted women.⁵⁶⁸
3. Services should be reviewed to ensure that culturally appropriate and accessible services are being delivered to meet the needs of GLBT young people.⁵⁶⁹
4. A range of programs and services for young people in high schools should be introduced to assist people coming out and to challenge homophobic discrimination, harassment and violence.⁵⁷⁰
5. There should be an inquiry into the human rights of transgender people in Australia, similar to the one conducted by the New Zealand Human Rights Commission.⁵⁷¹

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