

March 2008 Submission to the Sex Discrimination Commissioner

The Australian Federation of University Women Inc.

The Australian Federation of University Women (AFUW) would like to welcome and congratulate Elizabeth Broderick on her appointment as Sex Discrimination Commissioner. We would also like to thank you for canvassing opinion through your Listening Tour and blog.

AFUW has consulted with its members to identify problems which particularly affect women and to suggest possible, partial solutions, which are indicated in italics in our document. We would like to share these with you as part of the Listening Tour. They have been grouped under the three themes you have highlighted, although several are relevant to more than one theme:

1. Economic independence for women
2. Work and family balance across the life cycle
3. Freedom from discrimination, harassment and violence

Economic independence for women

We emphasise three aspects which affect the ability of women to achieve economic independence: (i) the affordability, availability and equity of education, (ii) pay equality, and (iii) the needs of older women.

Education

Education is vital in achieving economic independence for women, yet significant barriers still exist. While women now outnumber men in university studies [1], they are paid less on graduation [2] and remain over-represented in low-paying fields of employment [3]. Numerous studies have identified many of the causes of this imbalance, which include financial and family pressures, a lack of visible female role models, and overt and covert discrimination (including poor career advice at schools). These issues affect women at universities, in TAFE and other vocational education providers, and elsewhere. CALD (culturally and linguistically diverse) and lower socio-economic groups are particularly affected: such women may not consider undertaking further education or may find the difficulties insuperable.

The costs of education are rising, as is student poverty. For example, in 2004 it was shown that students on the maximum Youth Allowance plus Rent Assistance (not available to those over 25) were \$100 below the Henderson poverty line, then \$302 per week. *The Universities Australia Fact Sheet on Student Finances 2006 Final Report* [4] summarised key findings of a national survey of the financial circumstances of students in public universities. Apart from undergraduates, the three groups identified as under most financial pressure were full-time postgraduate coursework students, female students and Indigenous students. Among other things

noted were the following: Female students were more likely to have a budget deficit, less likely to have savings for an emergency, more reliant on free or subsidised services provided by universities or student association, more likely to have taken out a repayable loan in order to study than male students (but borrowing smaller amounts than those males who had borrowed). 72.5% of Indigenous students identified their finances as a source of anxiety and a higher proportion of Indigenous students, especially postgraduates (40.3%), reported that they regularly missed classes or other study activities because of their paid work commitments. Since hours earning income for living expenses cannot be spent on study, student poverty has equity implications not only for access, but also for academic performance. And performance determines future outcomes where the student wants to proceed to employment or to further study. This may have a life-long impact on opportunities and earnings for women.

HECS/HELP means that some of the costs of a university education can be postponed until after study is complete, but the lower overall pay of women means that it may take longer to pay their HECS/HELP debts. HELP is not available for TAFE students, who must pay their fees upfront. HELP is also not available for some postgraduate courses which are nevertheless essential for professional accreditation in a chosen field, such as audiology. These restrictions bear particularly hard on women (single parents, for example) who want to return as mature-age students to education in order to improve their economic well-being. *An expansion of the HELP system would help women achieve their full educational and employment potential.*

Women (and men) on income support face further barriers under existing Welfare to Work rules. For example, the current Centrelink Guidelines on Parenting Payment clients who are required to undertake work advise that such clients are to be discouraged from undertaking Masters or PhD courses [5]. Childcare funding for those on benefits is provided for only a year regardless of the length of the course undertaken [6]. Part-time study is not recognised as fulfilling work obligations [7], and yet part-time study is often the only feasible way for women with children to improve their education. *These barriers should be removed.*

Regardless of whether or not they are on welfare benefits, limited childcare facilities at TAFE institutions and universities may hamper the participation of women in further education. Single parents find this especially difficult.

Those who receive community-funded scholarships (such as those raised by AFUW) have their benefits cut when they declare their scholarship income, even though the scholarship may be an equity scholarship based on financial or other disadvantage. *The treatment of community-funded scholarships under welfare and ATO rules should be re-configured. Long-term economic independence for women would be better served by encouraging those on benefits into study, the provision of adequate childcare funding for students, and by allowing scholarship winners to retain their benefits.*

Women who are at a particular disadvantage in further education include many indigenous Australians, new immigrants, and rural women. *Resources need to be provided to enable CALD, rural, isolated and indigenous women to pursue their studies at all levels. This would include support for women who are not fluent in English.*

Women in prison are a special case. 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 [8]. *We would like the quality and availability of education programs for women prisoners to be reviewed and improved.*

Women who have succeeded in accessing higher education and themselves becoming academics may still be seen as disadvantaged in that field of employment. There is a lack of senior women in universities [9]. This diminishes the prospects of junior women staff and lowers the aspirations of female students. *There is a need to create and implement mechanisms leading to gender equity across all academic levels (Levels A-E), in all disciplines and departments of all publicly funded Australian universities. For example, winners of the Australian Research Council's postdoctoral research fellowships could be offered an option to take up the fellowships part-time, which would encourage women (and men) who are starting families to apply. In particular, Australia should follow the lead of the European Union and target "40% participation of women at all levels in implementing and managing research programs" and link this level of gender equity as a performance measure to university income under the Infrastructure Grant Scheme.*

Pay equality

Women are clustered in lower-paid jobs due to educational choices (addressed above), perceptions of "women's work", and women's family and caring responsibilities (addressed below). The average weekly earnings of men and women will not be the same unless men and women share family responsibilities equally; as this will be a long time coming, *we suggest aiming to close the pay gap for Average Hourly (Non-managerial) Earnings.* This will require an overhaul of industrial relations guidelines, perhaps as part of the revision of Work Choices, so that women's work is valued equally. Also, many women are employed by service industries, which may not increase the pay of employees as they gain experience nor provide training for better-paid positions. *Guidelines, possibly enforceable, could be provided for how those in trades should be paid, depending on experience, and on training requirements for staff, including casual employees.*

The introduction of Australian Workplace Agreements has exacerbated gender inequality in pay. A 2007 report from the National Foundation for Australian Women [10] found "clear and documented evidence" of a deterioration in women's pay and conditions. Wage inequality was a problem for all women, including female professionals and managers, but was "most apparent in the part-time and casual labour markets where women are disproportionately clustered". The most vulnerable women include those who are young, culturally and linguistically diverse, disabled, and/or live in rural areas. The NFAW report also noted that "There are major concerns that the Anti-Discrimination legislative framework, both Commonwealth and State, is not adequate as it stands to bring about timely conciliation or solution of issues that might previously have been resolved through unfair dismissals processes and that there is a lack of clarity on the application of anti-discrimination law in this context."

Women's pay and conditions need to be monitored closely to measure progress (or the lack of it). Statistics should be routinely disaggregated by sex. Reporting requirements under Equal Opportunity in the Workplace legislation are currently applied to all private companies with one hundred or more employees, all higher education institutions and group training schemes, trade unions, non-government schools and community organizations. *Reporting requirements under Equal Opportunity in the Workplace legislation should be made less arduous for employers but should be expanded to include employers of 50 or more employees.*

At all life stages, women have, on average, lower incomes than men. While that remains true, policies intended to support those on lower incomes will continue to be necessary to improve the lives of women.

Needs of older women

The majority of older people are female and, therefore, the concerns of older women need attention. We suggest research on all relevant aspects regarding the situation of older women to confront the myth of "older and ageing women" being "fragile, helpless and dependent". *Gender sensitive measures for elderly people covering issues of finance, housing, health, supportive services and mental stimulation, should be considered.*

Because women, on average, still earn less than men over their lifetimes, many retire with comparatively small amounts of superannuation. This is particularly true of the current generation of elderly women, who have often had broken periods of employment due to family responsibilities, or who have been employed in positions (casual, part-time or non-permanent) that offered them little or even no entitlement to superannuation. They have not necessarily benefited from recent improvements in superannuation for women. *The adequacy of the single pension, as a measure of redressing this, needs to be reviewed.*

For the present generation of working women, paid maternity leave, parental leave for men and flexible working arrangements (e.g. the right to part-time work and a subsequent return to full-time work) would enable them to maintain the maximum working hours they wanted at different life stages and also to provide for retirement through superannuation. These issues are further addressed below.

Work and family balance across the life cycle

It is important for both men and women to have an appropriate balance between work and family life. As alluded to above, women currently shoulder the majority of family responsibilities, including a disproportionate share of housework, child-raising and the care of the elderly and disabled [11]. This makes it difficult for women to achieve a desired balance between work and home life.

One key aspect is the right to negotiate flexible working arrangements. This is particularly important for parents and carers.

The current government has several stated policies on parental leave that we are eager to see become law, including the right of both parents to separate periods of up to 12 months of unpaid leave and the right to request flexible work arrangements before their child reaches school age. We are particularly delighted that they will be part of the new Australian Government's ten minimum conditions of employment.

However, we are also strongly in favour of paid parental leave. Australia is one of only two developed countries that do not guarantee paid maternity leave for employed women. According to a study by Barbara Pocock [12], only 37% of Australian women currently have access to paid maternity leave. A scheme may not be necessarily be expensive to implement when judged against its social and economic benefits. We were pleased to hear that government-subsidised maternity leave will be considered by an upcoming Productivity Commission inquiry, as the present Baby Bonus scheme does not help women maintain a link to employment. *We also urge that a paid parental leave scheme include fathers.* Ideally, both parents should be able to share the joys and responsibilities of parenthood. A scheme involving both mothers and fathers would

also help to address the imbalance between the sexes of parental care, which disadvantages women in the workplace [13].

Childcare provision also needs to be thoughtfully reconsidered. Financial incentives could be provided to employers who offer on-site childcare. Alternatively, non-profit after-school (and possibly pre-school) care could be provided routinely at school-sites. Holiday-time childcare difficulties could be minimised if the school holiday periods differed more from school to school: parents would not all need to request leave at the same time as each other, compete for holiday childcare, nor pay such high premiums on holiday activities.

Flexible work arrangements should also be made available to unpaid carers, most of whom are women. Employees should have the right to request leave to care for sick relatives. Too often, the unpaid work conducted by women and men in this area is discounted in economic and policy analyses. These hidden costs need to be considered and addressed. Professor Michael Bittman recently commented, in relation to the Bureau of Statistics figures on paid and unpaid work that “the preponderance of women in domestic roles [leaves] them vulnerable to poverty and financial insecurity, particularly when coupled with the increased frequency of relationship breakdown” (*The Age*, 22 February 2008). *Policy changes in health and aged care should be reviewed in terms of their impact on both those in need and their carers.*

While flexible working arrangements are vital to parents and carers, we recommend that employers be encouraged to offer flexible working to the majority of their employees. Flexi-time, compressed working weeks, part-time work, paid and unpaid leave, could be negotiated as best suits each individual employee and job. For example, variations in starting times for work would help to stagger rush hour traffic, reducing stress and commute times, while allowing employees to run working-hour errands at the start or end of each day. Flexibility in working arrangements would also enable both women and men to spend more time on all sorts of activities, from study to volunteer work to artistic expression to sport.

Another way in which work-life balance could be improved for many is to make cities more liveable and services, especially public transport, more accessible. Time spent commuting or travelling to shops and medical appointments is time that cannot be spent on other pursuits. Again, as women do most of the housework, including shopping, and do most of the childcare and elder care, including taking the ill to medical appointments, this particularly affects women. Wherever possible, councils and developers should support the local provision of shops and other essential facilities, preferably within walking or cycling distance; this would also promote healthy lifestyles. Rural women may face great difficulties in accessing services, so the mobile provision of medical care and some kinds of government office could be considered.

Work-life balance is also improved when volunteer organisations are assisted to flourish. Volunteers make an immense contribution to civil society, much of which is ignored by economists and sometimes made impossible by new laws and regulations. Governments can do much to foster the work of volunteers, at little cost. This can have a multiplying effect on its value to society. Bureaucratic interference, which can make the work of community groups extraordinarily difficult. Legislation is needed to sort out insurance problems. Insurance costs have rocketed up, particularly for organisations involved with sporting and outdoor activities. Healthy, independent living should be fostered throughout all ages, through funding of, for example, community buildings for the arts, and walking trail construction and maintenance (This benefits vastly more people than can investment in elite sport, at a fraction of the cost.)

Freedom from discrimination, harassment and violence

Economic independence and a good work-life balance may be unachievable or meaningless where women are subjected to discrimination, harassment and violence. Tackling these crimes should always have a high priority. We stress that discrimination on the basis of gender may be compounded by other forms of discrimination, such as racism, homophobia, religious bigotry, and prejudice against the disabled.

Part of the problem in Australia is that many people believe that we have already achieved gender equity. The statistics say otherwise but are not as widely known as they should be. *Government departments should publish and publicise information on gender inequalities (which necessarily affect both men and women, albeit in different ways). Data should be routinely disaggregated by sex.*

Schoolchildren should also be educated about gender equity issues within Human Rights education programs that should be a routine part of the curriculum. High school students should also be taught about laws relating to discrimination, harassment and violence, including definitions of what constitutes harassment, sexual assault and domestic violence.

Discrimination against pregnant women continues, according to a recent study [14]. Women still lose their jobs while pregnant or are made redundant while on maternity leave, with some employers ignoring the right to unpaid parental leave [15]. *More should be done to monitor and enforce existing legislation on the employment rights of women during pregnancy.*

Domestic violence needs to be taken seriously by the courts. According to the Australian Institute of Family Studies (AIFS) [16], "Family violence or child abuse is alleged by one partner in more than half the parenting disputes coming before the courts, yet final custody orders are largely unaffected by such claims." Some states in Australia, such as Victoria, still allow for shorter sentences for those who kill their partners because they felt provoked by the victim [17].

Women fleeing violent partners or other family often find themselves homeless. As the government has acknowledged, present services for the homeless are woefully inadequate. Women and children are those most likely to be rejected from homelessness service because of a lack of capacity and resources [18]. *We hope that the upcoming white paper on homelessness will lead to action to help all the homeless, including women and children.*

While we must aim for freedom from violence, we must also address the needs of those who have already survived it. *Improvements to mental health provision and availability are needed.*

Women in prison constitute a special category of need with respect to this. Many have suffered from violence and childhood abuse. They are likely to have mental health problems [19], likely to be dependent on drugs [19], may become homeless on release from prison, and are eight times more likely to die than other women (male prisoners were four times more likely to die than the general male population) [20]. When in prison, they may also be re-traumatised by the degrading, humiliating and ineffective processes of cavity strip searching of women prisoners. Their imprisonment also harms their children [21]. *Many of these women, their families and the community would be better served by improved support services for the underlying problems that have led to their crimes and imprisonment.*

The cultural portrayal of women in culture as purely decorative creatures or as victims diminishes the respect of both sexes for women and erodes women's self-confidence and sense of self. This is

all but ubiquitous, so much so that it is perceived as normal. To try to quantify the extent of this diminishment, *we recommend that Australia take part in the Global Media Monitoring Project [22]*.

Australian women have indeed benefited from advances that improve Australia's standing in the matter of Human Rights and Equal Opportunity, but there is a need for continuing monitoring to see that these advances are maintained and room for yet further improvements. We hope that our suggestions are a useful contribution to this ongoing process.

Notes

[1] 56% of those who completed a course in 2006 were women. See the DEST Snapshot *Women participate more than men and achieve equally in education and training, but they earn less* (2007).

http://www.dest.gov.au/sectors/research_sector/publications_resources/profiles/current_position_in_education_and_labour_market.htm

[2] According to Graduate Careers Australia's *GradStats Number 12, December 2007* (2007), "Between 1999 and 2005, salaries for females as a percentage of males' salaries grew from 92.3 per cent to 97.5 per cent. This trend ended in 2006 when the overall salary for females was 95.2 per cent of males' earnings and in 2007 this relativity fell to 93.3 per cent."

[3] See, e.g., *ABS report 6306.0 - Employee Earnings and Hours, Australia, May 2006* .

<http://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/6306.0Main%20Features2May%202006?opendocument&tabname=Summary&prodno=6306.0&issue=May%202006&num=&view=>

[4] The full Fact Sheet can be viewed on the Universities Australia website

<http://www.universitiesaustralia.edu.au>

[5] See the *Social Security Guide*, Section 3.5.1.180 on Approved Activity – Study, which deals with the various conditions applicable to part-time and full-time study. It contains a note advising Centrelink staff that: 'While PP recipients with mandatory participation requirements are able to enrol in and complete higher degrees, such as a Doctor of Philosophy or most masters degrees, this should be discouraged. PP recipients should be encouraged to undertake courses that will help them get a job and which are of a vocational nature.'

[6] A report in *The Australian* dated 21 September, 2007, states, "Changes to childcare subsidies mean full-time students are only entitled to the benefit for one year, regardless of the duration of their course."

[7] See the Australian Council of Social Services report, *The Role of Further Education and Training in Welfare to Work Policies*.

[8] See *ABS Year Book Australia*, 2005.

<http://www.abs.gov.au/Ausstats/abs@.nsf/Previousproducts/1301.0Feature%20Article202005?opendocument&tabname=Summary&prodno=1301.0&issue=2005&num=&view=>

[9] In 2005 (the last year for which data is available), only 35% of academics at Level C were female, 26% of those at Level D, and just 17% of those at Level E.

<http://www.universitiesaustralia.edu.au/content.asp?page=/publications/stats/staff.htm>

[10] NFAW (2007), *What Women Want, the Report*. <http://www.nfaw.org/media/2007/07-06-02.html>

[11] ABS Census Data for 2006.

Housework:

e.g. 19% of women aged 15 years or over do more than 30 hours of unpaid domestic work per week, compared to just 4% of males.

<http://www.censusdata.abs.gov.au/ABSNavigation/prenav/ViewData?action=404&documentproductno=0&documenttype=Details&order=1&tabname=Details&areacode=0&issue=2006&producttype=Census%20Tables&javascript=true&textversion=false&navmapdisplayed=true&breadcrumb=TLPD&&collection=Census&period=2006&productlabel=Unpaid%20Domestic%20Work:%20Number%20of%20Hours%20by%20Age%20by%20Sex&producttype=Census%20Tables&method=Place%20of%20Usual%20Residence&topic=Unpaid%20Household%20Work&>

Childcare:

e.g. 33% of women aged 15 years or over did unpaid child care compared to 23% of men.

<http://www.censusdata.abs.gov.au/ABSNavigation/prenav/ViewData?action=404&documentproductno=0&documenttype=Details&order=1&tabname=Details&areacode=0&issue=2006&producttype=Census%20Tables&javascript=true&textversion=false&navmapdisplayed=true&breadcrumb=TLPD&&collection=Census&period=2006&productlabel=Unpaid%20Child%20Care%20by%20Age%20by%20Sex&producttype=Census%20Tables&method=Place%20of%20Usual%20Residence&topic=Childcare&>

Voluntary work: 57% done by females.

<http://www.censusdata.abs.gov.au/ABSNavigation/prenav/ViewData?action=404&documentproductno=0&documenttype=Details&order=1&tabname=Details&areacode=0&issue=2006&producttype=Census%20Tables&javascript=true&textversion=false&navmapdisplayed=true&breadcrumb=TLPD&&collection=Census&period=2006&productlabel=Voluntary%20Work%20for%20an%20Organisation%20or%20Group%20by%20Age%20by%20Sex&producttype=Census%20Tables&method=Place%20of%20Usual%20Residence&topic=Voluntary%20Work&>

[12] Barbara Pocock, *A Time to Act* (2007), Submission to the Selection Committee on Balancing Work and Life Responsibilities in SA.

[13] For comparison, consider the schemes provided for citizens of Finland, details of which are here (in English): <http://www.mol.fi/english/working/familyleaves2003.html>

[14] *Hard Labour? Pregnancy, Discrimination and Workplace Rights Report* undertaken by RMIT University's Sara Charlesworth and Fiona Macdonald (2007).

[15] *The Age*, 22 February, 2008. <http://www.theage.com.au/news/national/maternity-right-undermined/2008/02/01/1201801037848.html>

[16] Australian Institute of Family Studies (2007), *Allegations Of Family Violence and Child Abuse In Family Law Children's Proceedings*

[17] *The Age* 07/02/2008 . New approach to provocation in sentencing urged.

[18] *The Age*, <http://www.theage.com.au/news/opinion/rights-of-the-homeless/2008/01/29/1201369130956.html?page=fullpage#contentSwap1>

[19] A NSW survey suggested that 90% of women had at least one mental disorder in the 12 months prior to interview. A Queensland survey found that 63% had used illicit drugs in the 12 months prior to interview. See *ABS Report 4102.0 Australian Social Trends, 2004*.
<http://www.abs.gov.au/ausstats/abs@.nsf/7d12b0f6763c78caca257061001cc588/781c132ae9185bedca256e9e002975fc!OpenDocument>

[20] *New Scientist*, 25 August, 2007, p25.

[21] *Children: Unintended Victims of Legal Process* was overseen by the Victorian Association for the Care and Resettlement of Offenders and Flat Out, an organisation for women leaving prison.

[22] <http://www.whomakesthenews.org/>

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