

Gender Discrimination and Inequality



Edited by Justin Healey

ISSUES
IN SOCIETY

Gender Discrimination and Inequality

Volume | 374

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INTRODUCTION

Gender Discrimination and Inequality is Volume 374 in the 'Issues in Society' series of educational resource books. The aim of this series is to offer current, diverse information about important issues in our world, from an Australian perspective.

KEY ISSUES IN THIS TOPIC

Gender equality is achieved when people are able to access and enjoy the same rewards, resources and opportunities regardless of whether they are a woman or a man. Many countries, including Australia, have made real progress towards gender equality in recent decades in areas such as education. However, Australian women continue to earn less than men, are less likely to advance in their careers, and are more likely to spend their later years living in poverty.

This book examines key gender inequality issues, including sex discrimination, human rights and the law; women in leadership roles; and gender equality at work. What is Australia doing to close the gender gap?

SOURCES OF INFORMATION

Titles in the 'Issues in Society' series are individual resource books which provide an overview on a specific subject comprised of facts and opinions.

The information in this resource book is not from any single author, publication or organisation. The unique value of the 'Issues in Society' series lies in its diversity of content and perspectives.

The content comes from a wide variety of sources and includes:

- Newspaper reports and opinion pieces
- Website fact sheets
- Magazine and journal articles
- Statistics and surveys
- Government reports
- Literature from special interest groups

CRITICAL EVALUATION

As the information reproduced in this book is from a number of different sources, readers should always be aware of the origin of the text and whether or not the source is likely to be expressing a particular bias or agenda.

It is hoped that, as you read about the many aspects of the issues explored in this book, you will critically evaluate the information presented. In some cases, it is important that you decide whether you are being presented with facts or opinions. Does the writer give a biased or an unbiased report? If an opinion is being expressed, do you agree with the writer?

EXPLORING ISSUES

The 'Exploring issues' section at the back of this book features a range of ready-to-use worksheets relating to the articles and issues raised in this book. The activities and exercises in these worksheets are suitable for use by students at middle secondary school level and beyond.

FURTHER RESEARCH

This title offers a useful starting point for those who need convenient access to information about the issues involved. However, it is only a starting point. The 'Web links' section at the back of this book contains a list of useful websites which you can access for more reading on the topic.

INCREASED POLITICAL PARTICIPATION HELPS NARROW GLOBAL GENDER GAP

The world's gender gaps narrowed slightly in the past year on the back of definite if not universal improvements in economic equality and political participation between the sexes, according to *The Global Gender Gap Report 2013*, produced by the **World Economic Forum**

The eighth annual edition of the Report ranks 136 countries on their ability to close the gender gap in four key areas: economic participation and opportunity, political empowerment, health and survival, educational attainment, political participation and economic equality. Of the 133 countries that were measured in both 2012 and 2013, 86 actually improved their gender gap during this time. Overall, the Report finds Iceland the most advanced country in the world in terms of gender equality for the fifth year running. It, along with Finland (2nd), Norway (3rd) and Sweden (4th), has now closed over 80% of its gender gap. These countries are joined in the top 10 by the Philippines, which enters the top five for the first time, Ireland (6th), New Zealand (7th), Denmark (8th), Switzerland (9th) and Nicaragua (10th).

Elsewhere, in 14th place Germany is the highest-placed individual G20 economy, although it falls one place from 2012. Next is South Africa (17th, down one), the United Kingdom (level on 18th) and Canada (up one to 20th). The United States comes 23rd, also down one place since 2012. After South Africa, the next highest BRICS nation is Russia (61st), followed by Brazil (62nd), China (69th) and India (101st). At the bottom of the ranking are Chad (134th), Pakistan (135th) and Yemen (136th).

At the global level, the Report finds that in 2013, 96% of the health and survival gender gap has now been closed. It is the only one of the four pillars that has widened since the Report was first compiled in 2006. In terms of education, the global gender gap stands at 93%, with 25 countries having closed their gaps completely. The gender gaps for economic equality and political participation are only 60% and 21% closed respectively, although progress is being made in these areas, with political participation narrowing by almost 2% over the last year. In both developing and developed countries alike, relative to the numbers of women in tertiary education and in the workforce overall, women's presence in economic leadership positions is limited.



TOP 20	2013	2012	
Iceland	1	1	→
Finland	2	2	→
Norway	3	3	→
Sweden	4	4	→
Philippines	5	8	↑
Ireland	6	5	↓
New Zealand	7	6	↓
Denmark	8	7	↓
Switzerland	9	10	↑
Nicaragua	10	9	↓
Belgium	11	12	↑
Latvia	12	15	↑
Netherlands	13	11	↓
Germany	14	13	↓
Cuba	15	19	↑
Lesotho	16	14	↓
South Africa	17	16	↓
United Kingdom	18	18	→
Austria	19	20	↑
Canada	20	21	↑

REGIONAL ANALYSIS

Europe's progress towards eliminating its gender gap is polarised, with countries from Northern and Western Europe presenting a stark contrast to those from the South and East. Spain comes in 30th, having closed 72% of its gender gap, France ranks 45th (70% closed) while Italy ranks 71st.

The Philippines is the highest ranking country in Asia, primarily due to success in health, education and economic participation. China stays in the same position as last year. India remains the lowest-ranked of the BRICS economies, even after gaining four places. Japan (105th) slips four places despite some improvements in the economic participation and opportunity subindex score. Japan is followed in the region by the Republic of Korea (111th).

Latin America's leading nation when it comes to closing the gender gap is Nicaragua. At 10, it has now ranked in the top 10 for two years, largely on the back of a strong performance in terms of political empowerment. Cuba is next (15th), followed by Ecuador (25th). Mexico climbs 16 places to 68, due to increases in the number of female parliamentarians and the number of women in professional roles. Brazil holds firm at 62 despite a slight improvement in its overall score.

The **Middle East and North Africa** is the only region not to have improved its overall standing in 2013. The highest placed country in the region is the United Arab Emirates (109th), which has achieved parity in education. Nevertheless most countries in the region, including Bahrain (112th), Qatar (115th) and others are still failing to adequately capitalise on the investments in education through greater economic and political contributions from women.

A number of countries in **Africa** fare relatively well in this year's Report, with Lesotho (16th), South Africa (17th), Burundi (22nd) and Mozambique (26th) all in the top 30. This is largely due to the participation of women in the workforce. Through this economic activity, women have greater access to income and economic decision-making, but are often present in low-skilled and low-paid sectors of the economy.

The index shows four broad groups emerging. The first group comprises those that have made investments in women's health and education and are now seeing a return in terms of economic and political participation. In a second group are countries that are investing in these areas yet failing to exploit their additional talent pool due to prevailing social and institutional barriers. In the third group are countries where significant education and health gaps are preventing women from achieving their full potential even though they fulfill an important role

The *Global Gender Gap Report's* index assesses 136 countries, representing more than 93% of the world's population, on how well resources and opportunities are divided among male and female populations.

The Report measures the size of the gender inequality gap in four areas:

Economic participation and opportunity

– salaries, participation and highly skilled employment.

Educational attainment

– access to basic and higher levels of education.

Political empowerment

– representation in decision-making structures.

Health and survival

– life expectancy and sex ratio.

Index scores can be interpreted as the percentage of the gap that has been closed between women and men. Of these, 110 have been covered since the first edition of the Report in 2006. Of the 14 variables used to create the index, 13 are from publicly available hard data indicators from international organisations such as the International Labour Organization, the United Nations Development Programme and the World Health Organization.

The magnitude and particulars of gender gaps in countries around the world are the combined result of various socio-economic and cultural variables. The closure or continuation of these gaps is intrinsically connected to the framework of national policies in place. For the third consecutive year, the Report includes new data from a survey of various national ministries analysing the use of policies designed to facilitate female workforce participation in 87 countries.

in the workforce, often in low-skilled labour. The last group comprises countries that have large education, economic and political gaps.

"Countries will need to start thinking of human capital very differently – including how they integrate women into leadership roles. This shift in mindset and practice is not a goal for the future, it is an imperative today," said Klaus Schwab, Founder and Executive Chairman of the World Economic Forum.

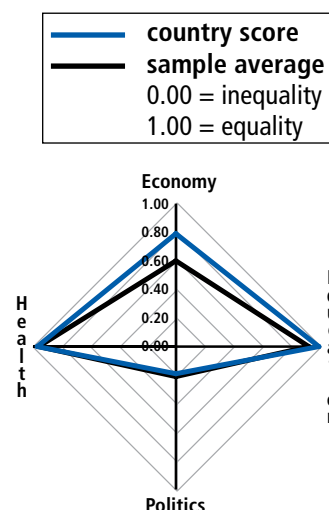
"Both within countries and between countries are two distinct tracks to economic gender equality, with education serving as the accelerator. For countries that provide this basic investment, women's integration in the workforce is the next frontier of change. For those that haven't invested in women's education, addressing this obstacle is critical to women's lives as well as the strength of economies," said Saadia Zahidi, co-author of the Report and Head of the Women Leaders and Gender Parity Programme.

World Economic Forum (25 October 2013). *Increased Political Participation Helps Narrow Global Gender Gap in 2013* (News release). Retrieved from www.weforum.org on 29 October 2013.

AUSTRALIA'S GENDER GAP

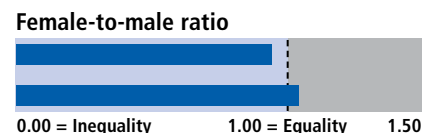
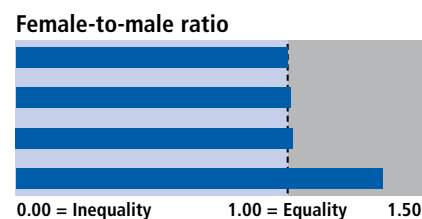
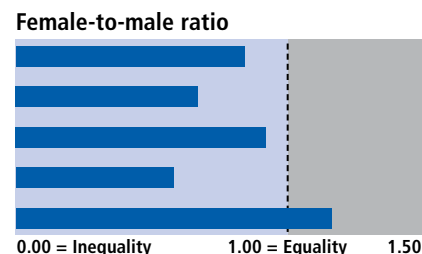
A COUNTRY PROFILE FROM THE LATEST GLOBAL GENDER GAP REPORT

GENDER GAP INDEX 2013		Rank (out of 136 countries)	Score (0.00 = inequality, 1.00 = equality)
		24	0.739
Key Demographic and Economic Indicators			
Total population (millions)	22.32		
Population growth (%)	1.17		
Fertility rate (births per woman)	1.89		
Overall population sex ratio (male/female)	0.99		
GDP (US\$ billions)	572.46		
GDP (PPP) per capita (constant 2005, international \$)	34,853		
Female adult unemployment rate (% of female labour force)	5		
Male adult unemployment rate (% of male labour force)	5		
Female part-time employment (% of total female employment)	39		
Male part-time employment (% of total male employment)	13		
Share of women employed in the non-agricultural sector (% of total non-agricultural employment)	47		
Female workers in informal employment (% of non-agricultural employment)	–		
Male workers in informal employment (% of non-agricultural employment)	–		
Women who have an account in a formal financial institution (%)	99		
Men who have an account in a formal financial institution (%)	100		
Ability of women to rise to positions of enterprise leadership ¹	5		
Firms with female top managers (% of firms)	–		
Share of women on boards of listed companies (%)	7		
Firms with female participation in ownership (% of firms)	–		



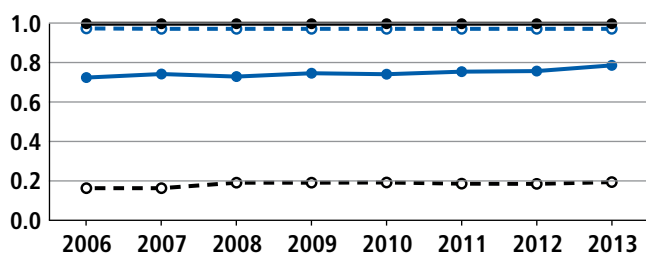
Gender Gap Subindexes	Rank	Score	Sample average	Female	Male	Female-to-male ratio
Economic Participation and Opportunity						
Labour force participation	52	0.84	0.68	70	83	0.84
Wage equality for similar work (survey)	55	0.67	0.64	–	–	0.67
Estimated earned income (PPP US\$)	8	0.92	0.53	36,964	40,000	0.92
Legislators, senior officials and managers	24	0.58	0.26	37	63	0.58
Professional and technical workers	1	1.00	0.64	54	46	1.16
Educational Attainment						
Literacy rate	1	1.00	0.87	99	99	1.00
Enrolment in primary education	1	1.00	0.92	97	97	1.01
Enrolment in secondary education	1	1.00	0.60	86	85	1.02
Enrolment in tertiary education	1	1.00	0.87	92	68	1.35
Health and Survival						
Sex ratio at birth (female/male)	93	0.94	0.92	–	–	0.94
Healthy life expectancy	81	1.04	1.04	75	72	1.04
Political Empowerment						
Women in parliament	41	0.33	0.24	25	75	0.33
Women in ministerial positions	47	0.26	0.19	21	79	0.26
Years with female head of state (last 50)	28	0.06	0.20	3	47	0.06

¹ Survey data, responses on a 1-to-7 scale (1 = worst score, 7 = best score).



	Overall		Economic Participation		Educational Attainment		Health and Survival		Political Empowerment	
	Rank	Score	Rank	Score	Rank	Score	Rank	Score	Rank	Score
Gender Gap Index 2013 (out of 136 countries)	24	0.739	13	0.788	1	1.000	69	0.974	43	0.194
Gender Gap Index 2012 (out of 135 countries)	25	0.729	22	0.759	1	1.000	73	0.974	42	0.185
Gender Gap Index 2011 (out of 135 countries)	23	0.729	18	0.756	1	1.000	74	0.974	38	0.186
Gender Gap Index 2010 (out of 134 countries)	23	0.727	24	0.743	1	1.000	73	0.974	39	0.192
Gender Gap Index 2009 (out of 134 countries)	20	0.728	19	0.748	1	1.000	78	0.974	39	0.191
Gender Gap Index 2008 (out of 130 countries)	21	0.724	22	0.731	1	1.000	73	0.974	37	0.191
Gender Gap Index 2007 (out of 128 countries)	17	0.720	12	0.744	1	1.000	71	0.974	35	0.163
Gender Gap Index 2006 (out of 115 countries)	15	0.716	12	0.726	1	1.000	57	0.976	32	0.163

Evolution 2006-2013



— Economic Participation and Opportunity
 — Educational Attainment
 — Health and Survival
 — Political Empowerment

ADDITIONAL DATA

Education and Technology

Female teachers, primary education (%)	—
Female teachers, secondary education (%)	—
Female teachers, tertiary education (%)	—
Difference between female and male school life expectancy, primary to secondary (years)	0
Difference between female and male school life expectancy, tertiary (years)	1
Female internet users (%)	78
Male internet users (%)	81
Women who used a mobile cellular telephone in the last 12 months (%)	—
Men who used a mobile cellular telephone in the last 12 months (%)	—

Marriage and Childbearing

Singulate mean age at marriage for women (years)	30
Early marriage (% women, aged 15-19)	—
Maternal mortality ratio (per 100,000 live births) ²	7 [4-12]
Infant mortality rate (probability of dying between birth and age 1 per 1,000 live births)	4
Adolescent fertility rate (births per 1,000 girls aged 15-19)	13
Antenatal care coverage, at least one visit (%)	97
Births attended by skilled health personnel (%)	99
Contraceptive prevalence, married women (% any method)	72
Existence of legislation permitting abortion to preserve a woman's physical health	Yes
Female HIV prevalence, aged 15-49 (%)	0.10
Male HIV prevalence, aged 15-49 (%)	0.20

Social Institutions and Rights

Parental authority in marriage ³	—
Parental authority after divorce ³	—
Female genital mutilation ³	—
Existence of legislation punishing acts of violence against women in case of domestic violence ³	—
Existence of legislation prohibiting gender-based discrimination	Yes
Inheritance rights of daughters ³	—
Inheritance rights of widows ³	—
Women's access to land ownership ³	—
Women's access to credit ³	—
Women's access to property other than land ³	—
Year women received right to vote	1902, 1962
Quota type (single/lower house)	No legislated

Childcare Ecosystem

Length of maternity leave	18 weeks
Maternity leave benefits	Lump sum payment for each child
Provider of maternity coverage	Social assistance system financed by the state
Length of paternity leave	Up to 2 weeks of paid leave; up to 52 weeks unpaid parental leave, depending on leave taken by mother or partner
Paternity leave benefits	Paid
Daycare options	Public daycare with allowance, informal family assistance

² Bracketed numbers show the range between the uncertainties, estimated to contain the true maternal mortality ratio with a 95% probability.

³ Data on a 0-to-1 scale (1 = worst score, 0 = best score).

World Economic Forum. *The Global Gender Gap Report 2013*, pp. 120-121. Retrieved from www.weforum.org

PROMOTING GENDER EQUALITY AND EMPOWERING WOMEN

The **United Nations** explains progress on Millenium Development Goal 3, which is to 'Promote gender equality and empower women'

TARGET 3.A

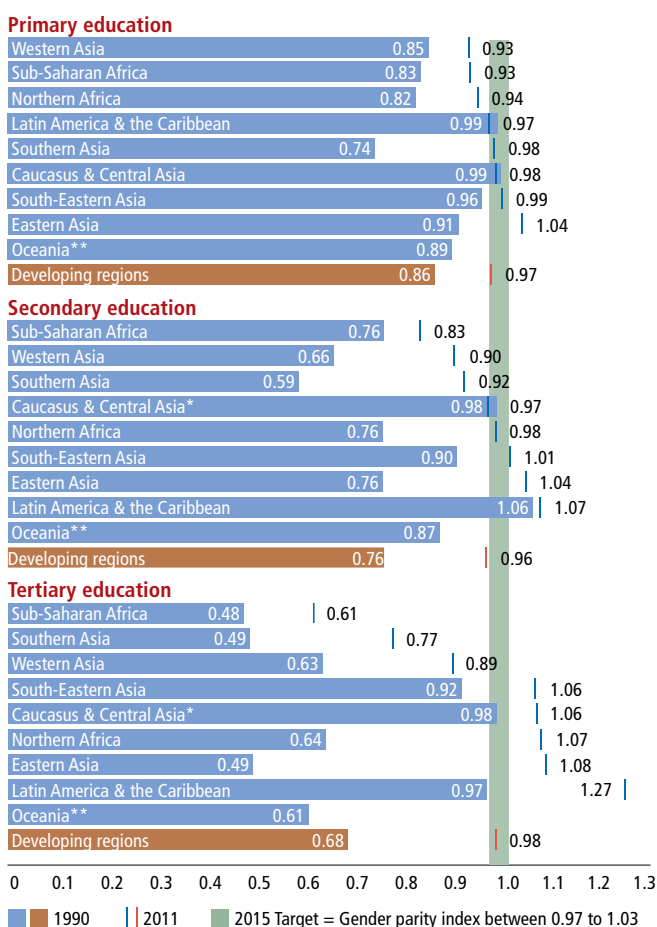
Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015.

In developing regions overall, the gender parity index (or GPI, defined as girls' school enrolment ratio in relation to boys' enrolment ratio) at each level of education is close to or in the range of 0.97 and 1.03, the accepted measure for parity. However, a closer look reveals significant gender disparities among regions in all levels of education.

Considerable progress has been made over time in primary education. But girls continue to face high

Steady progress has been made towards equal access of girls and boys to education, but more targeted action is needed in many regions

Gender parity index for gross enrolment ratios in primary, secondary and tertiary education in developing regions, 1990 and 2011



* Data for Caucasus & Central Asia refer to 1993.

** 2011 data for Oceania are not available.

QUICK FACTS

- Gender parity is closest to being achieved at the primary level; however, only 2 out of 130 countries have achieved that target at all levels of education.
- Globally, 40 out of 100 wage-earning jobs in the non-agricultural sector are held by women.
- As of 31 January 2013, the average share of women members in parliaments worldwide was just over 20 per cent.

barriers to schooling in Northern Africa, sub-Saharan Africa and Western Asia. In sub-Saharan Africa, the net enrolment rate for girls has risen substantially – from 47 per cent to 75 per cent between 1990 and 2011. Over the same period, the rate for boys rose from 58 per cent to 79 per cent. Although more girls are now in school in sub-Saharan Africa, only 93 girls are enrolled in primary school for every 100 boys.

Eastern Asia is the only developing region where girls have greater access to primary school than boys. Other developing regions – the Caucasus and Central Asia, Latin American and the Caribbean, South-Eastern Asia and Southern Asia – are within the limits of gender parity with GPIs ranging between 0.97 and 1.03.

Gender disparities become more marked in secondary



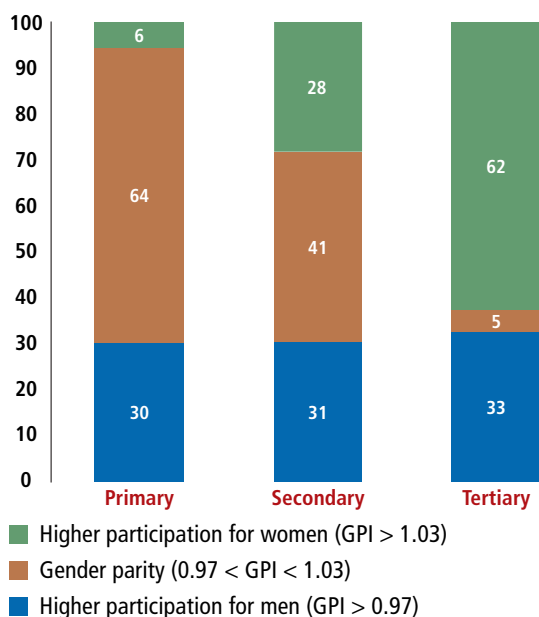
education. Girls continue to be at a disadvantage to boys in sub-Saharan Africa, Western Asia and Southern Asia. However, the latter two regions have made substantial gains, with the GPI in Southern Asia rising from 0.59 to 0.92 between 1990 and 2011. In Western Asia, the index rose from 0.66 to 0.90. The rate of change has been much slower in sub-Saharan Africa, with the GPI rising by just a few points, from 0.76 to 0.83, over the same period. Exceptions include Gambia, Ghana, Malawi and Senegal, which have made exceptional progress: Between 1990 and 2011, their GPIs rose from about 0.5 to 0.9.

Disparities are much greater at the tertiary level compared to lower levels of education. More women than men are enrolled in tertiary education in Latin America and the Caribbean, the Caucasus and Central Asia, Eastern Asia, Northern Africa and South-Eastern Asia. In contrast, young women are less likely than young men to pursue tertiary education in Western Asia and Southern Asia, with GPIs of 0.89 and 0.77, respectively. The situation is most extreme in sub-Saharan Africa, where the gender gap has actually widened, with the GPI falling from 0.66 to 0.61 between 2000 and 2011.

Only two out of 130 countries with available data have reached the target of gender parity in all levels of education. An analysis of gender disparities in school participation at the country level shows that girls are not always at a disadvantage. But in general, disparities affecting girls are more extreme than those affecting boys. Girls in many countries are still being denied their right to education, especially at the primary and secondary level.

Gender disparities become more marked at higher levels of education, with girls not always at a disadvantage

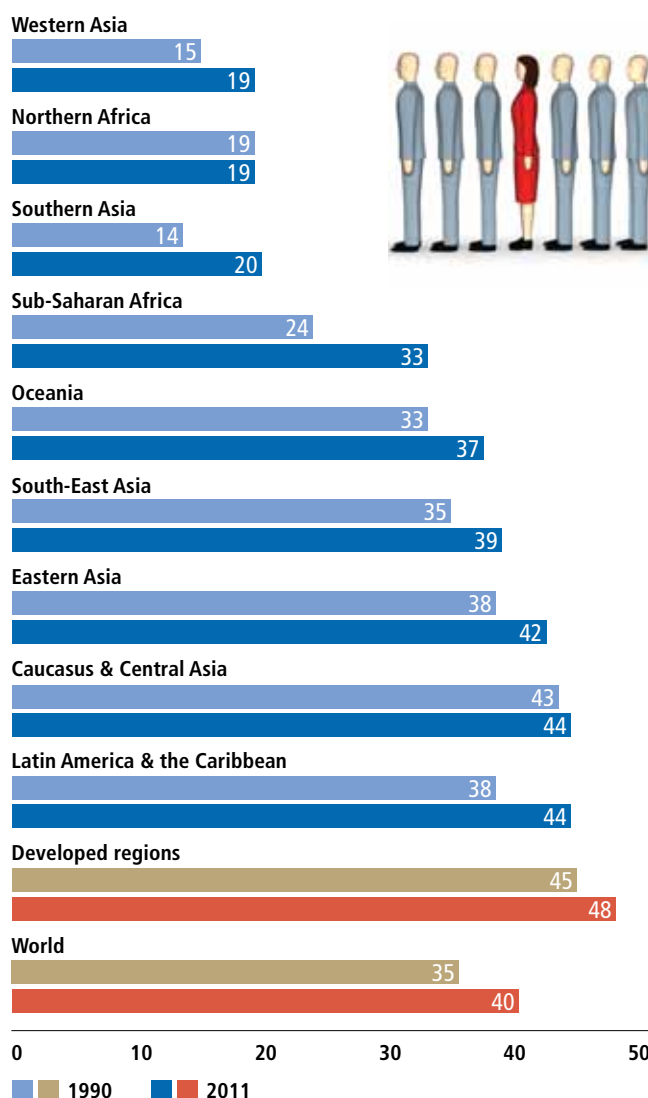
Distribution of countries* by gender parity status in primary, secondary and tertiary education, 2011 (Percentage)



* Based on available data for 175 countries for primary education, 160 countries for secondary education and 141 countries for tertiary education. When data for 2011 were unavailable, the last available data during the period 2009-2012 were used.

Women are gaining ground in the labour market, though not in all regions and not in all areas of work

Employees in non-agricultural wage employment who are women, 1990 and 2011 (Percentage)



The overall picture changes at the tertiary level of education. In nearly two thirds of countries (62 per cent), enrolment of women at the highest levels of education exceeds that of men. In countries with low enrolment rates, men generally outnumber women. Yet the opposite is true in countries with high enrolment rates. In general, the most extreme gender disparities in tertiary education are found in countries with low levels of enrolment. Eight out of 10 countries with extreme gender disparities (GPI below 0.7) have gross enrolment ratios below 10 per cent.

Women's access to paid employment is an indication of their integration into the market economy. As women benefit from more regular income, they are more likely to achieve greater autonomy, self-reliance in the household and in their personal development, and decision-making power.

Globally, 40 out of every 100 wage-earning jobs in the non-agricultural sector were held by women in 2011.

This is a significant improvement since 1990, when only 35 out of 100 jobs were held by women. However, important differences can be observed among regions and countries. In Eastern Asia, the Caucasus and Central Asia, and Latin America and the Caribbean, parity in the number of women and men holding wage-earning jobs has been nearly achieved. But in six other developing regions, the share of women in non-agricultural wage employment was under 40 per cent. In Western Asia, Northern Africa and Southern Asia, it was under 20 per cent. Access to paid employment remains a distant target for women in these regions.

In the majority of countries, women's share in public sector employment is much higher (at least 5 percentage points) than in non-agricultural sectors. In fact, in many countries it exceeds 50 per cent. Women are, however, more likely to work in local rather than central government offices.

Increases in income-earning opportunities for women do not mean they have secure, decent jobs. Nor does it mean they are on an equal footing with men. In fact, the data suggest that women in developing regions are more likely than men to work as contributing family workers – on farms or other family business enterprises or as own-account workers – with little or no financial security or social benefits.

This type of gender gap is particularly evident in Western Asia and Northern Africa, where paid employment opportunities for women are limited. It is also high in sub-Saharan Africa and Oceania.

These gaps may be explained by a variety of factors, including regulations and practices governing work and family life. Women's responsibilities in unpaid care work, the lack of childcare facilities and other social rights may also play a significant role in women's non-participation in the labour force, in their occupational choices, and in their employment patterns.

The year 2012 saw a rare annual increase of nearly one percentage point in the global number of women members of parliament (both lower and upper houses). As of 31 January 2013, the average share of women in parliament stood at 20.4 per cent, up from 19.6 per cent in January 2012. With the exception of 2007, the average annual rate of increase in recent years has been just 0.5 percentage points.

Only six parliamentary chambers in the world today have no women members: Haiti (upper house), Micronesia, Nauru, Palau (lower house), Qatar and Vanuatu. This year began with an historic first for women: In 2013, women were appointed to Saudi Arabia's Shura Council for the first time. The 30 women members now account for 20 per cent of that country's parliament.

Among 22 of the 48 countries where elections were held in 2012, the use of either legislated or voluntary quotas (usually in combination with a proportional representation system) were largely responsible for the above-average increase in the number of women members of parliament. Where quotas have been legislated, women took 24 per cent of parliamentary

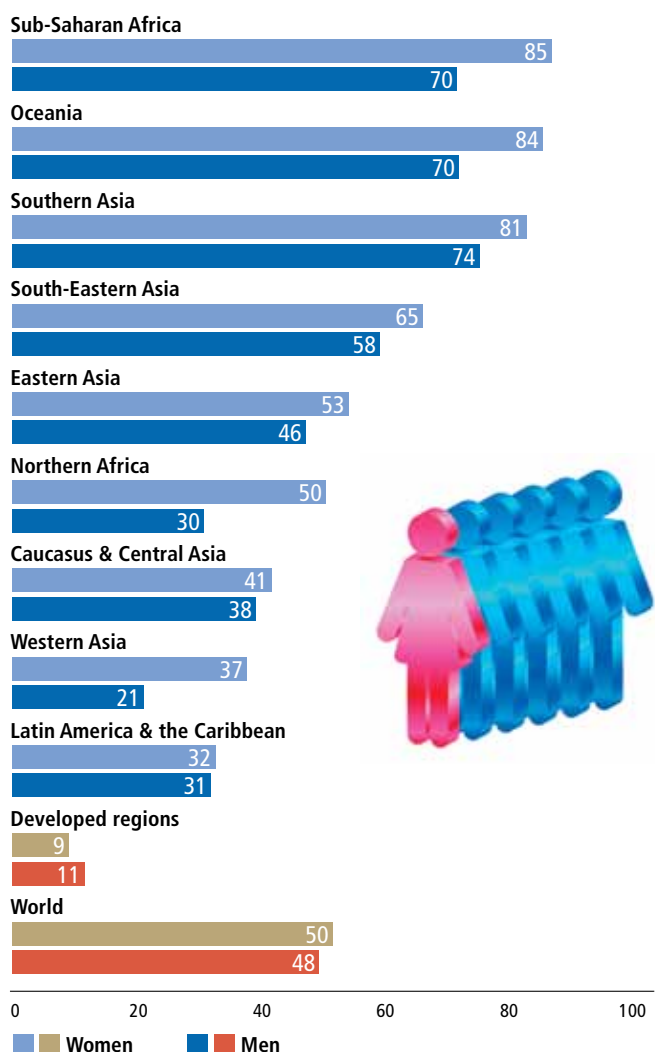
seats; with voluntary quotas, they occupied 22 per cent of seats. Where no quotas were used, women took just 12 per cent of seats, well below the global average.

The highest electoral gains for women in 2012 were seen in Senegal, Algeria and Timor-Leste, with all three countries using legislated quotas for the first time. In Senegal, women took 43 per cent of parliamentary seats. With 32 per cent women members of parliament, Algeria is now the first and only Arab country to have surpassed the 30 per cent mark. In Timor-Leste, the number of women members of parliament increased by 11 percentage points, reaching 39 per cent.

While important, quotas in themselves are insufficient. Lessons learned from the 2012 elections show that political commitment to gender equality and ambitious measures to achieve it must be accompanied by sanctions for non-compliance. Furthermore, women candidates should be placed in winnable positions on party lists and political parties must be supportive. In terms of

In every developing region, women tend to hold less secure jobs than men, with fewer social benefits

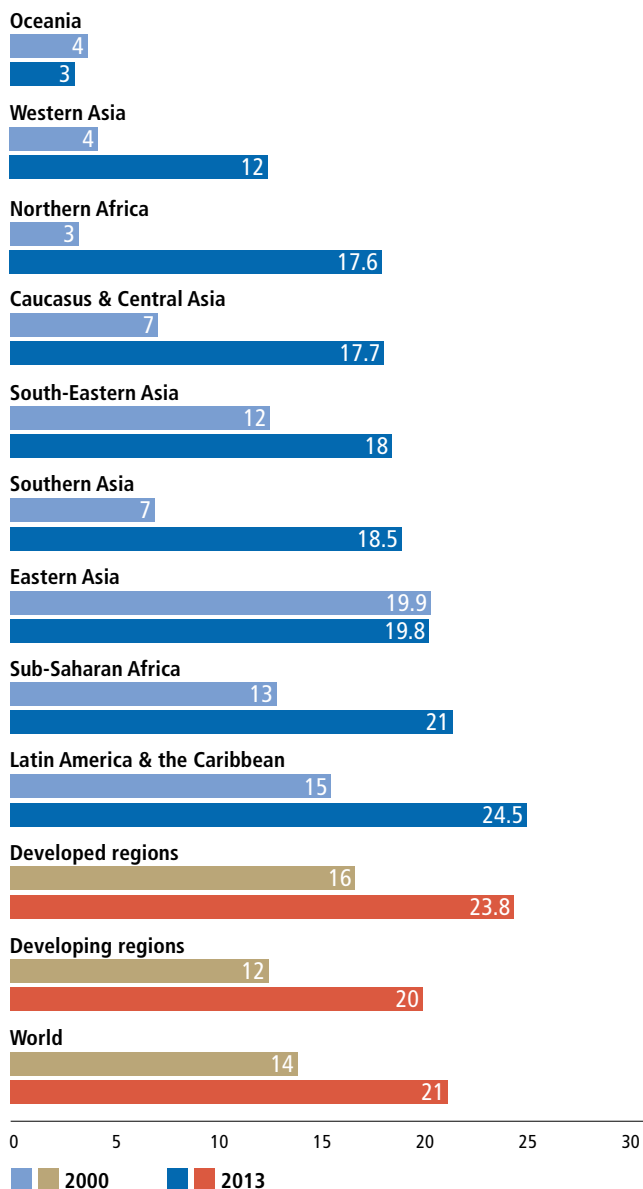
Proportion of own-account and contributing family workers in total employment, women and men, 2012* (Percentage)



* Data for 2012 are preliminary estimates.

Women are assuming more power in the world's parliaments, boosted by quota systems

Proportion of seats held by women in single or lower houses of national parliament, 2000 and 2013 (Percentage)



electoral systems, proportional representation with its use of party lists remains the best system for enforcing quotas. Proportional representation delivered a much higher percentage of women members of parliament (25 per cent) in 2012 than a majority/first-past-the-post system (14 per cent) or a mixture of the two systems (18 per cent).

WOMEN'S DECISION-MAKING POWER AT HOME LEAVES LOTS OF ROOM FOR IMPROVEMENT

Increasing women's decision-making power is not limited to their role in parliaments. Whether it is in the public or private sphere, women continue to be denied opportunities to participate in decisions that affect their lives. The suppression of women's voices in many spheres, whether deliberate or resulting from

long-standing discriminatory social and cultural norms, contributes to the persistence of gender inequality and limits human development.

Over the past four decades, women's enrolment in tertiary education has grown nearly twice as fast as men's. As a result, women around the world now account for the majority of tertiary students in most countries. However, these gains have not translated fully into greater opportunities for women in the labour market. This is reflected in persistent gender wage gaps and women's underrepresentation in managerial jobs, among other areas. Research from 51 countries reveals that the proportion of women managers as a percentage of total managers in the private sector ranges from 10 per cent to 43 per cent, with the majority of countries falling between 20 per cent and 35 per cent.

It is widely recognised that increasing women's bargaining power within the household contributes to improvements in children's nutrition, survival rates and literacy. Yet recent surveys in a sample of 37 developing countries, mostly in Africa, show that women's decision-making power at home remains significantly lower than that of men when it comes to large household purchases, visiting family, relatives and friends, and women's own health.

Of all the decisions made at the household level, the majority of women are freer to decide when to visit family, relatives and friends and how to manage their own health. The situation is worse for women when it comes to money-related decisions, which are disproportionately concentrated in the hands of men. In the majority of countries in the sample, no more than 50 per cent of women report that they are given the opportunity to participate in the decision on large household purchases. These disparities are the direct result of differences between women and men in terms of their control over resources, including income and asset ownership. These, in turn, are determined by institutional factors such as laws and norms related to inheritance and property ownership, which, in many countries, tend to discriminate against women.

United Nations (2013). *The Millennium Development Goals Report 2013*. Retrieved from www.un.org on 29 October 2013.

Gender equality and Australian aid

A brief development objective overview from AusAID

Gender inequality denies individuals their human rights. The international community has recognised gender equality as an important human rights issue and has collectively made commitments to promote and protect the rights of women and girls.

Gender inequality also imposes costs on families, communities, and states. At a national level, for example, gender inequalities cost the Asia and Pacific region up to USD 47 billion every year.¹

In an increasingly globalised world, gender inequality makes countries less competitive, and the cost of not reducing gender inequality is rising.

Gender equality is a development objective in and of itself as recognised in:

- MDG 3: *to promote gender equality and empower women*
- MDG 5: *to improve maternal health respectively.*

It is also critically important to achieving other development objectives, and to improving effectiveness and efficiency of efforts to reduce poverty and support economic growth. The benefits are not just for today's women and men, their families, and their communities, but for all generations to come.

- When girls are educated it lowers fertility rates, reduces maternal mortality, and improves the health of their children.
- When both women and men have access to economic

opportunity it helps their families prosper, and the country's economy grow.

- When both women and men participate in policy formulation and decision-making it leads to more responsive policies and decisions, and improved distribution of services.
- When the safety and security of women and girls is guaranteed, they can more effectively contribute to better outcomes for their families, communities, and countries.

GENDER EQUALITY – A CRITICAL CROSS CUTTING THEME OF THE AID PROGRAM

The Australian Government has identified gender equality as a critical cross cutting theme of Australia's aid program and committed to remain a persistent advocate and practical supporter of gender equality. Half of the overall aid program is invested in activities that have either a principal or significant objective of promoting gender equality and empowering women.

NOTES

1. International Labour Organisation and Asian Development Bank (2011), *Women and Labour Markets in Asia: rebalancing towards gender equality in labour markets in Asia*, Asian Development Bank, Bangkok, p.1.

Department of Foreign Affairs and Trade.

AusAID (2013). *Gender equality*.

Retrieved from www.ausaid.gov.au on 15 October 2013.

Global gender equality statistics

These global gender inequality figures are supplied courtesy of AusAID

Health and education

- Two thirds of the 774 million adult illiterates worldwide are women – the same proportion for the past 20 years and across most regions.¹
- Globally 61 million children are not in primary school, of which 32.1 million are girls.²
- Gender gaps in education and employment inhibit economic growth. Countries that do not reach gender equality in primary and secondary education forego between 0.1 to 0.3 percentage points of per capita growth rate.³

Decision-making, leadership and peace-building

- By end-April 2013, women held 21.2 per cent of seats in single or lower houses of parliament worldwide.⁴
- Only seven out of 150 elected Heads of State in the world are women and only 11 of 192 Heads of Government.⁵
- Forty out of 271 Presiding Officers in parliament are women.⁶

Economic empowerment and livelihood security

- Women farmers produce more than half the world's food – and between 60-80 per cent in developing countries – but have far less access to land and resources than men farmers.⁷

Violence against women

- Globally, almost 1 in 3 women who have been in a relationship have experienced physical and/or sexual violence by their intimate partner, and 2 in 3 ever-partnered women in some countries in the Pacific.⁸
- The International Labour Organisation has estimated that more than 43 per cent of people trafficked across borders are used for forced commercial sexual exploitation, of whom 98 per cent are women and girls.⁹

NOTES

1. UN, *The World's Women 2010, Trends and Statistics*.
2. *2012 Education for All Global Monitoring Report*.
3. Abu-Ghaida, D, Klasen, S, 2004, *The Costs of Missing the Millennium Development Goals on Gender Equality*, Elsevier, Vol 32 (7).
4. Inter-Parliamentary Union, 2013, *Women in Parliaments*.
5. Inter-Parliamentary Union, 2013, *Women in Politics*.
6. Inter-Parliamentary Union, 2013, *Women in Politics*.
7. Worldwatch Institute, 2011, *Female Farmers Overcome Barriers to Feed Africa* Sustainable Development Department, Food and Agriculture Organisation of the United Nations.
8. World Health Organisation, 2013, *Global and regional estimates of violence against women: Prevalence and health effects of intimate partner violence and non-partner sexual violence*.
9. UN, *The World's Women, 2010, Trends and Statistics*.

Department of Foreign Affairs and Trade.

AusAID (2013). *Gender equality – statistics*.

Retrieved from www.ausaid.gov.au on 22 October 2013.

GENDER EQUALITY: WHY WE GIVE AID

WHILE GAINS HAVE BEEN MADE, GENDER INEQUALITIES ARE STILL STRIKING, ACCORDING TO THIS EXPLANATION FROM **AUSAID**

Removing inequalities gives societies a better chance to develop. When women and men have relative equality, economies grow faster, children's health improves and there is less corruption. Gender equality is also an important human right.

While gains have been made, gender inequalities are still striking given that:

- Two-thirds of the 774 million people in the world who lack basic literacy skills are female
- Women hold an average of 5 per cent of seats in national parliaments in Pacific Island countries
- Half a million women die each year from complications during pregnancy – 99 per cent of them in developing countries
- Globally one in three women and girls experience physical and sexual violence with rates as high as two in three in some Pacific countries.

Australia's aid program aims to help promote gender equality

and empower women in partner countries. This is the goal of Millennium Development Goal 3, and is also central to the achievement of all the other MDGs.

Investments in women's and girls' education and health yield some of the highest returns of all development investments, including reduced rates of maternal mortality, better educated and healthier children and increased household incomes.

Half of the overall aid program is invested in activities that have either a principal or significant objective of promoting gender equality and empowering women.

How we give aid

Half of the overall aid program is invested in activities that have either a principal or significant objective of promoting gender equality and empowering women. This investment is mostly in health, education, and governance programs

and also in rural development and other sectors.

The level of investment in gender equality and women's empowerment in each country will depend on the sectors that Australia supports in each country, and also on the way we choose to deliver aid and the partners with whom we work.

Australia will concentrate effort in areas where we can make a difference and where our resources can most effectively and efficiently be deployed.

We will:

- **Focus strategically within country programs** to address specific barriers and constraints to gender equality where we can make a meaningful contribution, and take pride in the contributions we make to gender equality and women's empowerment as a goal in itself
- **Support programs** to address specific priority issues where mainstream programs may not be the most effective way of reaching women and girls, for example in fragile states and conflict-affected countries
- **Work with government and civil society in partner countries** to help them put in place and achieve their own gender equality goals and objectives, and protect women's rights
- **Work with our partners** in civil society, multilateral agencies, managing contractors and research institutions to contribute to, influence, or add value to their work to maximise impacts on gender equality and women's empowerment
- **Help collect evidence** to contribute to formulation of policies promoting gender equality and empowering women, and to understand the different impacts of other



GENDER EQUALITY AID PRIORITIES

Three of Australia's 10 key development objectives relate specifically to gender equality and women's empowerment:

- Saving the lives of poor women and children through greater access to quality maternal and child health services (for example, skilled birth attendants and midwives), and supporting large-scale disease prevention, vaccination and treatment
- Enabling more children, particularly girls, to attend school for a longer and better education so they have the skills to build their own futures and, in time, escape poverty
- Empowering women to participate in the economy, leadership and education because of the critical untapped role of women in development.

To keep the strategic focus on results, the work is organised around four thematic pillars aligned to specific aspects of gender equality.

The four pillars are:

1. Advancing equal access to gender-responsive **health and education** services.
2. Increasing women's voice in **decision-making, leadership, and peace-building**.
3. **Empowering women economically** and improving their livelihood security.
4. **Ending violence against women and girls** at home, in their communities, and in disaster and conflict situations.

Australia will continue to invest significantly in Pillar 1, recognising that equal access to health and education is fundamental for advancing gender equality.

Pillars 2 to 4 represent areas where there are persistent challenges and progress toward gender equality has been slow.

Investment in these pillars will be targeted, and Australia will strengthen specific efforts to reduce gender inequality.

Department of Foreign Affairs and Trade.

AusAID (2013). *Gender equality: Priorities*. Retrieved from www.ausaid.gov.au on 29 October 2013.



policies on women and men, girls and boys

- **Participate in the global debate** on gender equality and support global efforts, including through UN Women, to meet international commitments on gender equality and women's empowerment
- **Raise awareness of gender issues internationally**, including through the Global Ambassador for Women and Girls, and raising the issue in high level forums.

Globally, gender gaps in access to education have narrowed.

Progress against MDGs

Promote gender equality and empower women

Globally, gender gaps in access to education have narrowed. Gender parity is closest to being achieved at primary school, however there are disparities across all levels of education in some regions.

The UN reports that in developing regions, 97 and 96 girls were enrolled

in primary and secondary schools respectively for every 100 boys in 2011. This is an improvement since 1999, when the ratios were 91 (for primary) and 88 (for secondary).

Indicators

In 1995 women's representation of seats in single or lower houses of parliament was 11.6 per cent worldwide. By April 2013 this had increased to 20.9 per cent. This represents an all-time high, but falls well short of parity.

The percentage of women in non-agricultural paid employment increased from 35 per cent of the workforce in 1990 to almost 40 per cent in 2011. Wide gaps remain in Western Asia, Northern Africa and Southern Asia where women make up under 20 per cent of this workforce.

Department of Foreign Affairs and Trade.

AusAID (2013). *Gender equality: Why we give aid; How we give aid; Progress against MDGs*. Retrieved from www.ausaid.gov.au on 29 October 2013.

HUMAN RIGHTS AND GENDER EQUALITY

Australia has been at the forefront of the international community's efforts to empower women to overcome disadvantage and discrimination, according to the **Department of Foreign Affairs and Trade**

Australia:

- **Promotes** the ratification and implementation of human rights treaties.
- **Delivers** practical initiatives to promote human rights, including through grassroots activities in vulnerable communities.
- **Supports** national human rights institutions regionally.
- **Engages** constructively in bilateral human rights dialogues and exchanges.

Australia has an enduring commitment to human rights internationally and is a party to major human rights treaties. Australia was one of the eight countries that drafted the *Universal Declaration of Human Rights* and we have been a leading proponent of its consistent and comprehensive implementation.

Australia believes the protection and promotion of human rights is every nation's responsibility. We take this responsibility seriously including through our national human rights institution, the Australian Human Rights Commission and our Human Rights Framework. We have a strong democratic tradition, a transparent and independent judicial system and a free media. Our society is characterised by a sense of egalitarianism. We are committed to ensuring economic, social and cultural rights for all.

Australia actively engages in the international human rights system, including the General Assembly's Third Committee in New York and the Human Rights Council in Geneva. Australia participates in the Universal Periodic Reviews (UPR) of human rights situations in individual UN member states, engaging closely on the review of all 47 countries considered in 2011. Australia has extended a standing invitation to UN Special Procedures mandate holders. We contribute funding to the UN Office of the High Commissioner for Human Rights.

Prominent Australians have contributed to UN human rights bodies such as Michael Kirby, who was UN Special Rapporteur on Human Rights in Cambodia and is now a member of the UNAIDS Reference Group on HIV and Human Rights; Professor Ron McCallum, member of the UN Committee on the Rights of Persons with Disabilities; Philip Alston the first Rapporteur, and later chair of the UN Committee on Economic, Social and Cultural Rights, Special Advisor to the UN High Commissioner for Human Rights on the Millennium Development Goals and UN Special Rapporteur on extrajudicial executions; and Mick Dodson and Megan Davis, members of the UN Permanent Forum on Indigenous Issues.

Australia funds non-government organisations and human rights institutions in developing countries to promote and protect human rights at the grassroots level, including through the \$6.5 million Human Rights Fund which supports key human rights institutions, and the Human Rights Grants Scheme which will provide \$3.7 million in grants to support human rights projects in 41 countries in 2011-12.

EMPOWERING WOMEN

Women are powerful agents of change for peace and security. Involving women in ways to resolve conflict is not just an exercise in gender equality, it is a key strategy to improve the chances of peace and development. The more involved women are in the peace process as peace-builders, the greater the likelihood of lasting peace and development.

Involving women in ways to resolve conflict is not just an exercise in gender equality, it is a key strategy to improve the chances of peace and development.

Australia has been at the forefront of the international community's efforts to empower women to overcome disadvantage and discrimination. We were one of the first countries to sign the *UN Convention on the Elimination of All Forms of Discrimination Against Women* and we continue to ensure its effective implementation. We have supported efforts to enhance international approaches towards gender issues, including the establishment of UN Women.

There is growing international recognition that a comprehensive approach to security issues requires the inclusion of women's experiences and perspectives.

Australia has been a strong supporter of UN Security Council resolution 1325 on women, peace and security, which provides the basis for women to play a greater role in all peace processes and peace-building activities. Australia is currently developing a National Action Plan to implement resolution 1325. Australia also co-sponsored UN Security Council resolutions 1820 and 1888 on sexual violence in armed conflict and strongly supports actions in Australia and internationally to address sexual violence against women.

Through its aid program, Australia supports women's leadership and participation in government, business and the community.

Department of Foreign Affairs and Trade (2013). *Human Rights and Gender Equality*. Retrieved from www.dfat.gov.au on 29 October 2013.

Convention on the Elimination of All Forms of Discrimination Against Women

This brief overview from the **United Nations** explains how CEDAW aims to end discrimination against women in all forms

The *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

The Convention defines discrimination against women as “... any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- To incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women
- To establish tribunals and other public institutions to ensure the effective protection of women against discrimination, and
- To ensure elimination of all acts of discrimination against women by persons, organisations or enterprises.

The Convention provides the basis for realising equality between women and men through ensuring women’s equal access to, and equal opportunities in, political and public life – including the right to vote and to stand for election – as well as education, health and employment. States parties agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms.

The Convention is the only human rights treaty which affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations. It affirms women’s rights to acquire, change or retain their nationality and the nationality of their children. States parties also agree to take appropriate measures against all forms of traffic in women and exploitation of women.

Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations.

United Nations (2007). *Convention on the Elimination of All Forms of Discrimination Against Women: Overview of the Convention*. Retrieved from www.un.org on 29 October 2013.



Tracking equity: comparing outcomes for women and girls across Australia

A **COAG Reform Council** report reveals that despite being highly educated, women and girls are being left behind their male counterparts in the workforce. The report tracks progress against COAG's goals for reform and improved economic and social participation. It finds that despite girls achieving equity or even surpassing boys in school literacy, as well as Year 12 and higher qualification attainment, gaps remain in workforce participation and representation in leadership roles. Below are the report's key findings.

Girls do well at school and more women are attaining higher qualifications. Women also live longer and healthier lives. However, women have lower starting salaries and pay, lower labour force participation, fewer opportunities for workplace leadership, and less superannuation to retire on. Domestic violence is a key reason women use homelessness services. Indigenous women, women from lower socio-economic backgrounds, and women with disability face particular challenges.

Girls do well at school but are less likely than boys to be fully engaged in study and/or work when they leave school

Girls outperform boys in reading and writing in both primary and secondary school, although boys continue to outperform girls in numeracy. Young women (20-24 year olds) are more likely to complete Year 12 or equivalent. In 2012, 87.8% of young women had completed Year 12 compared with 84.1% of young men.

Women are also catching up to men in overall rates of higher qualification attainment – with a higher proportion of women under 30 than men under 30 now attaining educational qualifications at or above Certificate III level (for example 64.8% of women aged 25-29 compared with 62.7% of men).

However, although girls generally outperform boys at school, they are less likely overall to transition from school to full engagement in work, education or a combination of the two. In 2012, 73.5% of young women (aged 18-24) compared to 79.3% of young men were fully engaged in employment, education or training. Having narrowed slowly over time up to 2002, this gap has remained relatively unchanged for the past ten years.



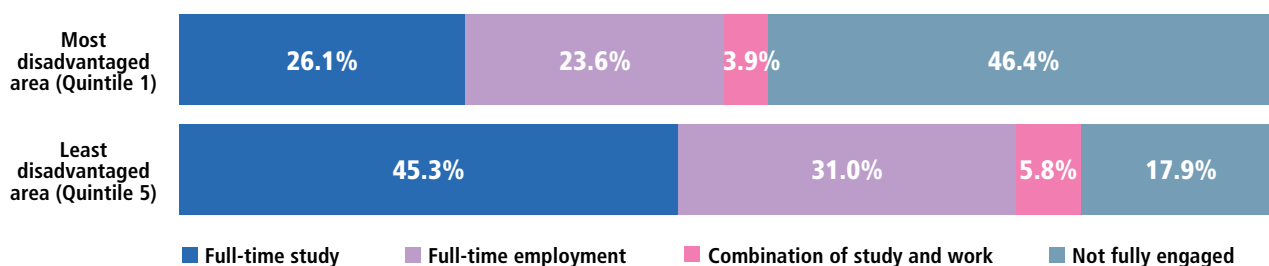
Women from lower socio-economic areas are doubly disadvantaged. In 2011, 53.6% of young women living in the most disadvantaged areas were fully engaged in work or study after leaving school. In the least disadvantaged areas the proportion was 82.1% – 28.5 percentage points higher. The difference between young men from the most and least disadvantaged areas was 20.1 percentage points.

Financial disadvantage starts with lower salaries and continues to retirement

Financial disadvantages start as soon as women enter the workforce. Graduate starting salaries are overall significantly lower for women than men – and in six of 23 specific fields. In 2013, women's average weekly earnings were 17.5% lower than men's (based on ordinary-time earnings).

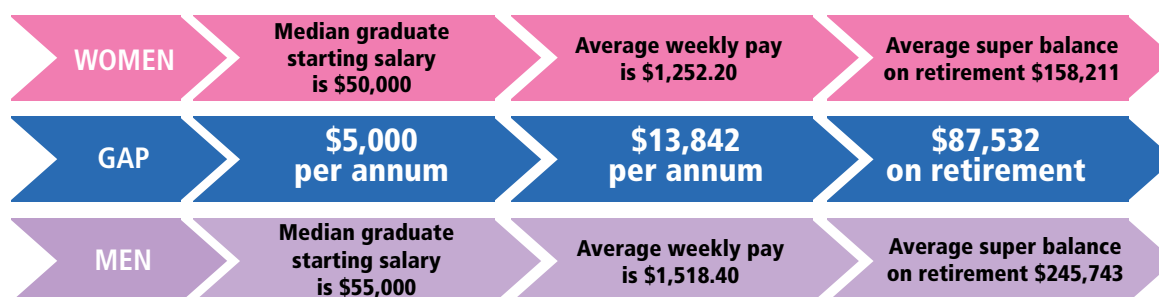
Women are less likely to be in higher-level or leadership roles. Less than 3% of ASX 500 companies are chaired by women, and 28.9% of parliamentarians

FIGURE 1: WOMEN AGED 18-24, ENGAGEMENT IN WORK OR STUDY, MOST AND LEAST DISADVANTAGED AREAS, 2011



Source: ABS

FIGURE 2: FINANCIAL DIFFERENCE BETWEEN MEN AND WOMEN



Source: Graduate Careers Australia, ABS

are women. Women hold 39.2% of senior executive roles in the Australian Public Service despite making up 57.3% of the APS workforce. In State and Territory governments, between 27.6% and 40.0% of senior executives are women.

Access to childcare significantly impacts on women's employment. In 2011, cost was the reason that childcare required for one in four children was not used.

Lower pay and workforce participation means women are retiring with an average of 36% less superannuation than men.

Women lead longer and healthier lives – but indigenous women's life expectancy is shorter

Australian women live longer than men – with a life expectancy of 84.2 years compared to 79.7 years. Women are also less likely than men to have health risk factors like smoking, and high levels of alcohol consumption and overweight or obesity. However, indigenous women are living much shorter lives than non-indigenous women – on average 72.9 years.

Domestic violence and severe overcrowding are key issues affecting stable housing

Women are less likely than men to be homeless (42 per 10,000 women compared with 56 per 10,000 men). However, 489 per 10,000 indigenous women are homeless compared with 29 per 10,000 non-indigenous women. In very remote areas of Australia, 21% of indigenous women live in severely crowded accommodation.

The main reason women reported using homelessness services was domestic violence and family violence (34.3%). Nearly a fifth of women (18.7%) who used homelessness services also reported financial reasons as the main reason for needing them.

Women with disability face particular challenges

Women with disability face additional challenges for labour force participation. In 2009, around half (49.0%) of women with disability were in the labour force – significantly lower than the proportion of men with disability (59.8%). Women with disability are also less likely than men to use disability services. In 2010-11, 5.5% of women with disability and 8.7% of men used Employment Support Services and 31.2% of women and 37.8% of men used other disability support services.

More primary carers are women, and they have lower workforce participation

There are nearly twice as many female primary carers of people with disability (523,200) as male (248,200). Among all carers of people with disability, 61.3% of women are in the workforce compared with 76.9% of men. Female primary carers are more likely to experience negative impacts relating to their caring role – such as feeling depressed, stressed and/or worried.

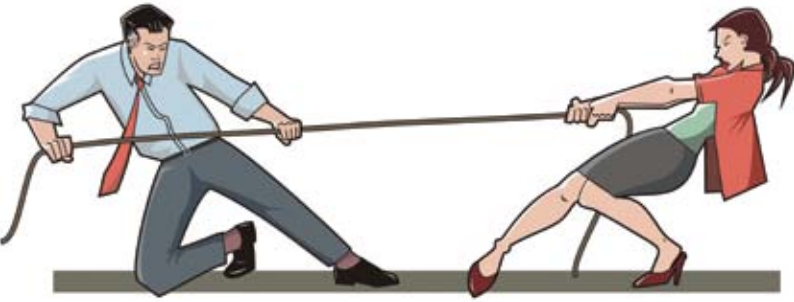
Source: Licensed from the Commonwealth of Australia under a Creative Commons Attribution 3.0 Australia Licence.

COAG Reform Council (2013). *Tracking equity: Comparing outcomes for women and girls across Australia*, Key Findings, pp. 8-9, COAG Reform Council, Sydney. Retrieved from www.coagreformcouncil.gov.au



SEX DISCRIMINATION: KNOW YOUR RIGHTS

GUIDE PRODUCED BY THE **AUSTRALIAN HUMAN RIGHTS COMMISSION**



What is sex discrimination?

Sex discrimination is when a person is treated less favourably than a person of the opposite sex would be treated in the same or similar circumstances.

For example, it would be 'direct sex discrimination' if male and female employees are doing exactly the same work, but male employees are being paid more.

It is also sex discrimination when there is a rule or policy that is the same for everyone but has an unfair effect on people of a particular sex. This is called 'indirect discrimination'.

For example, it may be indirect sex discrimination if a policy says that managers must work full-time, as this might disadvantage women because they are more likely to work part-time because of caring responsibilities.

How am I protected from sex discrimination?

The *Sex Discrimination Act* makes it against the law to treat you unfairly because of your:

- Sex
- Marital status
- Family responsibilities
- Because you are pregnant or might become pregnant
- Because you are breastfeeding.

The *Sex Discrimination Act* also makes sexual harassment against the law.

What is sexual harassment?

Sexual harassment is any unwelcome sexual behaviour which is likely to offend, humiliate or intimidate. It has nothing to do with mutual attraction or friendship.

Examples include:

- Unwelcome physical touching
- Staring or leering
- Suggestive comments or jokes
- Unwanted requests to go out on dates
- Requests for sex
- Emailing pornography or rude jokes
- Sending sexually explicit texts
- Intrusive questions about your private life or body
- Displaying posters, magazines or screen savers.

Everyone has the right to be safe and free from harassment while at work.

The *Sex Discrimination Act* also covers you if you are sexually harassed when you are purchasing or providing a good or a service or when you are studying at a school, college or university.

What is pregnancy discrimination?

Direct pregnancy discrimination happens when a woman is treated less favourably than another person because she is pregnant or because she may become pregnant.

For example, it would be direct pregnancy discrimination if an employer refused to employ a woman because she was pregnant or because she may become pregnant.

Indirect pregnancy discrimination occurs when there is a requirement or practice that is the same for everyone but has an unfair effect on pregnant women.

For example, it may be indirect discrimination if a policy says that all employees must wear a particular uniform if it is difficult for a pregnant employee to wear that uniform.

What is discrimination on the ground of breastfeeding?

Direct breastfeeding discrimination happens when a woman is treated less favourably because she is breastfeeding or needs to breastfeed over a period of time.

For example, it would be direct discrimination if a cafe refused to serve a woman because she is breastfeeding.

Indirect breastfeeding discrimination occurs when there is a requirement or practice that is the same for everyone but disadvantages women who are breastfeeding.

For example, it may be indirect discrimination if an employer does not allow staff to take short breaks at particular times during the day.

This may disadvantage women who are breastfeeding as they may need to take breaks to express milk.

Eileen found out she was pregnant and informed the recruitment agency and her future employer of this.

She said the company then withdrew their offer of employment and the recruitment agency did not contact her about other employment opportunities. She claimed that she was discriminated against because of her pregnancy.

The company advised that it was a small organisation and the decision to withdraw the employment offer was based on business reasons.

The complaint was resolved through conciliation, with the company and agency providing financial compensation to Eileen.

The company also provided a written apology and developed an Equal Employment Opportunity policy for the workplace.

Priya was employed on a contract basis with a community based organisation. She said she took leave from work because she was depressed and also to care for her child who had scoliosis. She claimed that when she sought to return to work, she was told that no work was available, even though she was aware that the organisation had recently advertised a position in the newspaper.

The organisation denied discrimination and said Priya had not clearly indicated the reasons for her leave.

The complaint was resolved at a conciliation conference with an agreement that the organisation would provide Priya with an apology and \$16,000 compensation.

What is family responsibilities discrimination?

Family responsibilities discrimination occurs when a person is treated less favourably than another person because they have family responsibilities.

Under the *Sex Discrimination Act*, family responsibilities include responsibilities to care for or support a dependent child or a member of your immediate family.

For example, it may be discrimination for an employer to refuse to employ a person, demote a person or reduce a person's hours of work because they need to care for a member of their family.

What does the Sex Discrimination Act do?

The *Sex Discrimination Act* aims to ensure that women and men are treated equally and have the same opportunities.

The Act protects you against discrimination in many areas of public life, including:

- **Employment** – getting a job, terms and conditions of a job, training, promotion, being dismissed
- **Education** – enrolling or studying in a course at a private or public school, college or university
- **Accommodation** – renting or buying a house or unit
- **Getting or using services** – such as banking and insurance services, services provided by government departments, transport or telecommunication services, professional services like those provided by lawyers, doctors or tradespeople, services provided by restaurants, shops or entertainment venues.

What about discrimination and harassment at work?

The *Sex Discrimination Act* covers situations where you have been sexually harassed at work or where you feel that, you have been:

- Refused employment
- Dismissed
- Denied a promotion, transfer or other employment-related benefits
- Given less favourable terms or conditions of employment
- Denied equal access to training opportunities.

Women who are pregnant or returning from maternity leave, and workers with family responsibilities, have

rights under the *Sex Discrimination Act*.

Women who are pregnant should be able to continue to work in the same way and under the same conditions as other employees, unless there are valid medical or safety reasons.

It is against the law to dismiss a woman because she is pregnant.

Most workers who have children born or adopted after 1 January 2011 are eligible for paid parental leave, which is fully funded by the Australian Government.

Paid Parental Leave is available to working parents who meet the eligibility criteria.

Eligible working parents can get 18 weeks of government funded Parental Leave Pay at the rate of the National Minimum Wage.

Full-time, part-time, casual, seasonal, contract and self-employed workers may be eligible for the scheme.

A woman who returns to work after maternity leave has the right to return to the same job she had before going on leave.

If the position no longer exists – for instance, because of a genuine restructure – she has the right to another job that is as close as possible in pay and responsibilities to the one she held before.

It is against the law for employers to discriminate against a person because of their family responsibilities by terminating their employment. This includes caring for a spouse or de facto, child, grandchild, brother, sister, parent, or grandparent.

Employers should make reasonable adjustments to assist employees with family responsibilities to do their job. This could include changing the hours they work or their starting or finishing times.

What can I do if I experience discrimination or sexual harassment?

You may want to deal with the situation yourself by raising it directly with the person or people involved or with a supervisor, manager or discrimination/harassment contact officer.

Making a complaint to the Commission

If this does not resolve the situation, or you do not feel comfortable doing this, you can make a complaint to the Australian Human Rights Commission. You can

Zampella claimed that she was sexually harassed by her manager while working as a cashier at a retail store. She said the manager touched her inappropriately tried to kiss her and followed her home one evening. Because of this, Zampella resigned from her job.

The company said that Zampella had not complained about sexual harassment during her employment and advised that it was a small employer and did not have a sexual harassment policy.

The complaint was resolved through conciliation with the employer providing a statement of service, financial compensation and agreeing to develop a sexual harassment policy and provide anti-discrimination training to staff.

also have someone, such as a solicitor, advocate or trade union representative make a complaint on your behalf.

It does not cost anything to make a complaint to the Commission.

Your complaint needs to be put in writing.

The Commission has a complaint form that you can fill in and post or fax to us. Or you can lodge a complaint online at our website. If you are not able to put your complaint in writing, we can help you with this.

The complaint should say what happened, when and where it happened and who was involved.

A complaint can be made in any language. If you need a translator or interpreter, the Commission can arrange this for you.

What will happen with my complaint?

When the Commission receives a complaint about something that is covered by the *Sex Discrimination Act*, the President of the Commission can investigate the complaint and try to resolve it by conciliation.

The Commission is not a court and cannot determine that discrimination has happened. The Commission's role is to get both sides of the story and help those involved resolve the complaint.

Commission staff may contact you to get further information about your complaint.

Generally, the Commission will tell the person or organisation the complaint is against (the respondent) about your complaint and give them a copy of the complaint. The Commission may ask the respondent for specific information or a detailed response to your complaint.

Where appropriate, the Commission will invite you to participate in conciliation. Conciliation is an informal process that allows you and the respondent to talk about the issues and try to find a way to resolve the complaint.

If your complaint is not resolved, or it is discontinued for another reason, you can take your complaint to the Federal Court of Australia or the Federal Magistrates Court.

What can I do to prevent discrimination?

Everyone has a role to play to help build greater equality between women and men in Australia.

The Commission undertakes a wide range of activities to raise awareness about the rights and

Con, who was employed as a grocery packer with a retail store, alleged he was discriminated against on the basis of his sex. He claimed that only male staff were required to sign a contract stating that they won't wear earrings.

Con said he was given less shifts because he wore earrings and was told to take his earrings out or leave the workplace. He said he was forced to resign.

On being informed of the complaint, the retail store agreed to try to resolve the matter through conciliation. The complaint was resolved with an agreement that the store would pay Con the sum of \$1,500, which was equivalent to 6 weeks salary.

responsibilities of individuals and organisations under the *Sex Discrimination Act*, especially in the workplace.

We've produced guidelines and reports on preventing sexual harassment, supporting pregnant workers, flexible work arrangements and equal pay.

You can find out more about what we're doing by visiting www.humanrights.gov.au/sex_discrimination

What can employers do to prevent sexual harassment?

Sexual harassment continues to be a serious issue in workplaces across Australia. Young women can be especially vulnerable to sexual harassment from their older, male managers or co-workers.

There are a number of simple steps that employers should take to prevent and respond to sexual harassment, such as:

- Having a workplace policy on sexual harassment
- Putting in place a process for dealing with complaints
- Training employees to identify and deal with sexual harassment.

For more information on practical steps to prevent sexual harassment see www.humanrights.gov.au/sexual_harassment

Where can I get more information?

The Australian Human Rights Commission's contact details are:

Postal address

Australian Human Rights Commission
GPO Box 5218 Sydney NSW 2001

Street address

Level 3, 175 Pitt Street Sydney NSW 2000
Phone: (02) 9284 9600 or 1300 369 711
TTY: 1800 620 241 (toll free)
Fax: (02) 9284 9611
Email: communications@humanrights.gov.au
Website: www.humanrights.gov.au

Complaints

Complaint Info line: 1300 656 419 (local call)
Email: complaintsinfo@humanrights.gov.au
Online: You can make a complaint online by going to www.humanrights.gov.au/complaints_information/online_form/index.html

If you need an Auslan interpreter, the Commission can arrange this for you.

If you are blind or have a vision impairment, the Commission can provide information in alternative formats on request.

If you are thinking about making a complaint, you might also want to consider getting legal advice or contacting your trade union.

There are community legal services that can provide free advice about discrimination and harassment. Contact details for your closest community legal centre can be found at www.naccl.org.au/directory

Australian Human Rights Commission (2013).
Sex Discrimination: Know your rights. Retrieved from
www.humanrights.gov.au on 29 October 2013.

Strengthening national gender equality laws, agencies and monitoring

The Australian Human Rights Commission has made achieving stronger gender equality laws, agencies and monitoring a priority area of reform, according to this overview

Sex discrimination remains a harsh reality for many Australian women, who continue to experience unfair treatment in the workplace and other spheres of life.

The Commission continues to receive a high number of complaints on the grounds of Sex Discrimination:

- In 2006/07 the Commission received 472 complaints
- In 2007/08, the Commission received 438 complaints
- In 2009/10, the Commission received 532 complaints
- In 2010/2011, the Commission received 459 complaints
- In 2011/2012, the Commission received 505 complaints.

What is the Commissioner doing to strengthen national gender equality laws, agencies and monitoring?

Commissioner Broderick made achieving stronger gender equality laws, agencies and monitoring a priority area of reform in her 2010 *Gender Equality Blueprint*.

As part of this process, she has sought substantial amendments to the *Sex Discrimination Act 1984* (Cth) and the *Equal Opportunity for Women in the Workplace Act 1999* (Cth). The amendments seek to strengthen the laws as well as empower the agencies that are responsible for administering them.

To date, the Government has already adopted a number of Commissioner Broderick's recommendations.

Amendments to the Sex Discrimination Act 1984 (Cth)

In June 2013, the *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013* was passed

into law. Among other things, the amendments:

- Provided new protections against discrimination on the basis of a person's sexual orientation, gender identity and intersex status.
- Extended the ground of 'marital status' to 'marital or relationship status'.
- Qualified the exemptions for religious organisations to the effect that it does not apply to conduct connected with the provision of Commonwealth-funded aged care services.
- Extended the list of circumstances to be taken into account as part of the test for sexual harassment to include marital or relationship status, sexual orientation, gender identity and intersex status.
- Replaced references to 'opposite sex' with 'different sex', recognising that a person may be, or identify as, neither male nor female.

On 20 June 2011, significant amendments to the *Sex Discrimination Act* came into effect. These included:

- Ensuring that protections from sex discrimination apply equally to women and men.
- Prohibiting direct discrimination against male and female employees on the ground of family responsibilities, in all areas of employment.
- Strengthening protections against sexual harassment in workplaces and schools and prohibiting sexual harassment conducted through new technologies.
- Establishing breastfeeding as a separate ground of discrimination, allowing measures to protect and accommodate the needs of breastfeeding mothers.



The amended *Sex Discrimination Act* can be accessed at www.comlaw.gov.au/Series/C2004A02868. The Commission's submission to the Legal and Constitutional Affairs Committee Inquiry on the Sex and Age Discrimination Legislation Amendment Bill is available at www.ag.gov.au. See also the Committee's report on its inquiry into the Sex and Age Discrimination Legislation Amendment Bill 2010 in March 2011.

How did these changes come about?

On 26 June 2008, the Senate Standing Committee on Legal and Constitutional Affairs was asked by the Senate to inquire into the effectiveness of the *Sex Discrimination Act* in eliminating discrimination and promoting gender equality.

The Commission lodged a submission to the Senate inquiry recommending changes to the Act, including:

- Specifying breastfeeding as separate grounds of unlawful discrimination.
- Increasing protection from unlawful discrimination on the grounds of family and carer responsibilities.
- Strengthening sexual harassment laws, both in terms of what constitutes harassment and who is protected and liable.

On 12 December 2008, the Senate Standing Committee on Legal and Constitutional Affairs tabled a report of its findings, which included 43 recommendations for change. Many of these recommendations reflected the submissions made by the Commission.

On 4 May 2010, the Government tabled its response to the Senate Report proposing immediate action to amend the *Sex Discrimination Act*. View the Government's response at www.ag.gov.au

The 2011 and 2013 amendments to the *Sex Discrimination Act* partially implemented the Government's response to the review of the Act.

Workplace Gender Equality Act and Agency

In June 2009, the (then) Minister for the Status of Women, the Hon. Tanya Plibersek, announced a review to examine the effectiveness and efficiency of the *Equal Opportunity for Women in the Workplace Act 1999* (EOWW Act) and Agency in promoting equal opportunity for women in the workplace.

The Commission was invited to make a submission to the review.

A Consultation Report was then prepared by KPMG.

On 22 November 2012, the *Equal Opportunity for Women in the Workplace (EOWW) Amendment Bill 2012* was passed.

The central reforms contained in the Bill included:

- Renaming the EOWW Act the *Workplace Gender Equality Act*, and renaming the Agency as the Workplace Gender Equality Agency.
- Amending the objects of the Act to include pay equity, against which organisations will be required to report, and also acknowledging the caring responsibilities of both women and men.
- Broadening the coverage

of the Act to include men, particularly in relation to caring responsibilities.

- Requiring employers to report on the gender composition of their boards.

More information can be found on the Workplace Gender Equality Agency website at: www.wgea.gov.au

25th Anniversary of the Sex Discrimination Act 1984 (Cth)

The 25th Anniversary of the *Sex Discrimination Act 1984* was celebrated in 2009. The SDA has been a major part of ensuring that all Australians are equal regardless of sex, promoting the elimination of discrimination on the basis of sex, marital status or pregnancy or potential for becoming pregnant. Since its introduction, the SDA has helped thousands of people, who have suffered sex discrimination seek redress, promoting gender equality in Australia in most areas of public life.

Australian Human Rights Commission (2013). *Strengthening National Gender Equality Laws, Agencies and Monitoring*. Retrieved from www.humanrights.gov.au on 17 October 2013.



WOMEN IN LEADERSHIP

FEATURE ARTICLE FIRST PUBLISHED IN *AUSTRALIAN SOCIAL TRENDS*
BY THE **AUSTRALIAN BUREAU OF STATISTICS**

Women in Australia have more employment opportunities and are more educated than ever before, however gender equality at senior levels in the workplace has yet to be achieved. In senior leadership positions, men outnumber women across the public and private sectors, as well as in the upper and lower houses of federal parliament.

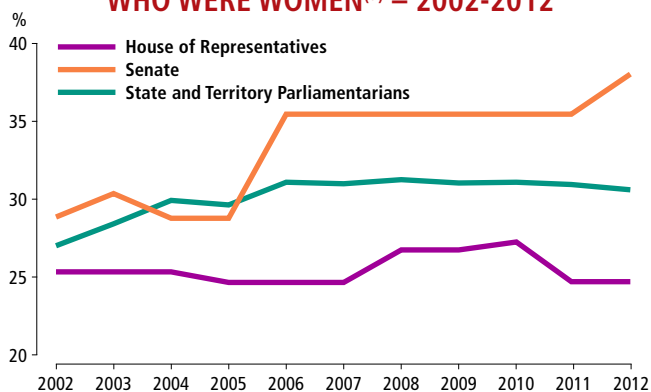
This article focuses on the number of women in senior positions, some of the barriers that may be blocking women from reaching senior positions, and current initiatives being put in place to not only increase the number of women in leadership roles, but also get people to look outside the square and start cultural change within the workplace.

A LACK OF A GREAT PUSH FORWARD

When Queen Elizabeth II touched down in Canberra for the start of her Australian tour in October 2011, she was greeted by an entourage of women, all in senior positions; Prime Minister Julia Gillard, Governor-General Quentin Bryce, and ACT Chief Minister Katy Gallagher. It was a considerable 'first'.

Despite aspirations for more women in senior leadership roles, progress over the last 10 years has been slow. While in 2011-12 women represented close to half of the labour force as a whole (46%), and 45% of Professionals, women remain under-represented at senior levels within both the private and public sector.

FEDERAL AND STATE PARLIAMENTARIANS WHO WERE WOMEN^(a) – 2002-2012



(a) Reference period is at 1 January each year.

Source: ABS Gender Indicators, Australia, Jul 2012 (cat. no. 4125.0).



In parliament

A key measure of women's empowerment in society is their participation in politics.¹ Women make up half of Australia's total population (50%),² however as of 1 January 2012, less than one-third (29%) of all Federal Parliamentarians across Australia were women (66 out of 226). In the federal government, seven ministers including the Prime Minister were women, compared with 23 ministers who were men.³

In the Federal Parliament, there is a higher proportion of women in the Senate or upper house (38%) than in the House of Representatives or lower house (25%). The Senate has traditionally had a higher proportion of women than the House of Representatives.³ This may be due to people regarding upper house seats in the Senate as less desirable than seats in the House of Representatives, particularly ambitious people who aim their careers towards working in the House of Representatives where government is formed.³

In 2012, the proportion of state and territory parliamentarians who were women was 30% – slightly higher than the proportion of Federal Parliamentarians, but still just less than a third. Female state and territory parliamentary representation rose from 27% in 2002 to 31% in 2006, but has remained relatively stable since then.

CEOs and board directors

Corporate leadership is an important aspect of governance in Australian society. The business sector drives our economy, and provides support to the community. Gender diversity in corporate leadership

indicates the level of access and support available for women to take up business leadership roles.⁸

The Australian Government Equal Opportunity for Women in the Workplace Agency (EOWA) collects information on women in executive management and board director positions by conducting a census of Australia's top 200 companies listed on the Australian Stock Exchange (ASX 200). In the 10 years the Australian Census of Women in Leadership has been run, there has been very little change in the number of women in executive ranks. However, there has been a positive increase in the number of female board directors.¹²

In 2012, women remained under-represented in the most senior corporate positions within the top 200 ASX companies.¹² Six boards (3.0%) had a woman as chair (one more than in 2010, and two more than in 2008), and seven (different) companies had a female Chief Executive Officer (CEO) (3.5%, up from 1.3% in 2002).¹²

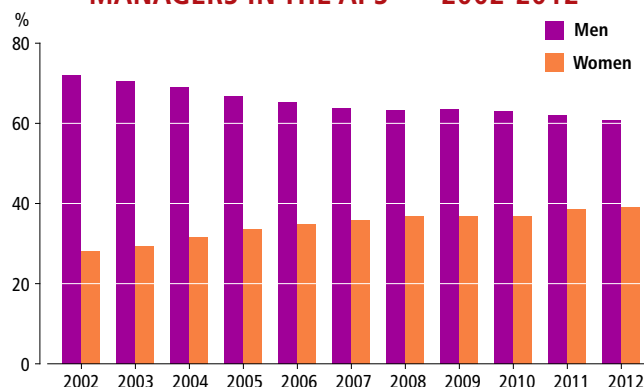
At board director level there was a significant increase in female representation, with an increase from 8.4% in 2010 to 12.3% in 2012.¹² For the first time since the Women in Leadership Census began, more ASX 200 companies had at least one woman director than those who did not (62%).¹² The number of ASX 200 companies with more than one woman director has also increased from 13% in 2010 to 23% in 2012. The 2012 Women in Leadership Census shows that women are more likely to have multiple directorships than men, suggesting companies are looking for proven women directors rather than searching for new female talent.¹²

Senior executives in the Australian Public Service

The Senior Executive Service (SES) forms the senior leadership group of the Australian Public Service (APS). The role of the SES is to provide expertise and policy advice within the APS. SES officers are expected to have high level management and leadership skills.

Women comprised more than half (57%)¹⁷ of all Commonwealth public servants in 2012, but despite the proportion of women in senior roles within the APS increasing in recent years, women are still not equally

WOMEN SENIOR EXECUTIVE SERVICE MANAGERS IN THE APS^(a) – 2002-2012



(a) APS – Australian Public Service

Sources: ABS Gender Indicators, Australia, Jul 2012 (cat. no. 4125.0), and Australian Public Service Commission (APSC), *State of the Service 2011-12*, Chapter 6 Diversity.

represented in the most senior roles within the APS.¹⁸

In 2012, women made up 39% of the Senior Executive Service (up from 28% in 2002).¹⁷ The proportion of women in middle management within the APS was much closer to that of men, with 47% of Executive Level (EL) Managers (up from 36% in 2002) being women.¹⁷

One possible reason for the lack of 'examples' of senior women for the current generation in the APS may be due to the marriage bar which was in place until 1966.¹⁹ Prior to 1966, women were forced to resign once they married, and were therefore inhibited from progressing their careers. Although it might seem like the removal of the marriage bar happened a long time ago, attitudes and unconscious bias towards women in the workplace have been slow to change.¹⁸

BARRIERS

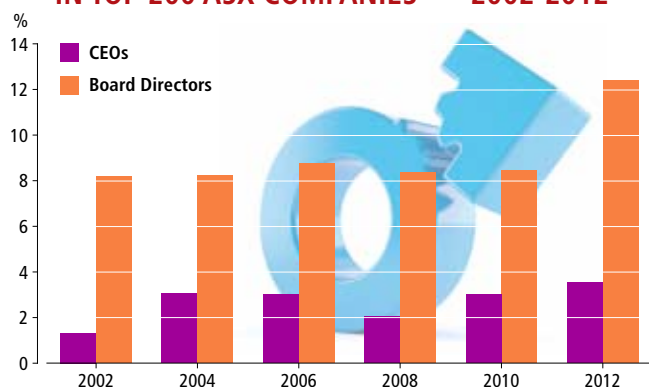
Although men and women may enter the workplace at similar levels, with similar credentials and career aspirations, their career paths often diverge.²⁰

Work and family balance

Women may not seek promotion because of family responsibilities, and a lack of family-friendly and flexible working environments. Even if women were to have the support necessary to succeed in advancing their career, some women may not be prepared to make the sacrifices necessary to do so.²⁰

An increasing trend for families with children is where both parents are employed. In 2009-10, both parents were employed in 63% of the 2.3 million couple families with dependent children.²¹ Although time spent looking after children is usually a responsibility shared among couples, women do usually take on a large share of the caring and nurturing role, whether that be with their children, the household, and increasingly, their elderly parents.²² For example in 2006, women employed full time spent 6 hours and 39 minutes per day taking care of children, compared with men employed full-time who spent 3 hours and 43 minutes. The time men spent taking care of children remained unchanged since 1997, whereas for women it increased by 49 minutes.

WOMEN CEOs^(a) AND BOARD DIRECTORS IN TOP 200 ASX COMPANIES^(b) – 2002-2012

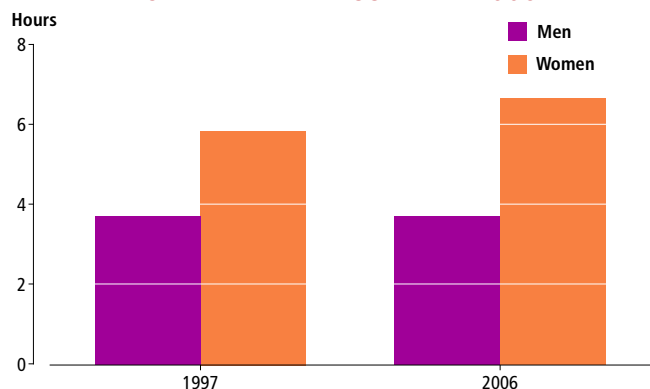


(a) CEO – Chief Executive Officer.

(b) 200 ASX Companies – the top 200 companies listed on the Australian Stock Exchange.

Sources: ABS Gender Indicators, Australia, Jul 2012 (cat. no. 4125.0), and Equal Opportunity for Women in the Workplace Agency (EOWA), *2012 Australian Census of Women in Leadership*.

TOTAL HOURS A DAY SPENT TAKING CARE OF CHILDREN BY PARENTS EMPLOYED FULL-TIME^{(a)(b)} – 1997 AND 2006



(a) Parents aged 15 years and over.

(b) Children aged between 0-14 years.

Source: ABS Gender Indicators, Australia, Jul 2012 (cat. no. 4125.0).

INTERNATIONAL COMPARISONS

Boards around the world are under increasing pressure to increase the number of women in senior roles.²⁵

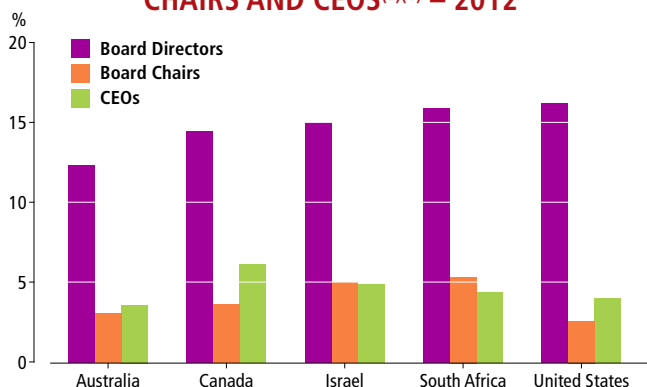
When it comes to women in leadership, Australia has fallen behind. In 2012, 16% of board directors in the United States were women (compared with 12.3% in Australia). In South Africa 5.3% of board chairs were women (compared with 3.0% in Australia), and in Canada, 6.1% of CEOs were women (compared with 3.5% in Australia).³⁰

It's not just in the corporate world that Australia has fallen behind. When comparing the proportion of women in national parliaments internationally, Australia's ranking has slipped from 21 to 38 over the past decade.³

LOOKING AHEAD

The Australian Human Rights Commission's *Gender Equality Blueprint 2010* identified women in leadership as one of five key priority areas in achieving gender equality.³¹ To address the low number of women in senior leadership positions, a number of initiatives have been introduced

INTERNATIONAL COMPARISONS: WOMEN WHO WERE BOARD DIRECTORS, BOARD CHAIRS AND CEOs^{(a)(b)} – 2012



(a) CEO – Chief Executive Officer.

(b) Canada, Israel, South Africa and the United States were as at August 2012.

Australian figures are from November 2012.

Sources: Catalyst, www.catalyst.org/file/728/qt_australia_canada_israel_south_africa_us.pdf and Equal Opportunity for Women in the Workplace Agency (EOWA), 2012 Australian Census of Women in Leadership.

by both corporate organisations and government.

Corporately, since 2010 the Australian Stock Exchange requires companies to report the numbers of women in senior decision-making roles, set targets and report on their progress each year.³² There have also been positive outcomes following the Australian Institute of Company Directors introducing the Chairmen's Mentoring Program, which involves Australia's leading chairs mentoring women over a 12 month period.³³

At the government level, the Commonwealth Government's Office for Women manages the AppointWomen initiative, which gives women the opportunity to be considered for appointment to a variety of Commonwealth Government boards and other decision making bodies.³⁴ Individual government departments may also have their own initiatives to widen and deepen the pool of future women leaders.³⁵

Boardlinks is a network established in 2012 to provide more opportunities for women seeking board positions.¹¹ In particular, Boardlinks will focus on strategies to ensure women, who are otherwise skilled and experienced, gain their first board appointment.¹¹

ADDITIONAL TOPICS

The pioneers

Over the years there have been a number of successful women who have become role models for other women to look up and aspire to.

One of the earliest women to become successful in business was Mary Reibey. Originally sent to Australia from England in the late 1700s as a convict, Mary went on to become a respected businesswoman in Sydney during the 1800s.⁴

During the 1970s and 80s, Ita Buttrose paved the way forward as editor and chief within some of Australia's top magazines and newspapers.⁵ And in the corporate world, Gail Kelly became Australia's first woman Chief Executive Officer of a top Australian bank in 2002.⁶

In parliament, Edith Cowan was elected to the Western Australian Legislative Assembly as member for West Perth in 1921 – she was the first woman elected to any Australian Parliament, and she fought to improve conditions for women, children, families, the poor, the under-educated and the elderly.⁷

In 1943, the first women were elected to federal Parliament when Dame Dorothy Tangney won a Senate position to represent Western Australia, and Dame Enid Lyons was elected to the House of Representatives in the seat of Darwin, Tasmania.³

Benefits of women in senior leadership

A number of benefits have been put forward as to the advantages of increasing female representation at senior levels including:

- Women bring new ideas, and different decision-making and communication styles that can have positive effects on board function and company management.⁹
- Women on boards can provide insights into

consumer behaviour for women, and their presence improves company and brand reputations – especially for the female market.⁹

- Companies and organisations miss half the talent pool by not investing in gender diversity.⁹
- Women in management positions serve as role models for others; they encourage the career development of women and ensure the pipeline of qualified and experienced women remains open.⁹
- Companies with female CEOs, female board membership and a higher proportion of women in senior management are more profitable.¹⁰
- Equal representation of women and men in leadership roles allows quality outcomes for all Australians by ensuring the issues, perspectives and needs of women and men are equally represented in decision-making processes.¹¹

Achievers

There are a number of Australian women – too many to mention – who are known for their achievements; whether it be in science, sport or giving back to the community.

In science, Dr Fiona Wood has been a burns surgeon and researcher for the past 20 years. She pioneered the ‘spray-on-skin’ cell technology used to treat burn victims, and was awarded Australian of the Year in 2005.¹³

In sport, Layne Beachley is the first woman ever to win seven world surfing championships – six of them consecutive.¹⁴ And swimmer Jacqueline Freney won eight gold medals at the 2012 London Paralympics, making her Australia’s most successful athlete at a single games.¹⁵

Dr Catherine Hamlin; an Australian obstetrician and gynaecologist co-founded with her late husband Dr. Reg Hamlin, the Addis Ababa Fistula Hospital in Ethiopia 33 years ago. The hospital is the world’s only medical centre dedicated to treating women with obstetric fistulas – devastating childbirth-related injuries rarely seen in Western nations since the end of the 19th century. She was nominated for the Nobel Peace Prize in 1999.¹⁶

Making a difference

In 2011-12, women made up a notable proportion of people employed in Health care and social assistance (78%), and Education and training (69%) industries.

Within the Managers occupation group, women made up the vast majority of Childcare centre managers (96%), three quarters of Health and welfare services managers (78%), and there was almost an equal proportion of School Principals (48%). Of the Professionals occupation group, women represented the majority of Early childhood teachers (97%), and Primary school teachers (86%), as well as Counsellors (82%), and Welfare, recreation and community arts workers (80%).

Women made up a notable proportion of those employed in the Community and personal service workers occupation group, Child carers (96%) and Enrolled and mothercraft nurses (95%). Also, 91% of Education aides, 87% of Special care workers, and 80% of Aged and disabled carers were women.

OTHER FACTORS

Lacking confidence

Some women are seen to have a lack of confidence in their abilities and are less likely to put their hands up for promotion.²³ Whereas men are willing to put their hand up for a role where they may not tick some or all of the boxes, some women may only apply for the job if they feel confident they are a good fit for the job.²³

It has been suggested that women tend to be uncomfortable with self-promotion.²⁴ Being more hesitant to promote themselves and their accomplishments may come across as a lack of confidence in their own abilities.²⁴ Ironically, the very qualities that hold women back from putting themselves forward for higher roles – being cautious and risk adverse – may also make them better in those roles.²⁴

Unconscious bias

The glass ceiling is a term that is often applied to women being unable to progress from middle to senior management. One reason for this may be due to unconscious bias towards leaders of a certain age, gender and race.²³ Unconscious bias is not a concept that can be measured, but it is seen as a barrier.²³

Quotas vs cultural change

Although targets and quotas make a difference to the number of women in senior leadership roles, some believe quotas are wrong in principle, are tokenistic and counterproductive to changing the workplace culture.²⁶ One of the most common objections to quotas is that they aren’t based on the principle of merit and don’t represent the best person for the job.²⁷

Quotas can have some unintended consequences for companies and boards. For example, Norway

Explanatory information

Data sources and definitions

Data relating to senior leadership has been sourced from *ABS Gender Indicators, Australia*, Jul 2012 (cat. no. 4125.0).

For other data relating to the proportion of women in the workforce, and selected industries and occupations, this article draws on information from *ABS Labour Force, Australia*, Detailed (cat. no. 6291.0.55.001), and *ABS Labour Force, Australia*, Detailed, Quarterly (cat. no. 6291.0.55.003).

Labour force refers to those who were employed or unemployed.

Parliamentarian is a member of parliament.

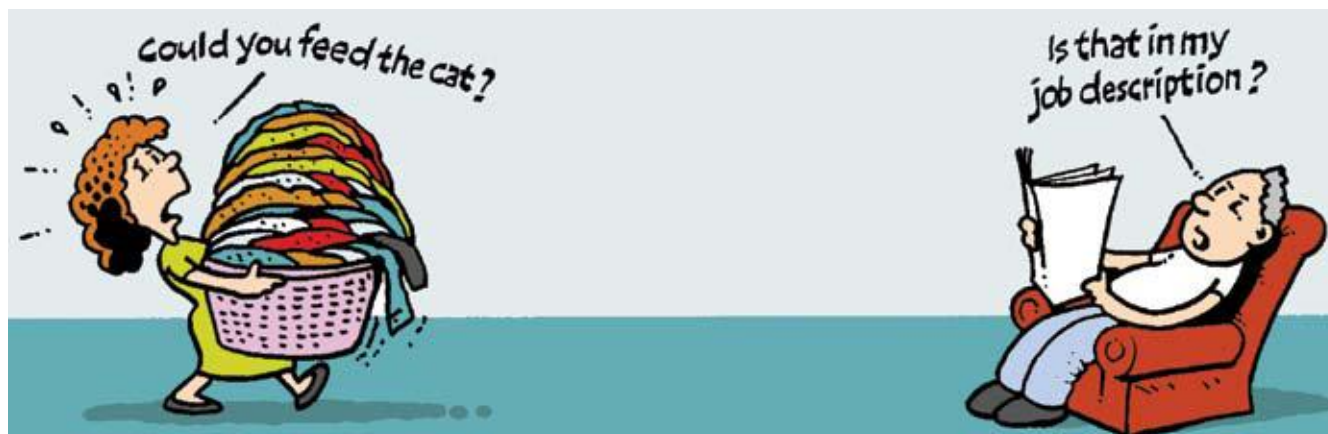
House of Representatives is one of the two houses of the Australian Federal Parliament, the other being the Senate. It is sometimes referred to as the ‘lower house’, and has 150 members.

Senate is the other house of the Australian Federal Parliament. It is sometimes referred to as the ‘upper house’, and consists of 76 senators, 12 from each of the six states and two from each of the mainland territories.

Chief Executive Officer (CEO) is the most senior person within an organisation.

Board of Directors is a body of elected or appointed members who jointly oversee the activities of a company or organisation.

Dependent child refers to a child aged under 15 years, or a child aged 15-24 years and a full-time dependent student.



introduced mandatory quotas in 2003. While they did achieve the legislative requirement that at least 40% of the board members of listed companies be women, there was no change in the proportion of women senior executive positions, which in 2010 remained at 12%. The proportion of women chairs stayed at 2%, and the proportion of women CEOs remained at 5%.²⁸ Instead of increasing the number of women holding board positions in Norway, a select few held between 25 to 35 director positions each.²⁹

Other ways suggested for increasing the number of women in senior leadership positions include reviewing diversity policies such as recruitment practices to address barriers, implementation of family-friendly policies and flexible work options, and intervention programs to foster the career development of women employees.²⁶

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WOMEN IN PARLIAMENT: AUSTRALIA VERSUS THE WORLD

Australian female politicians fare no worse and perhaps even slightly better than their counterparts in the US and the UK, and better than their corporate sisters, at least in executive roles. Looking across the globe, though, Australia ranks quite poorly, writes Alex Oliver for the *Lowy Interpreter*

There has been much consternation both at home and abroad about the lack of women in Prime Minister Tony Abbott's ministry, announced this week.

The *Washington Post*, following the lead of the AP wires, billed the cabinet numbers story as a 'rekindling' of the Abbott sexism debate, a line that was also picked up in Canada and the UK.

It's a fair reflection of the domestic reaction in Australia: Penny Wong, Finance Minister under the Rudd and Gillard Labor governments, alluded yesterday to Mr Abbott's comments during his student days that 'it would be folly to expect that women will ever dominate or even approach equal representation in a large number of areas simply because their aptitudes, abilities and interests are different for physiological reasons'. One of Abbott's own, Liberal MP Sue Boyce, expressed embarrassment at the announcement of the ministry and said the 'merit' argument was a smokescreen for sexism.

However, before despairing of

ever achieving gender balance in Australian politics or sheeting the imbalance home to a particular political leader, it's worth reviewing some numbers and comparisons.

The Abbott cabinet has one woman out of 19 members (5%), and there are five women in the Abbott ministry (17%). This is less than in Julia Gillard's first cabinet, which had four women out of 19 in 2010. It's also less than the last Howard ministry, which had six women of 32 ministers (19%), with four in cabinet (21%).

The composition of the Australian parliament, though, doesn't look dissimilar to parliaments in places we'd regard as alike in culture and democratic systems. Take the US: only 98 of the 535 seats in Congress are held by women (18%), a record high for American politics. This compares with 25% women in Australia's House of Representatives in the last (43rd) parliament and 37% women in the Senate, numbers which are almost identical to those in the 41st parliament in which John Howard was prime minister.

In the UK, 22% of parliamentarians are women and 19% of the ministry are women.

Compared with business, things look more promising for female politicians. There are only 12 women CEOs of ASX 200 companies (6%), although 16% of non-executive

board positions are filled by women. There are 21 in the *Fortune 500* (4.2%), and a similar proportion (4.5%) in the *Fortune 1000*.

Whether examining the Australian parliament or the Abbott ministry, Australian female politicians fare no worse and perhaps even slightly better than their counterparts in the US and the UK, and better than their corporate sisters, at least in executive roles.

Looking across the globe, though, Australia ranks quite poorly, coming in at equal 45th with Canada out of 142 nations in the Inter-parliamentary Union's database on women in parliaments. Rwanda tops the list with 56% women in parliament, having recently overtaken Sweden with 45%. The IPU data shows that, where quotas are implemented by parties or parliaments to enforce female representation, the number of elected women almost doubles. So while quotas are a divisive issue, it might be on the agenda in Australia following the reaction to Mr Abbott's controversial ministry decisions.

Timor-Leste, one of the world's newest nations, ranks 16th on the IPU ranking with 38% female representation in its parliament, a noteworthy achievement which Fergus Hanson and I observed in our 2010 study on leaders in Pacific nations, most likely stemming from the crucial role women played in the nation's fight for independence at the end of the last century. That's a result achieved (dare I say it?) in the context of the dominance of the Roman-Catholic faith and a leadership which drew heavily from those with Jesuit backgrounds.

The experience of Timor-Leste illustrates that a war of independence is one way to achieve healthier gender balance in national parliament. Quotas would be better.



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NUMBERS DON'T TELL THE WHOLE STORY ON GENDER DIVERSITY

It is clear that the Australian workplace is still largely a man's world, however using gender quotas or other similar measures to eradicate discrimination will inevitably create resistance within firms, observes **Betina Szkudlarek**

Along with deductions, write-offs and reconciling accounts, Australian businesses have ended the financial year with their second report on diversity strategy and compliance with the ASX Corporate Governance Council (CGC).

Statistics from the first year's reporting looked encouraging, with more than 90% of S&P ASX 200 companies holding a diversity policy. But what stands behind those policies and reporting?

In many cases, there is too much emphasis placed on plain numeric declarations and not enough on the quality of diversity management.

While the phrase 'gender quota' does not appear in the CGC New Corporate Governance Recommendations on Diversity (the main reference for corporations on the structuring of diversity policies and practices), a reference to numeric targets for women's participation in the workforce is the overwhelming focus of the document.

Research undertaken by KPMG summarising last year's reporting results indicates that similar to the focus of the CGC document, the majority of organisations concentrated their efforts on gender ratios, as opposed to developing a broader strategy for promoting inclusion and diversity. While gender quotas have proven effective in several European contexts – notably Norway, which introduced a 40% quota on supervisory boards more than 10 years ago – diversity management goes far beyond the number of women in executive roles.

Using gender quotas or other purely quantitative measures to eradicate discrimination will inevitably create resistance within firms. This is because focusing on numeric goals does little to promote a positive workplace climate. A gender quota creates the impression that the inclusion of female workers is due to their gender as opposed to their merit. Employees want and need to be recognised for their skills, knowledge and expertise, and the focus of the organisational strategy should be on engagement, inclusion, and embrace of diversity as opposed to a head count.

Numbers on their own say nothing about organisational culture, the embeddedness of employees in organisational structures, their participation in the decision making processes, or their wellbeing and job satisfaction. Rather than solely focusing on policies targeting men-to-women ratios, organisations need to tackle the gender role stereotypes and provide strategies and organisational practices that will address both men and women in the workplace. This goes beyond broader use of paternity leave, part-time work arrangements for working fathers or reasonably priced childcare solutions,

and requires organisations to design an inclusive, open, flexible, and competence-focused workplace.

While numbers are important, especially to create critical mass for the change to become a new social norm, they are meaningless if not accompanied by a strategic focus on changing the organisational climate. While the number of women on corporate boards increased from 13% in 2010 to 23% in 2012, the *Australian Census of Women in Leadership* report showed that the same women occupied multiple corporate board positions, with 27.5% of women on ASX 200 company boards occupying more than one directorship, a percentage almost twice as high as that among male board members. One of the interpretations of this finding could be that organisations do not actively look to identify and mentor new female talent, but instead tick the gender diversity box when necessary by accessing existing female talent.

It is clear that the Australian workplace is still largely a man's world. The *2012 Global Gender Gap Report*, published annually by the World Economic Forum, shows that while Australia leads in terms of open access to education for both genders, we are in 68th place for income equality. By way of comparison, New Zealand ranks 16th.

With inevitable changes to Australia's demographics, organisations that embrace multinational, multigenerational, and gender-diverse workforces will have a source of unmatched competitive advantage. The war for talent and shortage of highly skilled employees on the Australian job market means that organisations need to become the 'employers of choice' for a very diverse pool of job applicants.

With an increasing participation of highly skilled women in the job market and their growing mobility, only those organisations that provide a positive and rewarding work climate will be able to not only attract, but most of all to retain top performers. Will this year's CGC reporting on diversity acknowledge the evolving demographic trends? The answer is probably not, but those organisations that do appreciate and leverage diversity will have a good start in the ever-increasing war for attracting, motivating and retaining talent.

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The real context: sexism is getting worse

Former Prime Minister Julia Gillard's 2012 speech tapped into a despair that for all the progress of the past couple decades, women feel more judged than before, write **Peter Lewis** and **Jackie Woods** in *The Drum*



As the Canberra Press Gallery scrambled to defend itself from criticism that it missed the speech of the decade, they grabbed hold of the notion of context.

Columnist after columnist argued that it was their solemn duty to provide context to the political debate, to ensure that events were placed in the context of federal politics, and that, regardless of her fighting words, the PM was defending a Speaker in an untenable position.

Something in the national response to the speech shows it tapped a raw nerve.

Fair enough. But in defending themselves, you can't help but wonder whether they were reinforcing the sense that, like so much about the national body politic, they were out of touch with their audience; in short, whether it was they who did not understand the broader context of the events.

Because something in the national response to the speech shows it tapped a raw nerve, not just in many women but also in blokes who feel the bullies have got away for it for too long.

It wasn't just the international focus, or the three million-plus views on YouTube; it was the emotional response, particularly from many young women who were living under Australia's first female PM and wondering what difference it made.

HOW MUCH SEXISM AND DISCRIMINATION AGAINST WOMEN DO YOU THINK CURRENTLY OCCURS IN THE FOLLOWING?

	A lot	Some	A little	None at all	Don't know	A lot/some TOTAL	A lot/some MEN	A lot/some WOMEN
In workplaces	17%	38%	32%	6%	7%	55%	49%	62%
In the media	19%	37%	29%	9%	7%	56%	49%	62%
In politics	25%	36%	25%	8%	7%	61%	55%	67%
In advertising	31%	28%	26%	8%	7%	59%	50%	67%
In sport	24%	34%	25%	10%	7%	58%	50%	66%
In schools	12%	31%	33%	14%	10%	43%	39%	48%

DO YOU THINK WOMEN FACE MORE OR LESS PRESSURE OVER THEIR BEHAVIOUR AND APPEARANCE THAN THEY DID 20 YEARS AGO?

Women	Total women	Aged 18-24	Aged 25-34	Aged 35-44	Aged 45-54	Aged 55-64	Aged 65+
Total more	58%	68%	58%	50%	59%	62%	58%
Total less	25%	15%	28%	29%	23%	24%	22%
About the same	14%	8%	10%	16%	16%	13%	20%
Don't know	3%	9%	5%	5%	1%	2%	–

Responses to questions in this week's *Essential Report* suggest why; decades after the Sexual Revolution, long after the bras were burned and equal pay was made law, the majority of Australian women still believe sexism and discrimination exists across society.

For women, politics, advertising and sport are the sexism trifecta, with two-thirds seeing a lot or some sexism in these areas.

For women, politics, advertising and sport are the sexism trifecta, with two-thirds seeing a lot or some sexism in these areas.

The perception of politics as a hotbed of sexism has perhaps been egged on by debate over the last month, but suggests women don't appreciate the undermining of our women politicians by relentless personal attacks or a shallow focus on their clothes and appearance.

Advertising's a no-brainer, with the industry's relentless representation of women as housewives or sex bombs and little in between.

So too is sport, where the games men play are professions, while for the women they're just hobbies. The ongoing existence of Mad Monday probably doesn't help.

And despite laws outlawing discrimination in the workplace, 62 per cent of women believe it still exists – and, in a separate question, more than one in ten say they have been a direct victim.

A similar verdict for the media, where the presence of female anchors hasn't dispelled the notion that newsrooms are a Boys Club. Even in schools, where all the indicators are that girls do better,

48 per cent of women still see discrimination and sexism.

But the most striking aspect of the survey is the gap between perceptions of women and men – the lived experience and the hypothetical.

It's as if our society is operating on a false consensus – we say everyone is equal and these issues don't exist, but scratch the surface, like the PM did, and a lot of things rise to the surface.

It's not just the institutions where we see sexism – the personal experience of gender is played out by individuals and their sense of freedom, particularly around appearance and behaviour.

On these indicators, women of all age groups sense things have

got worse.

For all the progress of the last 20 years – vastly improved educational outcomes for girls, increased numbers of female university graduates, more women in senior corporate and political positions, the freedom to delay getting married and having children – Gillard's speech tapped into a despair that women are still judged by their looks, weight, age, clothes, sexual behaviour, and relationships with men.

Despite laws outlawing discrimination in the workplace, 62 per cent of women believe it still exists.

To have our first female Prime Minister share her deep offense at being described as a man's bitch provided a powerful point of connection for women, many of whom may now have access to the trappings of equality yet still feel trapped by the straightjacket of society's judgement.

This is the real context for the Prime Minister's speech. And that is why women (and men) around Australia were cheering while the press gallery shrugged its shoulders.

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Jackie Woods is a communications consultant at Essential Media Communications.



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Affirmative action is sexism and misandry

The push for affirmative action quotas to aid in the advancement of women reveals an indifference to the plight of men and boys, asserts **Babette Francis**

Affirmative action on behalf of women is a form of misandry. I know this comment will provoke shrieks of outrage from the sisterhood, and I am not sure what the current definition of misandry is in the Macquarie Dictionary. However, although *Wikipedia* defines misandry as the hatred or dislike of men or boys, I am confident the *Macquarie Dictionary* can define it down as “indifference to the plight of men and boys”, which is the sense in which I am using the word.

I am increasingly irritated by pompous statements from some of Australia's top chief executives as headlined in *The Australian* (Business 28/11/12) “Call for targets to get women to the top”. These executives include Grant O'Brien from Woolworths, Qantas boss Alan Joyce, Telstra's David Thodey and ANZ's Mike Smith, who have all called for more companies to set targets for promoting women into leadership positions.

What immediately struck me about their statement is that not only does the setting of a target compromise or completely bypass the principle of employment and promotion on merit, but none of these CEO's has offered to give up his own job in favour of a woman. It is some other hapless bloke down the line who will miss out on a job or a promotion to make these CEOs feel good and imagine they are contributing to the enlightenment of the universe.

These CEOs are part of a Group of 22 who have called for more action to improve the current situation where female executives account for less than ten per cent of ranks (whatever ‘ranks’ means) in our top 200 companies. I speculate that maybe that is why these companies are the top 200 ... The CEOs include ASX boss Elmer Funke Kupper, Commonwealth Bank chief Ian Narev, Citi Australia's Stephen Roberts and Goldman Sachs boss Simon Rothery. The group was set up in 2010 by Sex Discrimination Commissioner, Elizabeth Broderick.

I notice the same curious feature also about these executives – none have volunteered to jump down their personal fiscal cliff and give up their position in favour of some woman. Dear reader, it is your father, husband or brother who will be ‘affirmed’ out of that job or promotion to enable the target (read quota) for female CEO's to be reached. None of the Group of 22 seem to realise that when they discriminate against a man for employment or promotion by ‘affirming’ a woman just because she is a woman, they also discriminate against that man's wife and family. Men are still the majority of primary breadwinners for families.

Well since Broderick wants to eliminate sex discrimination, I would draw her attention to another headline in *The Australian*, 29/11/12: “Women outnumber men all over the public service”. What is our Sex Discrimination Commissioner doing about this disparity, especially when the article highlights that these women are drawing

higher salaries than in the community sector and also have job security?

And what is Broderick doing about the fact that Australian men, on average, have a life expectancy of five years less than women have? And while we are on the subject of health, is Broderick aware that prostate cancer research gets about one-tenth of the government funding that breast cancer research gets, even though more men in Australia are dying of prostate cancer than women are dying from breast cancer?

Does Broderick know that the ratio of boys to girls needing special education is about four to one? Or that boys have a substantially lower success rate in the VCE/matriculation exams? Or that females outnumber males in our universities? Does Broderick care that there are far more men in our prisons than women, or that far more men die in accidents? That more men are victims of alcoholism or drug addiction than women?

The apparent indifference of the Sex Discrimination Commissioner and her ‘Group of 22’ to the disadvantaged status of men is pure misandry. ‘Strewth’, (*The Australian* 28/11/12) reported that the ABC's *Lateline* Business presenter, Ticky Fullerton, moderated a panel on ‘Women in Leadership’, during which not only quotas for women were recommended but also “30 per cent of directors with Asian experience”. It was bliss to hear that she asked if boards were to comply “would it leave any room for people who know what they are doing?” ‘Strewth’ reports that in the seconds that followed “you could have heard a flea drop its toothpick”.

Quite – and why stop at women and Asian directors? Why not quotas for indigenous people, the disabled and homosexuals? This is not to insult any of these groups, the majority of whom would prefer to be considered on their merits without the special treatment of affirmative action, targets or quotas. A cynical US professor once commented that a lesbian in a wheelchair need not study too hard – she would automatically qualify for an A+ in the exams.

It should be kept in mind that the USA which pioneered the theory and practice of affirmative action based on race and gender, is over 16 trillion dollars in debt and facing a real ‘fiscal cliff’ and that its economic crisis commenced when banks were encouraged to offer ‘affirmative action’ mortgages to minorities who did not have the means to cover the payments.

The cult of victimology eventually makes victims of all of us.

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Confronting gender inequality beyond quotas

DIANN RODGERS-HEALEY CONSIDERS: CAN THE ENFORCED INCLUSION OF WOMEN EVER BE A NATURAL OUTCOME IN THE EXISTING SYSTEM?

Pressure is mounting globally for women's equal participation in corporate and public life.

As of March 2012, women made up only 3.2% of presidents and chairmen and 13.7% of board seats in European companies. That month, European Commissioner Viviane Reding presented a draft for an EU directive which, if passed, will force all 27 EU member states to introduce laws for a gender quota of 40% in companies listed on the stock markets by January 1, 2020.

Companies that fail to reach the goal would face fines, or reduced subsidies. Whether this directive goes ahead is uncertain, as there is already opposition from 9 of the 27 signatories, who are arguing that governments should determine what or if any sanctions should be applied to companies that fail to improve.

In September, Germany moved closer to enacting quotas when its upper house of parliament, the Bundesrat, voted to introduce a legally binding quota of 20% of women on boards by 2018 which would be raised to 40% by 2023. The lower house of parliament, the Bundestag, will now tackle the issue again and draft a legal framework.

Also last month, US Secretary of State Hillary Clinton launched the Equal Futures Partnership along with 12 other founding members including Australia, Benin, Bangladesh, Denmark, Finland, Indonesia, Jordan, the Netherlands, Peru, Senegal, Tunisia and the European Union to focus on women's full participation in public life and benefiting from inclusive economic growth.

The Equal Futures Partnership was premised on the knowledge of significant gaps for women and girls in the areas of political participation and economic opportunity, amid the realisation that "no country can realise its potential if half its

population cannot reach theirs".

The Partners' commitment to action includes "opening doors to quality education and high-paying career opportunities in science, technology, engineering, and math (STEM) fields" and "promoting civic education and public leadership for girls".

Australia has promised to improve women's representation and leadership in male-dominated industries such as mining, utilities, and construction.

As a member of the Equal Futures Partnership, Australia has promised to improve women's representation and leadership in male-dominated industries such as mining, utilities, and construction; to achieve gender balance on Australian Government Boards by 2015; and to establish a National Centre of Excellence (NCE) to reduce sexual assault and family and domestic violence.

On the whole, it seems that despite the snail-pace movement of gender equality measures, the move to address this – at least at a legal level – is gaining unprecedented pace. This appears to be happening as awareness increases of the pervasive lack of company self-regulation to address gender equality.

Enforcement seems to be becoming the only option, in some form or another, that is perceived as delivering results, albeit at a slow pace. Cécile Gréboval, head of the European Women's Lobby (an umbrella group of more than 2,000 women's associations), observes that the reality is that corporate culture is slow to change due to fear as "it affects the heart of power in business". She adds: "Quotas may not be a perfect solution" but "no one has come up with a better way

of boosting women's representation at the top echelons of corporate power". "If quotas work, and women truly achieve equality, then I will be out of a job," she says. "I hope that happens, but I don't expect this any time soon."

If a system can vigorously deliver high levels of retention and promotion, better pay and opportunities for men, but not for women (despite women being better educated than men), one wonders: what is wrong with the system?

When this question was explored as part of a research study from the perspective of dominant forces in the system, it found that leadership, as a concept and a theory, is historically rooted in values that just do not include women. As leadership theories have trickled down to influence how we behave as leaders and regard leadership, the exclusion of women is only natural.

Can the inclusion of women ever be a natural outcome?

The study went on to show that it could, but in an alternative system. The study's findings proposed a system of co-existence where not only is gender equality possible, but it is superseded by the valuing of each person regardless of gender. The model that emerged is far from the paradigm that we currently operate in.

Perhaps the time has come to seriously consider not more means of enforcement, but how a system can be replaced at its very core.

Diann Rodgers-Healey is Adjunct Professor at James Cook University and the author of *Abandoning Leadership for a Better Way of Being for Women and Men* which presents the study's findings and implications of an alternative system of co-existence for women and men.

THE CONVERSATION

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CHAPTER 3

Gender equality at work

THE BUSINESS CASE FOR GENDER EQUALITY

Considerable rewards can be attained by businesses which successfully attract both women and men to their workforce, according to this guide from the **Workplace Gender Equality Agency**

Research suggests that organisations that respect and value the diversity brought by both women and men are better able to attract and retain high performers and improve operational performance.

It is not, however, simply about having token women (or men). While diversity is fundamental, gender equality is paramount.

Gender equality is achieved when people are able to access and enjoy the same rewards, resources and opportunities regardless of whether they are a woman or a man. The aim is to achieve broadly equal outcomes for women and men, not exactly the same outcome for all individuals.

Australia has made significant progress towards gender equality in recent decades. However, women continue to earn less than men, are less likely to advance their careers as far as men, and are more likely to spend their final years in poverty. At the same time, men find it more difficult to access flexible working arrangements than women.

The business case for gender equality is strong. This paper summarises how fostering a workforce that promotes gender equality can help your organisation to:

- Attract the best employees
- Reduce cost of staff turnover
- Enhance organisational performance
- Improve access to target markets
- Minimise legal risks
- Enhance reputation
- Engage men.

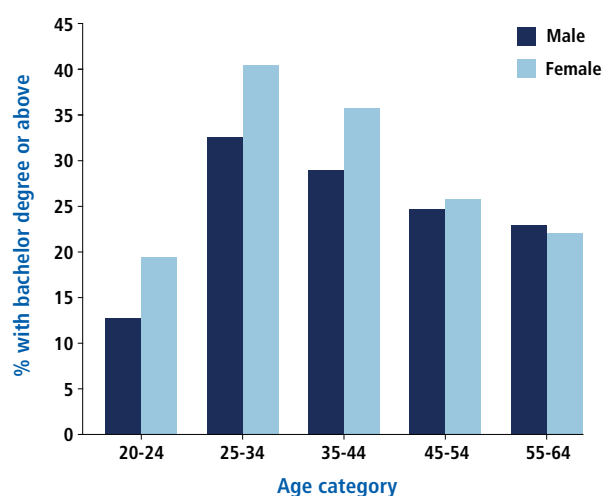
Attract the best employees

Having the best talent is critical to success in competitive markets.

Women are increasingly more highly educated than men. Recent Australian Bureau of Statistics data shows 20% more women aged 25-34 than men hold bachelors' degrees¹ (see [Graph 1](#)).

An organisation which is as attractive to women as it is to men will have access to the entire talent pool and is more likely to have a competitive advantage in attracting the best talent available.

GRAPH 1: BACHELOR AND POSTGRADUATE DEGREE ATTAINMENT BY GENDER AND AGE, 2012²



Source: ABS (2012 a and b) Education and Work, Australia, Workplace Gender Equality Agency calculations.

Reduce cost of staff turnover

Both women and men are more likely to remain with an organisation where there is a proactive diversity 'climate' as they perceive a concrete payoff to themselves by staying in an organisation they view as fair.³

According to research by the Diversity Council of Australia, around 18% of men, including 37% of young fathers, had "seriously considered" leaving an organisation due to a lack of flexibility.⁴

This evidence demonstrates that organisations which foster gender diversity will support retention of staff, thereby reducing an organisation's employee turnover expense.

And staff turnover is expensive. A report by the Australian Human Resources Institute has estimated the cost of staff turnover to Australian business at \$20 billion.⁵

Costs include:

- Advertising costs
- Lost time spent on interviews, clerical and administrative tasks
- Use of temporary staff or lost output while waiting

to fill the position

- Costs associated with training the new employee
- Termination pay
- Loss of specialist knowledge
- Loss of customers
- Low staff morale and reduced productivity.

Particular gender diversity practices can help your organisation to reduce employee turnover:

- Flexible work arrangements facilitate work and care and encourage women's greater workforce participation and men's sharing of care. UK findings indicate 63% of employers said flexible working practices had a positive effect on recruitment and retention.⁶
- Pay inequity can undermine initiatives to change the gender culture within organisations. In workplaces with a culture of gender diversity, pay decisions are more likely to be perceived to be fair and transparent and employees more likely to stay.⁷

Enhance organisational performance

Studies suggest that promoting gender equality is often associated with better organisational and financial performance.

A recent major study⁸ acknowledges that there are a range of reasons why company performance and gender diversity may be linked. One factor is that well managed, diversity brings together varied perspectives, produces a more holistic analysis of the issues a company faces and spurs greater effort, leading to improved decision-making.

Links between board diversity and improved performance

Recent global research suggests a link between female directors and performance in businesses, with companies with at least one female director showing better financial outcomes on a range of measures⁹ than those where there was no woman.¹⁰ A number of other studies also show a positive relationship between women in leadership roles and financial performance.¹¹

A Canadian study examined diversity management (including women's representation on boards and at senior levels) in a number of firms and the integrity of the firms' financial management. The findings suggest financial governance may be enhanced where a company promotes diversity.¹²



Case study: AGL and the war for talent

Having the right people with the right skills is vital for AGL as the energy industry faces challenging times. Competing for talent is made particularly difficult given that many of the roles that offer critical experiences and career pathways for future leaders are non-traditional occupations for women. The labour pool for women is relatively small but important in an industry that is facing a critical skills shortage.

Currently, women comprise 37% of AGL's workforce, although only 32% of AGL leaders are female and the representation reduces at senior levels.

AGL has a clear strategy to increase the representation of women in leadership, with publicly promoted objectives. As part of the strategy, AGL held its inaugural senior women's conference in 2010, which aimed to provide the opportunity to understand the importance of gender equity and diversity to AGL; meet, listen to and learn from women who have been successful; build networks; and contribute ideas and perspectives to inform AGL's gender diversity initiatives. The 2011 conference opened the audience to senior AGL men and carried the theme "Gender equity – it's everyone's business". And the 2012 conference included a spotlight on AGL's women working in less traditional roles in its Merchant Energy and Upstream Gas businesses.

Feedback shows the conferences generated a greater awareness of and engagement in AGL's programs to remove barriers for women in the workplace and drive gender diversity.

In response to feedback, AGL will continue to hold the diversity and inclusion conferences annually and has launched regular women's networking luncheons run by AGL's female senior leaders. AGL is also implementing new initiatives around flexible work, leadership development programs for women, and support programs for working parents in 2012 and 2013.

A Norwegian study also found women's board representation was associated with improved corporate governance including having in place effective board procedures and structures.¹³

Links between executive diversity and improved performance

Several international studies have found a link between aspects of the financial performance of companies and the proportion of women on their top executive teams.

Two recent studies have found organisations with the most gender diversity outperform those with the least.¹⁴

In relation to business innovative capacity, a gender diverse executive team seems to be critical:

- A US study examined performance in 1,500 companies over 15 years. It concluded that women's representation in very senior management is associated with improved organisational performance where a company is innovation focused.¹⁵ It calculated for the firms examined that, at an average¹⁶ level of innovation intensity, the presence of a woman in the top management amounts to creating extra market value for each firm of about US\$ 44 million.
- A study by Dow Jones¹⁷ focusing on US venture backed, start-up companies, found that a company's odds for success increases with more female executives

Case study: Better performance through diversity – Rio Tinto

Historically, the employees of Rio Tinto's Iron Ore business in Australia, like most other resources companies, were predominantly men. When the company's growth plans coincided with a general labour shortage, a burning platform was created to look beyond traditional talent pools and consider greater workforce diversity.

In recent years, the company has shifted from viewing diversity as simply an operational requirement to recognising its strategic value. Diversity is now seen by Rio Tinto as fundamental to supporting good decisions about resource optimisation; eliminating barriers to working effectively; delivering strong performance by attracting, engaging and retaining diverse talent; and innovation, by drawing on the diverse perspectives, skills and experience of employees.

The company is committed to increasing the number of women in leadership. To do so, Rio Tinto has established talent pools of women in the middle management pipeline and carefully monitored development to identify strategies to enhance diversity. It also reviewed a range of job functions to understand where barriers to advancement of women might exist and develop remedies.

Initiatives to encourage gender diversity within the workforce and, in particular, in leadership roles include targeted development for high potential women, role modelling successful women and the expansion of flexible work practices.

at the vice president and director levels. The overall median proportion of female executives at successful companies was more than double¹⁸ that at unsuccessful ones.

Team diversity

Greater gender equality in teams may be linked to the innovative capacity of an organisation. International research examining gender diverse teams suggests that more gender balanced teams best promote an environment where innovation can flourish than those which are skewed towards a particular gender.¹⁹

Workforce diversity

Improving gender diversity across the entire workforce may be associated with improved company performance. A study of over 500 US companies found a link between gender diverse workforces and organisational performance using measures such as sales revenue and number of customers.²⁰

To benefit from improved gender diversity, your organisation needs to incorporate effective gender diversity initiatives from the top down to drive culture change if it is to reap the benefits of diversity.²¹ Active commitment to change is needed throughout all levels of your company's management. You also need to manage diverse groups supportively.²²

Improve access to target markets

In Australia in 2008, women were reported to control or influence 72% of household spending.²³ And women's own buying power is growing in line with their expanding role in the workforce and increasing personal disposable income:

- Women made up 45.7% of employees in 2012, up from 36.8% in 1980.²⁴
- 55.7% of all women now work, compared to 41.3% in 1980.²⁵
- Women comprise 52.1% of professionals in 2012.²⁶
- Nearly a billion more women could participate in the market economy worldwide in the next 10 years.²⁷

Increasing a company's gender diversity maximises opportunities to benefit from this significant trend.

Gender diversity facilitates business understanding of how to appeal to women as customers and what products and services women and men need and want. It may help your organisation create new markets and increase market share.

Minimise legal risks

Strategies that promote workplace gender equality by reducing sex discrimination and harassment can minimise a company's risk of financial and reputational loss from lawsuits caused by discriminatory conduct. They also reduce the negative impact discriminatory behaviour has on your organisation's performance.

Sexual harassment

Sexual harassment at work is experienced more by women than men²⁸ but increasingly it is recognised that men face sexual harassment too. Inclusive and respectful workplaces where gender diversity is valued reduces the risk of employee litigation. They also avoid the negative impact sexual harassment has on absenteeism, team conflict, and morale at work.²⁹

Pregnancy and maternity discrimination

Pregnancy and maternity discrimination is unlawful and can be costly with court appearances, legal representation and potential fines. Examples include:

- A Sydney print business paid fines and compensation of nearly \$26,000 in 2012 following a Fair Work Ombudsman prosecution for the demotion and poor treatment of a pregnant employee.³⁰
- A childcare centre in Perth was fined \$15,200 and had to pay \$5,000 compensation after a Fair Work Ombudsman prosecution successfully showed that the operator had pressured an employee she knew was pregnant to resign.³¹

Enhance reputation

A reputation for promoting gender diversity can help you to attract the best employees to an organisation, retain existing customers and attract new clientele, building market share.

Reputation and image are critical in the marketplace and a reputation for promoting gender equality will enhance the regard in which a company is held in the wider community. For example:

- Research into why certain leading Australian for and not for profit companies promote gender

equality suggests that preserving and enhancing their reputation was a significant motivation for developing their gender diversity strategies.³²

- One international company gives as a major reason for their push for gender equality as enhancing their reputation with their existing clients and in the graduate pool from which they recruit.³³

Engage men

Gender equality is not just about making workplaces 'female-friendly'. It's about men too:

- Men with children increasingly have partners in the workforce³⁴ and fathers increasingly see their role not simply as breadwinners but as involving a more active parenting role.³⁵
- Research shows men and especially young fathers value flexible working highly as a job characteristic.³⁶ Enabling men's greater access to flexible work arrangements in your organisation would help increase gender equality in career progression.
- Research suggests a positive association between flexibility for men and commitment to work, with flexibility being one of the top five employment drivers for men.³⁷

Men play a pivotal role in promoting gender diversity, and must be engaged in leading organisational approaches.

Conclusion

The business case for gender diversity and gender equality is strong.

Until greater progress to gender equality is achieved, it is likely women's employment participation in Australia will continue to lag behind comparable industrialised countries, as will their capacity to realise the personal and financial benefits of engaging in quality, well-paid jobs over the life-cycle. At the same time, men will continue to lack access to opportunities to balance their work and life commitments, and organisations will fail to be as productive as they could be.

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It's not a glass ceiling; it's a masculine fault line

Despite the gains being hard-won by women themselves, the system resists their advances and refuses to advance them, observes **Ross Honeywill**



"Unearned advantage, the advantage of being male, is a difficult prize for men to voluntarily abandon."

"Men in power simply fail to undo the unthinkable: disadvantage themselves by eliminating unmerited advantage."

Unearned advantage allows men to dominate

Women are running neck and neck with their male counterparts in Australia's universities. And they are dominating important professional categories. But the bad news is that in the high-salary stakes, any semblance of equity appears a long way off.

Roy Morgan Research reports that over the past decade the number of Australians with a university degree jumped from 18 per cent to 26.5 per cent. That increase was dominated by women completing tertiary education – up from 17 per cent in 2002 to 26 per cent a decade later. For men the increase was solid but less spectacular – 20 per cent to 27 per cent.

While the proportion of men and women in the workforce has barely changed over the past decade, women are also advancing on the professional roles historically dominated by men.

The number of Australian men in the workforce in 2002 was 66 per cent, compared to 67 per cent 10 years later. For women it was 51 per cent in 2002 and 53 per cent a decade later. There was virtually no change over the decade.

Across the same 10 years however, the percentage of women in professional roles increased while the proportion of women in 'home duties' dropped from 17 per cent in 2002 to 11.7 per cent in 2012.

According to a review of the 2011 census by demographer Bernard Salt, there are more than 10 million

Australians in the workforce with some interesting gender splits in occupational categories.

For example, 99 per cent of Australia's 14,105 midwives are women. And half (49 per cent) of the 1,170 gynaecologists and obstetricians are women (up from 39 per cent in the 2006 census).

More than half (55 per cent) of all veterinarians are women (up from 45 per cent in 2006), 58 per cent of pathologists are women (up from 48 per cent), and 53 per cent of paediatricians are women (up from 45 per cent).

The bar is still dominated by men, despite an increase from 22 per cent to 29 per cent of women barristers. The good news stops there. Women are dramatically under-represented in higher income levels.

According to Roy Morgan Research, of all Australians who earn in excess of \$80,000 a year, three-quarters (74 per cent) are men and only a quarter (26 per cent) are women. While that represents an improvement for women over the past decade (up from only 15 per cent in 2002), it remains deeply inequitable.

The gains made by women in the past decade are remarkable. But why is inequity so entrenched in the workplace?

According to the ABS, the proportion of women CEOs in Australia's top 200 ASX companies has remained below 5 per cent for the past decade. Boards and company directors appoint CEOs and 85 per cent of ASX 200 board directors are men. It's not a glass ceiling; it's a masculine fault line.

Unearned advantage, the advantage of being male, is a difficult prize for men to voluntarily abandon. Regardless of how sensitive to social injustice men are, they do little to change the system of dominance, to

redress the widespread disadvantage women experience throughout their lives.

It is easier to understand why some women would want to get ahead in the male system even at the cost of leaving other women behind, than it is to understand why some men would want to jettison the privileges of male supremacy. This inability or unwillingness to disadvantage themselves by dismantling systemic advantage quarantines men from needing to confront the truth that they enjoy vast privilege that is unearned.

Most countries, asserts lawyer and academic Catharine MacKinnon, proclaim a commitment to equality and yet few, if any, deliver it substantively to women. "You don't have countries saying, 'Yes, we have 7

here and want it. We're entitled to it and enjoy it.' You don't have them saying that; you have them doing it."

Men in power simply fail to undo the unthinkable: disadvantage themselves by eliminating unmerited advantage.

MacKinnon believes society so comprehensively fails to recognise the hierarchies that have subordinated women for so long they have become perceived as natural. The dominance of men over women has been, she says, accomplished socially as well as economically prior to the operation of law, as everyday life.

Is it any wonder then that despite the gains being hard-won by women themselves, the system resists their advances and refuses to advance them.

Ross Honeywill is national convener of the Centre for Gender Equity.

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The face of gender-based discrimination in Australian workplaces

The different faces of gender discrimination in Australian workplaces and how national legislation and oversight institutions are contributing to address them in Australia. Australia, as with other countries has seen significant progress in eliminating gender-based discrimination but there is still a long way to go before we reach full gender equality. An edited speech by Sex Discrimination Commissioner, Elizabeth Broderick

When I was first appointed as the Sex Discrimination Commissioner in 2007, I did a Listening Tour, where I went around Australia visiting women and men in different communities – and asked them – what do you think needs to be done to achieve gender equality in Australia?

The answers I heard highlighted the many ways in which gender-based discrimination manifests in Australian workplaces – and these include:

- The gender pay gap – women continue to receive 17.5 per cent less in average weekly earnings than men¹
- The under-representation of women in leadership positions in both public and private sector workplaces
- The gender gap in retirement incomes and savings, which occurs largely as a result of the unpaid care women are required to do for their family or household members, including children, people with a disability, people with a chronic illness or older people due to frailty
- And of course, violence against women – particularly domestic and family violence and sexual harassment.

Underlying these inequalities, are the myths and harmful gender stereotypes, which we need to challenge and transform. For example, the notion of the ideal worker in many workplaces still tends to be that of a man, who is available for work 24/7, unencumbered by any care responsibilities. This limits the opportunities for many women to participate equally in the workplace.

The Australian Human Rights Commission received over 1,000 complaints under the *Sex Discrimination Act* in 2011-2012 – of which 15 per cent were complaints of pregnancy discrimination, 25 per cent were sexual harassment and 6 per cent were complaints of discrimination in relation to family responsibilities.²

However, in Australia we are fortunate that the government and business are doing a lot to address gender-based discrimination in the workplace – through national legislation and its enforcement, affirmative action measures, provisions for paid parental leave and flexible work and of course oversight institutions such as mine.

I think it would be useful to share with you some of the leading work being done in this area.

Firstly, in 2011, the Government commenced a paid parental leave scheme that provides 18 weeks of paid parental leave at the minimum wage.³ In addition in 2012 the Government added two weeks of paid leave for dads and partners.⁴

Another important initiative has been the provision for a right to request a flexible work arrangement under the national employment laws. Although, to date this right to request has been limited to parents with responsibility for a child under school age or a child with disability aged under 18 years of age.⁵ So it has been very encouraging that the Australian Government recently committed to expanding the right to request to be available to a broader range of workers including workers with caring responsibilities employees, including parents children of school age and workers experiencing family violence or providing personal care and support to a family or household member experiencing family violence.⁶

An important development for equal remuneration came about with the issuing of an equal remuneration order by Fair Work Australia in 2012 for the social and community services sector.⁷ Fair Work Australia found that workers in this highly feminised sector are paid lower wages than public sector employees doing similar work, and that gender played a role in creating this wage disparity. This first ever successful claim for an equal remuneration order under the new national system means a significant advance in equal pay for women.

In terms of women's leadership in workplaces, in 2011, the government set a target to have a minimum of 40 per cent women on Australian Government boards by 2015.⁸ As of 30 June 2012, women held 38.4 per cent of Government board appointments.⁹

Equally in the private sector, as of 2011 the ASX Corporate Governance Council has implemented a





diversity policy that requires all publicly listed companies in Australia to set gender diversity targets and report on their targets and provide explanations if they are not in place. Consequently we have seen the number of women on ASX Boards rise from 8.3 per cent in 2010 to 15.4 per cent in 2013.¹⁰ Although we are yet to see equivalent increases in senior executive management positions.

In terms of oversight of the progress in this area, in addition to my own position, there has been the work of the Workplace Gender Equality Agency. This Agency is an Australian Government statutory authority which aims to improve gender equality in Australian workplaces. The Agency works collaboratively with employers, offering advice and assistance to promote and improve gender equality in their workplaces.

From 2014, the *Workplace Gender Equality Act* will require employers in the private sector with 100 or more employees to report annually against identified gender equality indicators, such as, equal remuneration between women and men.¹¹

Lastly, in relation to the impacts of violence against women and sexual harassment in workplaces, the Government has recently made important commitments to extend the right to request a flexible working arrangement to be available to workers experiencing domestic and family violence.¹²

Further, in relation to sexual harassment, in 2011, the

Sex Discrimination Act was amended to strengthen the prohibitions of sexual harassment in workplaces and schools and prohibiting sexual harassment conducted through new technologies.

This is just a brief overview of some of the strategies being implemented in Australia to advance gender equality.

What leaders of business and government can be doing to eliminate discrimination and work towards gender equality

In Australia, through my work on as Sex Discrimination Commissioner I have found that despite much of the work that is being done through laws, policies and programs for eliminating gender equality there can be a lag between rhetoric and reality. One of the reasons for this can be that many initiatives tend to focus solely on engaging and changing women.

I find that such an approach doesn't fully consider the site of power in most governments and business, which are still dominated by male leaders. Placing the onus on women also means that any failures tend to be laid at their door, rather than identified as systemic deficiencies.

This is why I think gender equality also requires the proactive engagement and personal commitment of men – particularly of the men who dominate the leadership in governments, corporations and communities.

Encouragingly, many organisations are realising that they need to stop treating gender equality as if it is just a women's issue. Instead, women and men must be part of the solution together – transforming norms that entrench existing gender inequalities.

This is why, about two years ago, I established the Male Champions of Change leadership group in Australia.

The Male Champions are 23 male CEOs, Chairpersons and Government Leaders from some of Australia's most influential public and private sector organisations – men who lead Australia's iconic companies like Telstra, Qantas, Commonwealth Bank and Woolworths – men who lead global organisations like Citibank and IBM – and men who hold the most senior roles in Government from the Departments of Treasury, Prime Minister and Cabinet, the Public Service Commission and of course Lieutenant General Morrison, the Chief of Army, whom we have just heard from.

The Male Champions see gender equality as both a human rights issue and a business imperative. They use their collective influence to advocate for gender equality at both an organisational and national level.

Since their inception the Male Champions, as per their charter, have worked to create change in their own organisations, as well as being national advocates for gender equality – and have presented at more than 80 conferences and events, travelling from Washington, to Rio, to New Zealand and around Australia. There are now related champions groups in Western Australia, South Australia and New Zealand, as well as sector-based groups such as one focused on companies involved in the built environment. There is also talk of setting such groups up, targeting the sectors of Engineering and Law.

In 2011, the group published an open letter reflecting on their experience in increasing the representation of women in leadership in their own organisations. Over 150,000 copies of the letter have been distributed since it was launched.¹³

Currently, the Male Champions of Change are working on a series of monitored experiments to see what kinds of things can be done to shift the gender inequalities. Let me give you some examples of this work.

One of the areas they are working on is the '50/50: If Not, Why Not?' initiative – through which leaders confront old norms and ask the question why not? instead of 'why?', and apply this lens to all areas of the organisation in an effort to collect the underlying reasons which can either be 'de-bunked' as myths or addressed as significant barriers to women's progression.

To give you an example of this in practice, one of the champions asked the question "why there weren't 50 per cent women nominated for a leadership program they were offering in their organisation"? This led the organisation to re-examine the eligibility criteria for the program, which excluded many women who have not had the opportunity to work in the international programs. By re-setting the criteria to reflect other kinds of experience related to international programs, such as experience in managing overseas staff and offshore teams, they were able to increase the number of women in the program from 22 per cent to 35 per cent.

Another example is the work they are doing on looking at mainstreaming flexibility as a way of working, where it is role-modelled, encouraged and expected – not just accommodated.

A third area they are working in is Gender Reporting. The Male Champions are looking to develop credible and consistent benchmarks to track progression on gender equality. For the first stage of this project, all member organisations provided information on how they currently report internally and externally on gender. For stage two, the group is working together to develop recommendations for reporting – for example, if we are really serious about this, you would think that every leader in Australia would have some sort of gender balance target in their scorecard, ideally tied to a remuneration outcome where possible.

One of the things that I have found through the course of my work with the Male Champions of Change is that to engage with men and boys in a meaningful way, we need men not just to take an interest in these issues but to take action. And to get men to make the shift from interest to action, we need to personalise the issue of gender equality.

Whether male or female, the readiness of organisational leaders to personally own the case for change is essential. It is also incredibly powerful.

Right from the very first conversations we had I focused on making it personal. I remember the first conversation I had, when I began this group, with one of the members. This particular CEO had twins – a boy and a girl and I remember his deep concern that his

daughter might not have the same opportunities as his son – all because she was a girl.

The Male Champions of Change has been a controversial strategy. Some thought I was suggesting that we women were waiting to be saved by corporate knights in shining armour galloping paternalistically into territory women have been working in for years?

This couldn't be further from the truth. As one of the members explained "the rules of work have been invented by men for men".¹⁴ I believe that if we want to reshape those rules we need to work with men to do so.

So although it is clear to me that women's voices remain critical to advancing gender equality and eliminating violence against women, what is also clear is that we also need men taking the message of gender equality to other men to achieve real change.

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Sexual harassment still widespread in Australian workplaces

Sex Discrimination Commissioner, **Elizabeth Broderick**, has released *Working without fear: Results of the sexual harassment national telephone survey 2012*, which shows that sexual harassment is not only widespread in Australian workplaces, but that progress in addressing it has stalled.

This research is conducted every four years and shows that little has changed,” Commissioner Broderick said. “It shows that approximately one in five people aged 15 years and older were sexually harassed in the workplace in the past five years, an extraordinary figure.”

The research shows that one in four women (25%) and one in six men (16%) have been sexually harassed in the workplace in the past five years. If a person’s entire lifetime is considered, the gender gap is even more profound with a third of women (33%) and less than one in ten men (9%) experiencing sexual harassment.

Targets of sexual harassment are most likely to be women under 40 and harassers are most likely to be male co-workers. Women are at least five times more likely than men to have been harassed by a boss or employer. Men harassing women accounts for more than half of all sexual harassment, while male harassment of men accounts for nearly a quarter.

Commissioner Broderick said that one of the most encouraging parts of the research concerned the role of bystanders – people who witnessed or later became aware of sexual harassment.

“Fifty-one per cent of people who were bystanders – that is over half – took some action to prevent or reduce the harm of the sexual harassment they were aware of,” she said. “Bystanders have an extremely important role to play in confronting and combatting sexual harassment.”

Commissioner Broderick said that bystanders can help to prevent and reduce the harm of sexual harassment and ensure safe work environments for themselves and their colleagues, but they needed to be supported and empowered, which would mean a huge shift in organisational culture.

“Sexual harassment is unlawful and has no place in Australian workplaces,” Ms Broderick said. “Eradicating sexual harassment from our workplaces will require leadership and a genuine commitment from everyone – government, employers, employer associations, unions and employees.”

The survey provides the only national and trend data on sexual harassment in Australian workplaces.

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SEXUAL HARASSMENT – INFORMATION FOR EMPLOYEES

Complaints advice for employees from the Australian Human Rights Commission

If you have experienced sexual harassment in the workplace, you can make a complaint to the Commission. See www.humanrights.gov.au/complaints-information

The Commission can investigate the complaint. It will try to resolve the complaint through a process of conciliation, during which it will help the two parties involved by acting as an impartial person.

If the complaint cannot be resolved you may be able to take your complaint to Court. If the Commission is not able to deal with your complaint at all, it will write to you to explain why.

Sexual harassment is any unwanted or unwelcome sexual behaviour. It has nothing to do with mutual attraction or friendship.

Examples of this behaviour may include:

- Staring or leering
- Unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching
- Suggestive comments or jokes
- Insults or taunts of a sexual nature
- Intrusive questions or statements about your private life
- Displaying posters, magazines or screen savers of a sexual nature
- Sending sexually explicit emails or text messages
- Inappropriate advances on social networking sites
- Accessing sexually explicit internet sites
- Requests for sex or repeated unwanted requests to go out on dates
- Behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Very few people who experience workplace sexual harassment make formal complaints. This may be due to a significant lack of understanding as to what sexual harassment is.

For example, when the Commission conducted its 2008 *Sexual Harassment National Telephone Survey*, an explanation of behaviours that would be sexual harassment was provided to respondents, who expressly said they did not experience sexual harassment. After the explanation, around one in five respondents went on to report they had experienced behaviours that may in fact constitute sexual harassment under the law.

The Commission's *Know Your Rights* publication (2010) contains more detailed explanation of sexual harassment and how to identify it, what you can expect from your employer in terms of preventative measures and how to make a complaint about sexual



harassment in the workplace.

The *Young people in the workplace* publication contains a series of activities and resources to help students explore the issues around workplace discrimination, including sexual harassment.

Bystander action against sexual harassment in the workplace

Work colleagues play an important role in supporting those who experience sexual harassment.

According to the results of the Commission's 2008 *Sexual Harassment National Telephone Survey*, over 1 in 10 Australians have witnessed sexual harassment in the workplace:

- The large majority (88%) of those who witnessed sexual harassment took some form of action when the harassment happened.
- The most common type of action was to talk or listen to the victim (72%) followed by offering advice to the victim (69%).
- While 35% of people who witnessed sexual harassment reported it to their employer, only 16% of those who actually experienced sexual harassment made a formal report.

If someone in your workplace is experiencing sexual harassment, you can, with their consent, make a complaint to the Commission on their behalf.

NOTE: The *Sex and Age Discrimination Legislation Amendment Act 2011* amended the *Sex Discrimination Act 1984* in May 2011 to expand the protections against sexual harassment.

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SEXUAL HARASSMENT

– INFORMATION FOR EMPLOYERS

*Sexual harassment can have a serious and damaging effect on a workplace. It can affect work performance and create a hostile work environment for those who experience and witness it. Not only do employers have a legal obligation, but it is in their interest to take action to prevent it, cautions the **Australian Human Rights Commission***

A person who sexually harasses someone else is primarily responsible for their behaviour. However, in many cases you can also be held vicariously liable for sexual harassment by your employees, agents and contractors, unless you can show that you took steps to prevent the sexual harassment from occurring.

Under the *Sex Discrimination Act* you must take all reasonable steps to minimise the risk of discrimination and harassment occurring. All reasonable steps is not defined in the *Sex Discrimination Act*, but is determined on a case-by-case basis depending on the size and resources of your organisation.

You would usually be expected to:

- Have an appropriate sexual harassment policy
- Train employees on how to identify and deal with sexual harassment
- Put in place an internal procedure for dealing with complaints
- Take appropriate remedial action if and when sexual harassment occurs.

You may also have other obligations under privacy, defamation, occupational health and safety and industrial laws.

For more information on effectively preventing and

responding to sexual harassment in the workplace, see the comprehensive and practical *Code of Practice for Employers* (2008) and *Quick Guide* (2008) to the Code of Practice.

Visit www.humanrights.gov.au/publications/sex-discrimination to order these or other publications for your workplace.

For further information for employers on sexual harassment, see the Australian Human Rights resource *Good Practice, Good Business: Eliminating discrimination and harassment in the workplace*, specifically:

- What is discrimination and harassment?
- Employer responsibilities
- Writing an effective sexual harassment policy
- Fact sheet: Sex discrimination and sexual harassment.

Visit www.humanrights.gov.au/sexual-harassment-information-employees for Sexual Harassment – Information for Employees for employee specific information.

NOTE: The *Sex and Age Discrimination Legislation Amendment Act 2011* amended the *Sex Discrimination Act 1984* in May 2011 to expand the protections against sexual harassment.

Australian Human Rights Commission (2013).
Sexual harassment – information for employers. Retrieved
from www.humanrights.gov.au on 15 October 2013.



THE GENDER PAY GAP: FACT OR FICTION?

Workplace Gender Equality Agency sorts out the facts from fiction in relation to gender pay inequality in this mythbusting fact sheet

FICTION	FACT
<i>Of course there is a pay gap when so many women work part-time.</i>	The gender pay gap is based on full-time, ordinary time earnings and excludes part-time earnings and overtime payments. Women and men working part-time are not included in the calculation.
<i>Women deserve to get paid less because they choose lower paying professions that are less demanding.</i>	Occupational and industrial segregation is part of the problem. Over half of all women are employed in four sectors: health care and social assistance, education and training, retail trade, and accommodation and food services. The work done in female dominated sectors has traditionally been undervalued with 'caring' skills not rewarded as favourably as technical skills. Fair Work Australia recently found that the work done in the female dominated social and community sector was undervalued, largely on the basis of gender. Anyone who works as a nurse or in childcare knows it is physically difficult and demanding work!
<i>Women aren't as ambitious as men and don't go after leadership positions or higher-paying jobs.</i>	Research has shown that women do ask for promotions and development, but their attempts are met with a different response and less success than their male colleagues. Even when women do 'all the right things,' they are unlikely to earn as much or advance as far as men. ¹ Also consider that women comprise more than 50% of university graduates – it certainly doesn't support the suggestion that women aren't ambitious. In fact, one recent study found two-thirds of young women aged 18 to 34 rate career high on their list of life priorities, compared with 59% of young men. ²
<i>The gender pay gap can be explained because women leave the workforce to have children, so they often have less cumulative work experience than men.</i>	Yes, women often take time out for child rearing, but the bigger picture impact on the gender pay gap is the financial penalty they suffer when they return to full-time work. Research has shown that a woman returning from one year of maternity leave can expect a 5% decrease in earnings compared to before going on leave. A three year gap will result in over a 10% fall in earnings. ³ The results of the 2011 Australian Census suggest that women who leave the workforce to have children are unlikely to regain their earning capacity.
<i>Women choose to work part-time to focus on family and are less committed to their careers, contributing to the gender pay gap.</i>	While it is certainly true that women undertake most of society's unpaid care work, ⁴ the 'choices' women and men make around work and caring responsibilities are constrained by workplace practices and cultures. As a result, women carry most of the caring load, partly because workplace cultures don't encourage men to work flexibly. Of particular concern is research that shows a 'wage scarring' effect once a woman goes back to full-time employment after a period of part-time work. ⁵
<i>The gender pay gap is partly caused because men and women hold different types of positions and men tend to have more senior management positions.</i>	Actually this one is true. However, women are not necessarily in less senior positions because they choose to be. Women's careers often stall after they take career breaks or work part-time when they have children. Sure, we all have to make compromises around family and work, but until women and men feel they can access flexible work practices to juggle career and family responsibilities, it is often not a real 'choice' that families are making. Better quality part-time work would enable women to continue to progress their earning and career potential, and also encourage fathers to engage in part-time work.

NOTES

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3. Baker, D. 'The wage-penalty effect. The hidden cost of maternity leave', The Australia Institute, 2011.
4. ABS, *How Australians Use Their Time*, (Cat. No. 4153.0), 2006 (released 21/08/2008).
5. Chalmers, J. & Hill, T. 'Marginalising women in the labour market: the 'wage scarring' effects of part-time work', *Australian Bulletin of Labour*, 33(2), 180-201, 2007.

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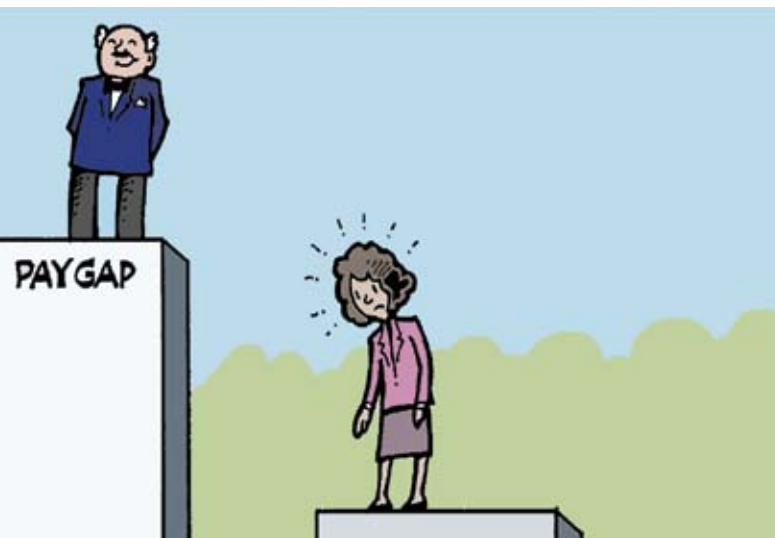
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GENDER PAY GAP STATISTICS

This **Workplace Gender Equality Agency** fact sheet has been compiled primarily from the Australian Bureau of Statistics average weekly earnings data set,¹ that calculates the average full-time weekly earnings before tax of men and women, excluding factors such as overtime and pay that is salary sacrificed. Where data were unavailable from average weekly earnings (such as occupation), these data were sourced from the ABS Employee Earnings, Benefits and Trade Union Membership survey.²



The gender pay gap is the difference between the average of all female and all male earnings expressed as a percentage of male earnings. Because the gender pay gap does not take into account part-time workers' earnings, it gives us a value that is comparing like with like. A number of often interrelated factors contribute to the gender pay gap including women working in different industries than men (known as industrial segregation); the over-representation of women in low-paying occupations while being under-represented in others (known as occupational segregation), the undervaluation of women's skills; and career breaks taken by women to have and raise children.

Institutional influences, such as the sector you work in and the way your pay is set also play a role. Additionally, a significant proportion of the gender

TABLE 1: GENDER PAY GAP BY STATE AND TERRITORY, MAY 2012 – MAY 2013

State/Territory	May 13	May 12	Annual Change*
NSW	14.6	15.6	-1.0
Vic	13.5	15.2	-1.7
QLD	22.1	20.3	1.8
SA	15.4	15.1	0.3
WA	26.9	25.6	1.3
Tas	9.0	10.9	-1.9
NT	20.4	20.0	0.4
ACT	14.8	12.9	1.9
Australia	17.5	17.5	0.0

*A minus sign indicates that the gender pay gap has decreased from the previous period.

pay gap is unexplained and this is widely considered to represent the effect of direct gender discrimination.

NATIONAL

In May 2013, the gender pay gap stood at 17.5%.³ The average weekly ordinary time earnings of women working full-time were \$1,252.20 per week, compared to men who earned an average weekly wage of \$1,518.40 per week, making women's average earnings \$266.20 per week less than men. The figures show that there has been no discernible change in the gender pay gap since May 2012. In 18 years since May 1995, the gender pay gap has increased by 1.0 percentage point (pp) (Figure 1).

STATE AND TERRITORY

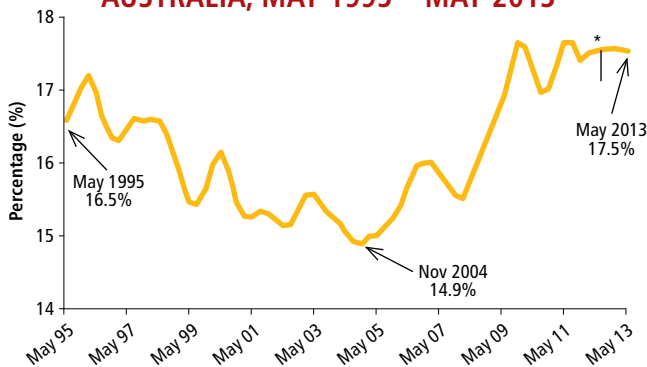
Consistent with 2012 figures, WA had the widest gender pay gap in May 2013 (26.9%), while Tas had the lowest (9.0%). Since May 2012, the gender pay gap has increased in the ACT (+1.9 pp), QLD (+1.8 pp), WA (+1.3 pp), NT (+0.4 pp) and SA (+0.3 pp); while the gender pay gap has decreased in Tas (-1.9 pp), Vic (-1.7 pp), and NSW (-1.0 pp).

EARNINGS BY INDUSTRY

In May 2013, the health care and social assistance sector had the highest gender pay gap (32.3%), followed by the financial and insurances services sector (31.4%) and the professional, scientific and technical services sector (30.1%). The lowest gender pay gaps were in the public administration and safety (6.7%), accommodation and food services (7.9%), and other services (9.8%) sectors (Table 2).

Results in May 2013 (compared to May 2012) showed

FIGURE 1: GENDER PAY GAP, AUSTRALIA, MAY 1995 – MAY 2013



*The straight line on the graph represents a break in the time series due to a change in release frequency from quarterly to biannually

TABLE 2: GENDER PAY GAP BY INDUSTRY, MAY 2012 – MAY 2013 (ORIGINAL DATA)

INDUSTRY	MAY 13	MAY 12	ANNUAL CHANGE*
Accommodation and food services	7.9	8.5	-0.6
Administrative and support services	10.5	11.6	-1.1
Arts and recreation services	16.4	16.0	0.4
Construction	22.6	17.7	4.9
Education and training	13.2	11.2	2.0
Electricity, gas, water and waste services	13.2	14.8	-1.6
Financial and insurance services	31.4	32.7	-1.3
Health care and social assistance	32.3	31.3	1.0
Information media and telecommunications	17.8	19.5	-1.7
Manufacturing	15.5	17.9	-2.4
Mining	22.6	21.8	0.8
Other services	9.8	13.7	-3.9
Professional, scientific and technical services	30.1	27.1	3.0
Public administration and safety	6.7	8.1	-1.4
Rental, hiring and real estate services	23.5	24.8	-1.3
Retail trade	11.9	8.5	3.4
Transport, postal and warehousing	16.2	14.8	1.4
Wholesale trade	10.2	17.9	-7.7

*A minus sign indicates that the gender pay gap has decreased from the previous period.

TABLE 3: MEAN WEEKLY EARNINGS IN MAIN JOB (FULL-TIME), AND GENDER PAY GAP, BY OCCUPATION OF MAIN JOB

MEAN WEEKLY FULL-TIME EARNINGS IN MAIN JOB	MEN	WOMEN	GENDER PAY GAP(%)*
Technicians and trades workers	\$1,304	\$917	29.7
Community and personal service workers	\$1,267	\$912	28.0
Professionals	\$1,843	\$1,410	23.5
Labourers	\$1,097	\$848	23.2
Managers	\$1,870	\$1,463	21.8
Sales workers	\$1,208	\$949	21.4
Clerical and administrative workers	\$1,348	\$1,082	19.7
Machinery operators and drivers	\$1,338	\$1,082	19.1
ALL OCCUPATIONS	\$1,487	\$1,184	20.4

Source: ABS (2013) *Employee Earnings, Benefits and Trade Union Membership, Australia*, August 2012, cat. No. 6310.0, viewed 24 July 2013, www.abs.gov.au/ausstats/abs@.nsf/mf/6310.0

*A minus sign indicates that the average weekly earnings for women is greater than that for men.

that the gender pay gap increased markedly in the construction industry (+4.9 pp), as well as the retail trade industry (+3.4 pp). The gender pay gap has reduced substantially in two industries: wholesale trade (-7.7 pp) and other services (-3.9 pp).

EARNINGS BY OCCUPATION

The ABS average weekly earnings data set does not collect data on average weekly earnings by occupation. The most recent data providing this information was the *ABS Employee Earnings, Benefits and Trade Union Membership* survey, released in May 2013. The overall gender pay gap for women and men working full-time



TABLE 4: MEAN WEEKLY EARNINGS IN MAIN JOB (PART-TIME), AND GENDER PAY GAP, BY OCCUPATION AND MAIN JOB

MEAN WEEKLY PART-TIME EARNINGS IN MAIN JOB	MEN	WOMEN	GENDER PAY GAP(%)*
Technicians and trades workers	\$562	\$467	16.9
Machinery operators and drivers	\$537	\$453	15.6
Professionals	\$878	\$787	10.4
Managers	\$841	\$776	7.7
Labourers	\$342	\$345	-0.9
Community and personal service workers	\$408	\$434	-6.4
Sales workers	\$302	\$322	-6.6
Clerical and administrative workers	\$527	\$582	-10.4
ALL OCCUPATIONS	\$486	\$515	-6.0

Source: ABS (2013) *Employee Earnings, Benefits and Trade Union Membership, Australia*, August 2012, cat. No. 6310.0, viewed 24 July 2013, www.abs.gov.au/ausstats/abs@.nsf/mf/6310.0

*A minus sign indicates that the average weekly earnings for women is greater than that for men.

was 20.4%. This was mainly driven by high gender pay gaps between women and men who worked as full-time technicians and trade workers (29.7%) and community and personal service worker occupations (28.0%). The occupations with the lowest gender pay gap were clerical and administrative workers (19.7%) and machinery operators and drivers (19.1%); see Table 3.

For part-time workers, the overall gender pay gap stood at -6.0% showing, on average, women were being paid more than men when employed part-time. This occurred across four occupations: clerical and administrative workers (-10.4%), sales workers (-6.6%), community and personal service workers (-6.4%) and labourers (-0.9%). The largest gender pay gaps between women and men in part-time employment were in the occupations of technicians and trades workers (16.9%), machinery operators and drivers (15.6%), and professionals (10.4%); see Table 4.

PRIVATE AND PUBLIC SECTOR

The gender pay gap in the private sector is considerably larger than the public sector (Figure 2). In May 2013, the private sector gender pay gap was 20.8%, an improvement of 0.1 pp since May 2012, compared with 13.1% in the public sector, which did not change from May 2012.

FIGURE 2: GENDER PAY GAP, PRIVATE AND PUBLIC SECTOR, MAY 1995 – MAY 2013

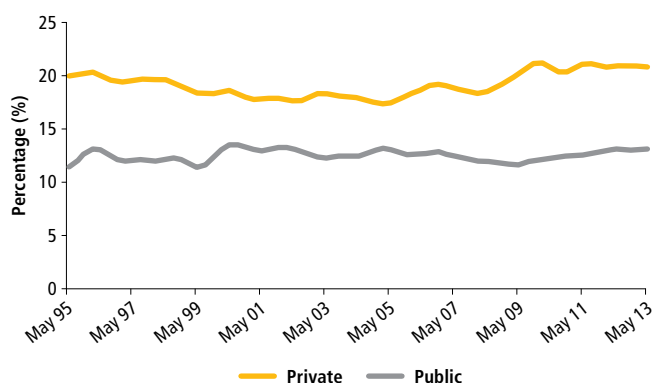
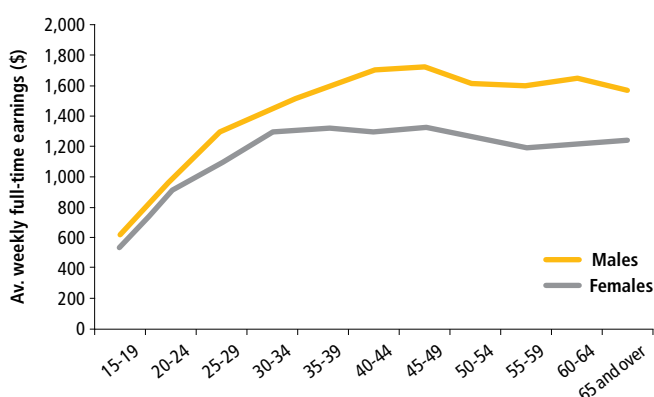


FIGURE 3: MEAN WEEKLY EARNINGS IN MAIN JOB, BY FULL-TIME STATUS IN MAIN JOB, BY AGE



Source: ABS (2013) *Employee Earnings, Benefits and Trade Union Membership, Australia*, August 2012, cat. No. 6310.0, viewed 24 July 2013, www.abs.gov.au/ausstats/abs@.nsf/mf/6310.0

EARNINGS BY AGE

Average weekly earnings by age have been taken from the *Employee Earnings, Benefits and Trade Union Membership* survey. Figure 3, above, shows that the average gender pay gap between women and men working full-time generally increased with age.

From between the ages of 15 and 19, women earned less than men (gender pay gap of 12.6%). By the age of 40 to 44, men were earning considerably more than women (24.3% more). At the age of 50, the gender pay gap reduced to 22.2% but gradually increased to 26.4% between the ages of 60 and 64 years. By 65 years and over, this number dropped again to 21.4%.

NOTES

1. ABS (2013), *Average Weekly Earnings*, May 2013, cat. No. 6302.0, viewed 15 August 2013, www.abs.gov.au/ausstats/abs@.nsf/mf/6302.0
2. ABS (2013), *Employee Earnings, Benefits and Trade Union Membership, Australia*, August 2012, cat. no. 6310.0, viewed 24 July 2013, www.abs.gov.au/AUSSTATS/abs@.nsf/mf/6310.0
3. Unless otherwise stated, all measures of the gender pay gap are expressed as a percentage (%) based on average weekly ordinary time earnings for full-time employees (trend data), with changes over time provided as the percentage point (pp) difference.

© Commonwealth of Australia 2012.

Workplace Gender Equality Agency (2013). *Gender pay gap statistics*. Retrieved from www.wgea.gov.au on 29 October 2013.

New law drives gender equality at work

The *Workplace Gender Equality Act 2012*, recently passed by federal parliament, is a landmark development on the journey to gender equality in Australian workplaces, according to this **Australian Government announcement. It:**

- Focuses on gender equality including equal pay between women and men
- Promotes the elimination of discrimination on the basis of family and caring responsibilities
- Will provide ground-breaking data on the state of gender equality in Australian workplaces
- Will change the name of the Equal Opportunity for Women in the Workplace Agency to the Workplace Gender Equality Agency.

The Act is a significant advance on its predecessor, the *Equal Opportunity for Women in the Workplace Act 1999*, shifting the focus from equal opportunity for women to gender equality, which is more contemporary and relevant. The Equal Opportunity for Women in the Workplace Agency will be renamed the Workplace Gender Equality Agency reflecting this change in focus.

Helen Conway, Director of the Equal Opportunity for Women in the Workplace Agency says “the changes will increase Australia’s productivity and improve business performance by empowering organisations to harness all of the nation’s talent.”

Under the Act, non-public sector organisations with 100 or more employees will report on actual gender equality outcomes, and provide the Workplace Gender Equality Agency with standardised data.

“This data will put Australia at the international cutting edge for analysing progress on workplace gender equality. The Agency will use the data to set industry-specific

benchmarks. Employers will be able to compare their performance with others in their industry and we’ll work with organisations to develop strategies to improve their performance,” Ms Conway says.

“These benchmarks will also help organisations set voluntary targets on gender equality – something I strongly encourage. As with any business initiative, the best way to drive change is to set clear objectives and reward managers for achieving them.”

The legislation also focuses on eliminating discrimination on the grounds of gender in relation to family and caring responsibilities.

“The Act recognises that the days when women did all the caring and men were the sole breadwinners are long gone. It’s time workplace practices caught up with the way we live today,” Ms Conway says.

2013 will be a transitional year giving employers time to prepare for the new reporting arrangements that will be fully operational from 2014.

“There is a strong business case for gender equality but we recognise that many organisations struggle to achieve it. We are absolutely committed to working collaboratively with employers to help them bring gender equality to their workplaces,” Ms Conway says.

“The Act will enable our Agency to measure how far Australian employers have come but, more importantly, determine where there is more work to be done and where the Workplace Gender Equality Agency can help.”

In their own words ...

Following the introduction of the *Workplace Gender Equality Act 2012*, here’s what some of Australia’s business leaders, employer groups and women’s groups had to say about gender equality:

“Telstra takes its commitment to gender equality very seriously. While we know there is still much more work to do, the new legislation

for the Workplace Gender Equality Agency will provide an even stronger focus, create higher expectations around accountability, and ultimately support organisations like ours to achieve better outcomes in this important area.”

David Thodey, CEO, Telstra

“Without a constant focus on gender equality, we miss truly creating a workplace which we can be truly proud of and representative of our society. We welcome the new Act which will support an important business imperative of ensuring engaged and motivated employees work in an inclusive environment.”

Alan Cransberg, Chairman and Managing Director, Alcoa of Australia

“As an employer-based professional association, AHRI welcomes this new legislation as a positive force in encouraging higher and more senior participation by women in the workforce – particularly within senior executive and board roles, where their



representation remains unacceptably low in Australia by world standards.

“Whenever gender equity is enhanced – both economic performance and social equity improve – and that’s a worthwhile outcome for all Australians.

“It’s sad but true that Australian businesses still need a nudge when it comes to making progress on gender equity, and AHRI believes the Workplace Gender Equality Agency is capably structured and better positioned now to do just that. And I am sure they will.”

Peter Wilson AM, President and Chairman, Australian Human Resources Institute

“ASX supports initiatives that promote greater equality and diversity in Australian business. As a company, ASX is committed to further improve diversity in its own leadership team. And as one of the world’s leading exchange groups, ASX will continue to play an active role in promoting diversity in the wider business community.”

Elmer Funke Kupper, Managing Director and CEO, ASX

“ExxonMobil Australia is very proud of our focus on creating a working environment that encourages all of our employees – both women and men

– to achieve their ultimate potential. It is pleasing that new federal laws on workplace equality also focus on achieving this aim.”

John Dashwood, Chairman, ExxonMobil Australia

“Workplace productivity will only be maximised if we fully utilise our potential workforce and this means engaging and empowering women. This legislation will strengthen the Workplace Gender Equality Agency meaning that businesses will be better equipped to make the necessary changes to engage and support women into leadership roles.

“The data collected by the new Agency will also better support Australian businesses to understand what works and what doesn’t, as well as informing consumers about which businesses are taking steps towards equality.”

Julie McKay, Executive Director, UN Women Australia

“Today’s reforms will assist Australian employers to deliver better outcomes for both women and men in their workplaces, while also generating productivity benefits in their own organisations.”

Nareen Young, CEO, Diversity Council of Australia

“Although the economic case for gender diversity in the workforce has been proven by extensive research, the number of women in senior leadership roles remains woefully low. CEW supports the new gender equality legislation because, in achieving any goal, what gets measured gets done – which is why measurable objectives and reporting are critical to achieving gender equality.”

Belinda Hutchinson AM, President, Chief Executive Women

“Gender diversity is not only good social policy but it makes good business sense. The Australian Institute of Company Directors supports initiatives that encourage boards and companies to benefit from all the talent that is available to them.”

John Colvin, Chief Executive and Managing Director, Australian Institute of Company Directors

“In business, gender equality is often perceived as a women’s issue. We’ve found that you have to demonstrate the bottom-line impact of poor gender diversity practices to steer the conversation back to the business case. The changes put a spotlight on gender pay equity. We’ve employed a rigorous approach to gender pay equity which has helped reveal powerful data about the composition of our workforce. This information is invaluable to informing strategy and driving change.

“The changes announced today will aid organisations in their conversations about gender equality at work. They will also lead to better outcomes for both men and women by improving access to flexible and innovative work arrangements for anyone with carer and family responsibilities.”

Sally Macindoe, Partner and Head of Diversity, Norton Rose

“As a male-dominated industry it is important for Iplex Pipelines to encourage and support females to manage their work and family lives effectively to attract and retain talent. It is also equally important to recognise that our male employees have increasingly taken on greater caring responsibilities in recent years. We allow every parent – male or female – to access time off as a primary or secondary carer when they have a child. We have in recent years seen an increase in our male employees taking up these benefits to enjoy valuable time with their family.”

Jacqui Levings, National Human Resources Manager, Iplex Pipelines Australia Pty Limited

“Gender diversity generates diverse thinking which translates into greater innovation for our clients and our firm.”

Neil Cockroft, Head of Diversity and Culture, King & Wood Mallesons

© Commonwealth of Australia 2012.

Workplace Gender Equality Agency (22 November 2012). *New law drives gender equality at work* (Media release). Retrieved from www.wgea.gov.au on 29 October 2013.



Workplace Gender Equality Act 2012

The **Australian Government** has delivered on its commitment to modernise the Equal Opportunity for Women in the Workplace Act to more effectively support cultural change in Australian workplaces and drive improved gender equality outcomes. This fact sheet outlines the key elements of the new legislation and its implementation.

The amended Act – now called the *Workplace Gender Equality Act 2012* – is an important component of the Australian Government's efforts to support and improve women's workforce participation, and to increase equality in the workplace.

Gender equality delivers benefits to employers, employees and the economy. This legislation is aimed firmly at driving meaningful change in a way that is not burdensome on employers. In March 2011 a detailed reform package was announced, and the new legislation achieved passage through Parliament on 22 November 2012.

A new name and focus

The new Act is called the *Workplace Gender Equality Act 2012*, and the Agency is now known as the Workplace Gender Equality Agency.

The legislation strengthens the Act and Agency's focus on gender equality, highlighting equal remuneration between women and men, and caring responsibilities as key dimensions.

Streamlined reporting

Reporting has been made simpler and more transparent.

- The requirement for organisations to develop and report on workplace programs has been removed.
- Employers will instead report against a standard set of gender equality indicators, focussing on outcomes.
- As part of making reporting more streamlined, online reporting will be introduced.
- Employers will be able to clearly see their performance from year to year, and in comparison with other employers in their industry and across the board.

Business assistance

The Government has almost doubled the Agency's funding to enhance its role in supporting and advising industry.

- The Agency will develop industry-level benchmarks and industry-specific strategies, in consultation with relevant employers and employee organisations.
- It will provide advice, resources, and targeted assistance, particularly to low performing organisations.
- Smaller organisations with less than 100 employees are not required to report, but they are able to access the Agency's education and incentive activities.

Employee engagement

Consultation with employees has been further highlighted as a key focus of the Act.

- Consultation is acknowledged as an important component of achieving gender equality, and it is specified as a gender equality indicator.
- Employers will be required to notify employees and shareholders when a report has been lodged, and how they can access it.
- Employers will also be required to notify employee organisations, where they have members in a workplace, when a report has been lodged.

- Employees and employee organisations will be able to comment on reports.

Innovation

The new legislation introduces a number of innovations aimed at improving gender equality, without increasing the regulatory burden on business.

- For the first time under this Act, employers will be required to report on the composition of their governing bodies (e.g. boards).
- The new Act encompasses women and men, particularly in relation to caring responsibilities.
- Consultation with employers, employee organisations and other stakeholders is a key feature of the Act, including in the development of reporting matters and minimum standards.
- There will be a biennial report to Parliament relating to progress against the gender equality indicators.

Fairer compliance

Compliance has been made fairer and more effective.

- The Agency's improved resourcing will enable it to make sure that all employers who should be reporting are.
- The Agency will be able to review compliance by seeking further information from employers, including on a random basis.
- Non-compliant organisations will continue to be named in Parliament, and also more widely.
- The Government's contract compliance policy – which has been in effect since 1993 – is now referenced in the legislation. Fairer and more consistent measures for ensuring the Government deals only with organisations who comply with the Act will be developed.
- CEOs will be required to sign-off on reports.

Minimum standards

Also as part of making compliance fairer, the Minister will set industry-specific minimum standards.

- This introduces a new transparent way of assessing whether employers are meeting minimum standards of gender equality.
- The minimum standards will be evidence-based, and will enable employers and the Agency to target attention to where improvements are most needed.
- They will be designed to identify those organisations who are struggling the most, and who require the additional assistance provided for in the Act.
- No longer will the Agency have to undertake subjective analysis of the adequacy of an employer's report.
- If an organisation does not meet a minimum standard it will have two years to improve before it may be found non-compliant with the Act.

What happens next?

The Government and the Agency will be working with business and other key stakeholders to ensure a smooth transition to the new system. The Workplace Gender Equality Agency will also be contacting reporting organisations directly and regularly throughout the implementation period.

How do I find out more information?

More information can be found at [Frequently Asked Questions](#) and the [Workplace Gender Equality Agency](#).

Gender equality Act won't fix discrimination – BUT IT WILL MAKE EMPLOYERS ACCOUNTABLE

Law is limited in the extent to which it can force organisations to change their ways, observes Beth Gaze

We've all seen the reports of studies demonstrating women's inequality at work. It is well established that women are disproportionately under-represented in higher paid positions and industries, and that there is a gender pay gap of 17.5% between men and women. Lack of pay equity and equal opportunities are the elephants in the room for every woman in the Australian workforce.

Although the causes are complex, research suggests they are based in deep cultural expectations and stereotypes that are not to do with the efforts of individual women at work. Studies have shown that when identical CVs are sent out with male and female names attached, the male CVs receive more interest from employers and more favourable assessments. So these issues can't be simply dismissed as the result of lack of interest by women. Instead, we need to look at the ways workforce structures and practices, developed to suit the historical male role of full-time breadwinner, might tend to exclude women and limit their opportunities.

Australia's legislation requiring employers to provide equal opportunity programs for women at work (the *Equal Employment for Women at Work Act 1986* has now been amended and renamed the *Workplace Gender Equality Act*. It now aims to ensure equality at work for both women and men, with a focus on sex discrimination and treatment of workers with caring responsibilities.

Who's covered?

The Act applies to the same employers as the previous law: all higher education institutions and non-government employers of more than 100 employees are covered. The exclusion of small businesses appears to be an acknowledgement that smaller organisations may not have the human resources capacity to comply with the requirements. Public employment is also excluded.

Some areas, such as Commonwealth authorities and some state government employment are covered by other laws that impose equal employment opportunity requirements, and the law assumes that governments will adopt their own measures on gender and other grounds such as disability.

What's new?

Over its 26-year life, the Act has had limited impact on gender inequality at work. The new requirements apply to employers for the next reporting period ending in March 2014. Employers will no longer have to prepare an equal employment opportunity program to lodge with the renamed Workplace Gender Equality Agency set up by the Act. Instead, they will be required to report on 'gender equality indicators'. These will include:

- The gender composition of the workforce, and of any governing body such as a council or board of directors.
- Equal remuneration between women and men in their workforce.
- Availability and usefulness of employment terms, conditions and practices relating to flexible work, or supporting employees with family or caring responsibilities.

A new level of publicity will also be added. Most of the data reported to the Agency will be publicly available, and employers will be required to notify employees and shareholders of their reports and allow them an opportunity to comment. As a result, the Act will now require the production of data on employers' performance that is widely disseminated and publicly available. This approach accords with the modern management maxim "what gets measured gets done", and that transparency improves accountability, ensuring that actions are taken.

Minimum standards will be defined over time by the minister responsible via regulation from 2013. These are intended to be industry-specific, and failure to comply with minimum standards will be a breach of the Act. The Agency will be required to report to the minister every two years on progress towards equal opportunity for women at work.

Will it work?

Will it make a difference? It is clear that deep cultural change will be needed to move away from stereotypical expectations about the incompatibility of femininity and leadership; women's inherent responsibility for child-care; and the 'normal' worker being a full-time worker free of caring responsibilities according to the historical male model. In individual organisations, change occurs when it is championed with commitment from the top.

Law is limited in the extent to which it can force organisations to change their ways. It is not an automatic or complete solution. But the new approach has substantial potential to increase the accountability of organisations and encourage change in the necessary direction.

It will begin to build a record of data about gender equity in individual organisations and the workforce generally that is not otherwise available. Individual women will even be able to check the gender equity record of organisations they might be seeking work with.

The Act seeks to balance the need for change with the interests of employers in manageable requirements. Time will tell whether this balance has been effectively struck or needs further adjustment.

Beth Gaze is Assoc. Professor of Law at University of Melbourne.

Gaze, B (27 November 2012). 'Gender equality act won't fix discrimination, but it will make employers accountable', *The Conversation*. Retrieved from <http://theconversation.com/au> on 18 September 2013.

EXPLORING ISSUES

WORKSHEETS AND ACTIVITIES

The Exploring Issues section comprises a range of ready-to-use worksheets featuring activities which relate to facts and views raised in this book.

The exercises presented in these worksheets are suitable for use by students at middle secondary school level and beyond. Some of the activities may be explored either individually or as a group.

As the information in this book is compiled from a number of different sources, readers are prompted to consider the origin of the text and to critically evaluate the questions presented.

Is the information cited from a primary or secondary source? Are you being presented with facts or opinions?

Is there any evidence of a particular bias or agenda? What are your own views after having explored the issues?

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Brainstorm, individually or as a group, to find out what you know about gender discrimination and inequality.

1. What is gender equality, and why is it important?

2. What is sex discrimination, and how can it be prevented?

3. What is the 'glass ceiling', and who does it effect?

4. What is the *Workplace Gender Equality Act*, and who and what does it cover?



Consider the following statement and write a short essay discussing sexual harassment in the workplace from both an employer's and employee's point of view. In your essay explore the legalities, possible impacts, and appropriate action to be taken. Include examples of sexual harassment behaviour.

Sexual harassment can have a serious and damaging effect on a workplace. It can affect work performance and create a hostile work environment for those who experience and witness it.

[illegible][illegible]



RESEARCH ACTIVITIES

Complete the following activity on a separate sheet of paper if more space is required.

The aim of United Nations Millenium Development Goal 3 is 'to promote gender equality and empower women'.

Research ways in which this goal is being addressed in Australia and globally. Consider what progress has been made to achieve this goal, and include in your findings a list of successful outcomes, current efforts, and proposed programs.

AUSTRALIA

GLOBAL



MULTIPLE CHOICE

Complete the following multiple choice questionnaire by circling or matching your preferred responses. The answers are at the end of the next page.

1. The *Sex Discrimination Act* was first implemented in Australia in what year?
 - a. 1979
 - b. 1984
 - c. 1999
 - d. 2011
 - e. 2012
2. In what year was the *Workplace Gender Equality Act* passed by the Australian federal parliament?
 - a. 1979
 - b. 1984
 - c. 1999
 - d. 2011
 - e. 2012
3. In what year was the *Convention on the Elimination of All Forms of Discrimination Against Women* adopted by the United Nations General Assembly?
 - a. 1979
 - b. 1984
 - c. 1999
 - d. 2011
 - e. 2012
4. Edith Cowan was the first woman to enter any Australian Parliament when she was elected to the Western Australian Legislative Assembly. In what year was she elected?
 - a. 1881
 - b. 1921
 - c. 1943
 - d. 1973
 - e. 2002
5. Sexual harassment is any unwanted or unwelcome sexual behaviour. Which of the following behaviours are examples?
 - a. Suggestive comments or jokes
 - b. Intrusive questions about your private life
 - c. Requests for sex
 - d. Staring or leering
 - e. Inappropriate advances on social networking sites
 - f. All of the above
6. In June 2013, the *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013* was passed into law. Amendments include protections against discrimination on the basis of which of the following?
 - a. Gender identity
 - b. Marital or relationship status
 - c. Intersex status
 - d. Sexual orientation
 - e. All of the above



MULTIPLE CHOICE

Respond to the following statements by circling either 'True' or 'False':

- | | |
|--|--------------|
| a. Under the <i>Workplace Gender Equality Act</i> private sector employers with 100 or more employees are required to report annually on gender equality outcomes. | True / False |
| b. Girls do well at school but are less likely than boys to be fully engaged in study and/or work when they leave school. | True / False |
| c. Australia is ranked in the top 10 countries that have improved gender equality between 2012 and 2013. | True / False |
| d. Julia Gillard was Australia's first female Prime Minister. | True / False |
| e. Gender equality is internationally recognised as an important human rights issue. | True / False |
| f. Gender gaps in education and employment have no impact on economic growth. | True / False |
| g. An employer can legally refuse to employ a woman because she is pregnant. | True / False |
| h. Australia was one of the eight countries that drafted the <i>Universal Declaration of Human Rights</i> . | True / False |

MULTIPLE CHOICE ANSWERS

1 = b; 2 = e; 3 = a; 4 = b; 5 = f; 6 = e; 7 = a; 8 = c; 9 = d; 10 = f; 11 = g; 12 = h; 13 = i

- Iceland is the most advanced country in the world in terms of gender equality (World Economic Forum, *Increased Political Participation Helps Narrow Global Gender Gap in 2013*). (p.1)
- In 2011, 40 out of every 100 wage-earning jobs in the non-agricultural sector were held by women globally (UN, *The Millennium Development Goals*). (p.6)
- Research from 51 countries reveals that the proportion of women managers as a percentage of total managers in the private sector ranges from 10% to 43%, with the majority of countries falling between 20% and 35% (UN, *The Millennium Development Goals*). (p.8)
- At a national level, gender inequalities cost the Asia and Pacific region up to US\$ 47 billion every year (AusAID, *Gender equality*). (p.9)
- Two thirds of the 774 million adult illiterates worldwide are women – the same proportion for the past 20 years and across most regions (AusAID, *Gender equality*). (pp. 9, 10)
- By end-April 2013, women held 21.2% of seats in single or lower houses of parliament worldwide (AusAID, *Gender equality – statistics*). (p.9)
- Women farmers produce more than half the world's food – and between 60-80% in developing countries – but have far less access to land and resources than men farmers (AusAID, *Gender equality – statistics*). (p.9)
- Australia's aid program aims to help promote gender equality and empower women in partner countries. This is the goal of Millennium Development Goal 3. (p.10)
- The percentage of women in non-agricultural paid employment increased from 35% of the workforce in 1990 to almost 40% in 2011 (AusAID, *Gender equality: Why we give aid; How we give aid; Progress against MDGs*). (p.11)
- The *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. (p.13)
- Girls generally outperform boys at school, but are less likely overall to transition from school to full engagement in work, education or a combination of the two (COAG Reform Council 2013, *Tracking equity: Comparing outcomes for women and girls across Australia*). (p.14)
- In 2013, women's average weekly earnings were 17.5% lower than men's. (COAG Reform Council 2013, *Tracking equity: Comparing outcomes for women and girls across Australia*). (p.14)
- Australian women live longer than men – with a life expectancy of 84.2 years compared to 79.7 years. (COAG Reform Council 2013, *Tracking equity: Comparing outcomes for women and girls across Australia*). (p.15)
- There are nearly twice as many female primary carers of people with disability (523,200) as male (248,200). (COAG Reform Council 2013, *Tracking equity: Comparing outcomes for women and girls across Australia*). (p.15)
- Women who are pregnant or returning from maternity leave, and workers with family responsibilities, have rights under the *Sex Discrimination Act*. (p.17)
- In June 2013, the *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013* was passed into law. (p.19)
- In senior leadership positions, men outnumber women across the public and private sectors, as well as in the upper and lower houses of federal parliament. (p.21)
- Women make up half of Australia's total population (50%), however as of 1 January 2012, less than one-third (29%) of all Federal Parliamentarians across Australia were women (66 out of 226) (ABS, *Australian Social Trends, Dec 2012 – Women in Leadership*). (p.21)
- Prior to 1966, women were forced to resign from the Australian Public Service once they married, and were therefore inhibited from progressing their careers. (p.22)
- In 2006, women employed full time spent 6 hours and 39 minutes per day taking care of children, compared with men employed full time who spent 3 hours and 43 minutes (ABS, *Australian Social Trends, Dec 2012 – Women in Leadership*). (pp. 22-23)
- In 2012, 16% of board directors in the US were women, compared with 12.3% in Australia (ABS, *Australian Social Trends, Dec 2012 – Women in Leadership*). (p.23)
- Edith Cowan was the first woman elected to any Australian Parliament. (p.23)
- Globally, Australia ranks quite poorly in terms of women in parliament, coming in at equal 45th with Canada out of 142 nations in the Inter-parliamentary Union's database on women in parliaments. (Oliver, A, *Women in parliament: Australia vs the world*). (p.26)
- The *2012 Global Gender Gap Report*, shows that while Australia leads in terms of open access to education for both genders, we are in 68th place for income equality. By way of comparison, New Zealand ranks 16th. (p.27)
- Recent ABS data shows 20% more women aged 25-34 than men hold bachelors' degrees. (p.32)
- In Australia in 2008, women were reported to control or influence 72% of household spending (Workplace Gender Equality Agency, *The business case for gender equality*). (p.34)
- According to Roy Morgan Research, of all Australians who earn in excess of \$80,000 a year, 74% are men and 26% are women. (p.36)
- From 2014, the *Workplace Gender Equality Act* will require employers in the private sector with 100 or more employees to report annually against identified gender equality indicators, such as, equal remuneration between women and men. (pp. 38, 47)
- 1 in 5 people aged 15 years and older were sexually harassed in the workplace in the past 5 years (AHRC, *Sexual Harassment still widespread in Australian workplaces*). (p.40)
- In May 2013, the average weekly ordinary time earnings of women working full-time were \$1,252.20 per week, compared to men who earned an average weekly wage of \$1,518.40 per week (Workplace Gender Equality Agency, *Gender pay gap statistics*). (p.44)

Affirmative action

Positive action taken to create a situation which promotes and assists elements of equal opportunity. This can mean removing barriers to equal opportunity in the workplace, such as training women so that they are eligible for a promotion.

Breastfeeding discrimination

When a woman is treated less favourably because she is breastfeeding or needs to breastfeed over a period of time, e.g. if a cafe refused to serve a woman because she is breastfeeding. Indirect breastfeeding discrimination occurs when there is a requirement or practice that is the same for everyone but disadvantages women who are breastfeeding, e.g. if an employer does not allow staff to take short breaks at particular times during the day.

Discrimination

When someone is not treated as fairly as someone else in a similar situation, or treated differently because they are different in some way. Direct discrimination at work occurs when someone is treated unfairly or less favourably in the same or similar circumstances to other employees, e.g. because of their parental status or gender. Indirect discrimination can occur when there is a rule, policy, practice or procedure that is the same for everyone, but has an unequal or disproportionate impact on a specific group of people and the rule, policy, practice or procedure is not reasonable.

Equal opportunity

The law in Australia which says that everyone who has the necessary skills, experience and qualifications to do a job should be given an equal chance of getting that job.

Equal pay

The principle that men and women should receive the same payment when they perform the same work.

Family responsibilities discrimination

When a person is treated less favourably than another person because they have family responsibilities.

Gender

Socially constructed roles and attributes ascribed to men and women. These are learned and change over time, which means they can be changed for the improvement of all. They vary widely between societies and can be influenced by ethnicity, culture, class, age, religion, and historical and economic factors.

Gender equality

The equal valuing of the roles of women and men leading to both sexes being able to equally contribute to and benefit from economic, social, cultural and political developments within society.

Gender equity

The process of creating equitable outcomes for men and women. This may include equal or differential treatment, depending on the nature of the disadvantage or impediment preventing a more equitable outcome. Strategies such as affirmative action initiatives are an example of differential treatment to achieve a more equitable outcome.

Gender inequality

Unequal treatment or perceptions of individuals based on their gender.

Gender pay gap

The difference between the average of all female and all male earnings expressed as a percentage of male earnings.

Gender stereotypes

Widely held beliefs about the characteristics and behaviour of women and men. *See also* Gender.

Glass ceiling

The glass ceiling is the concept of an invisible barrier which prevents women (and others) from reaching the highest levels of management.

Misandry

The hatred, dislike, contempt for, or ingrained prejudice against men and/or boys.

Misogyny

The hatred of women and girls as a societal group or as individuals.

Parental leave

A collective term to describe maternity, paternity (partner) and adoption leave. Parental leave can be paid or unpaid leave. By law, 12 months unpaid must be made available to all parents (with at least 12 months' continuous service or 12 months' regular and systematic employment as a casual employee), but only one parent can take the leave at any one time, except for the 'paternity leave' period in which both parents can be on leave.

Pregnancy discrimination

When a woman is treated less favourably than another person because she is pregnant or because she may become pregnant.

Sex discrimination

Discrimination on the grounds of sex. The *Sex Discrimination Act* was passed in 1984 to stop people being discriminated against because of their sex, marital status, pregnancy or family responsibilities. Under the Act it is against the law to: discriminate against you because of your sex, marital status, or pregnancy; sexually harass you; dismiss you from your job because of your family responsibilities. You can complain to the Australian Human Rights Commission if you experience treatment that you think may be unlawful under the Act.

Sexism

Prejudice or discrimination based on a person's sex.

Sexual harassment

Any unwanted or uninvited sexual behaviour which is offensive, embarrassing, intimidating or humiliating. It has nothing to do with mutual attraction or friendship. Sexual harassment is a form of sex discrimination and is against the law.

Websites with further information on the topic

Australian Bureau of Statistics www.abs.gov.au
 Australian Government Office for Women www.dpmc.gov.au/women/index.cfm
 Australian Human Rights Commission www.humanrights.gov.au/sex-discrimination
 Chief Executive Women www.cew.org.au
 Department of Communities, Child Safety and Disability Services, Queensland – Women www.communities.qld.gov.au/communityservices/women
 Department of Human Services, Victoria – Women www.dhs.vic.gov.au/for-individuals/women
 Economic Security4Women www.security4women.org.au
 Global Gender Gap Report (World Economic Forum) www.weforum.org/issues/global-gender-gap
 National Rural Women's Coalition www.nrwc.com.au
 Office for Women, ACT www.communityservices.act.gov.au/women/office_for_women
 Office for Women, South Australia www.officeforwomen.sa.gov.au
 Older Women's Network www.own.org.au
 Reibey Institute www.reibeyinstitute.org.au
 Sexual Harassment in Australia www.sexualharassmentinaustralia.org
 UN Women unwomen.org
 Women NSW www.women.nsw.gov.au
 Women's Electoral Lobby wel.org.au
 WomenWatch (United Nations) www.un.org/womenwatch
 Working Women's Centres www.wwc.org.au
 Workplace Gender Equality Agency www.wgea.gov.au

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- World Economic Forum
- Workplace Gender Equality Agency
- Australian Human Rights Commission
- Department of Foreign Affairs and Trade.

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