



## Library Fellowship Paper



### **Hear My Voice: the experiences of Victorian women at work**

**No. 2, August 2016**

Lisa Heap  
Parliamentary Library Fellow

Professor (Adjunct)  
Institute for Religion, Politics and Society  
Australian Catholic University  
Level 6, 215 Spring St, Melbourne VIC 3000  
[lisa.heap@acu.edu.au](mailto:lisa.heap@acu.edu.au)

## Acknowledgments

The author would like to acknowledge the research assistance given by Jodi Peskett (VTHC) in the preparation of this paper. The author also gratefully acknowledges the help of her colleagues in the Parliamentary Library & Information Service in editing, formatting and proof-reading the paper: Igor Dosen, Jon Breukel, Caitlin Grover, Carolyn Macvean, Debra Reeves, and Helen Rosolen.

ISSN 2204-4752 (Print) 2204-4760 (Online)

© 2016 Parliamentary Library & Information Service, Parliament of Victoria



Research Papers produced by the Parliamentary Library & Information Service, Department of Parliamentary Services, Parliament of Victoria are released under a [Creative Commons 3.0 Attribution-NonCommercial-NoDerivs licence](#).

By using this Creative Commons licence, you are free to share - to copy, distribute and transmit the work under the following conditions:

- **Attribution** - You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work).
- **Non-Commercial** - You may not use this work for commercial purposes without our permission.
- **No Derivative Works** - You may not alter, transform, or build upon this work without our permission.

The Creative Commons licence only applies to publications produced by the Library, Department of Parliamentary Services, Parliament of Victoria.

All other material produced by the Parliament of Victoria is [copyright](#). If you are unsure please [contact us](#).

# Contents

---

- List of Abbreviations..... 1
- Overview ..... 2
- Victorian working women – the statistics ..... 3
  - Workforce make-up..... 3
  - Participation ..... 3
  - Unemployment..... 4
  - Rates of underemployment..... 4
  - Rates of underutilisation ..... 4
- Study methodology – a human rights-based approach ..... 5
- Who’s voice? – the demography of those who have participated so far ..... 7
  - Employment demographics..... 7
  - Other demographics ..... 7
- Interim results ..... 8
  - Gender-based violence at work..... 8
  - Impact of work/caring responsibilities ..... 9
  - Gender-based remuneration inequality ..... 10
- Issues for public/social policy..... 11
- Questions for action ..... 12
  - Gender-based violence in the workplace ..... 12
  - Work/caring responsibilities..... 12
  - Remuneration equality ..... 12
  - Conclusion ..... 13
- References..... 14

## List of Abbreviations

ABS	Australian Bureau of Statistics
ACU	Australian Catholic University
ADFVC	Australian Domestic and Family Violence Clearinghouse
AHRC	Australian Human Rights Commission
AIHW	Australian Institute of Health and Welfare
CALD	Culturally and Linguistically Diverse
DV Vic	Domestic Violence Victoria
GES	Gender Equality Strategy
HILDA	Household, Income and Labour Dynamics in Australia Survey
LGBTQI	Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex
PANEL	Participation, Accountability, Non-discrimination, Empowerment, Linkages
UNICEF	United Nations International Children’s Emergency Fund
VEOHRC	Victorian Equal Opportunity and Human Rights Commission
VIRWC	Victorian Immigrant and Refugee Women’s Coalition
VTHC	Victorian Trades Hall Council
WGEA	Workplace Gender Equality Agency
WIRE	Women’s Information and Referral Exchange
WRAW	Women’s Rights at Work

## Overview

---

Strategies to overcome women's barriers to work and women's inequality at work have been a focus of Australian public policy for several decades. Yet women in Australia continue to experience gender inequality at work.

The focus of this paper is an exploration of the interim results from a new study of Victorian working women<sup>1</sup> titled, Women's Rights at Work (WRAW), exploring the experiences of women at work. Commencing in April 2016, this interactive dialogue with Victorian working women will continue for three years. The WRAW study incorporates traditional survey based instruments with human rights based practice including facilitated workshops and self-led discussion groups. The study is designed to encourage women to share their experience of work in order to identify common issues and causes for concern. By examining the human rights implications arising from their experiences women are able to identify actions that can be taken to realise their human rights at work. Women are asked to consider what they can do to make change, as well as to identify the changes that are needed in their workplaces, to public policy and by governments.

To date, 519 Victorian women have participated in the WRAW study. Interim results demonstrate that women derive key economic and social benefits from participating in work, including economic independence, the ability to meet financial obligations and to financially support their families. Social benefits include the personal status and satisfaction they gain from participating in paid employment, as well as the enjoyment and strength they draw from friendships and camaraderie at the workplace. However, women continue to identify obstacles to their full enjoyment of work and life, including sexism, harassment, violence, discrimination, difficulties associated with balancing caring and work, a devaluing of their experience and expertise, lesser pay and remuneration for similar work than their male colleagues, restrictions on promotion and advancement opportunities and insecurity and precarity.

The small number of migrant and refugee women who have participated in the WRAW study to date have also identified racism and exploitation arising from job readiness training as barriers to entry into the workforce. Some women in regional areas have identified a lack of secure housing and social support when escaping family violence as a major barrier to finding and keeping work. Where discussion has occurred between women from different professions, industries, locations and socio-economic status groups, a key learning for the participants has been the extent to which both their positive and negative experiences at work are common.

The WRAW study results provide an evidence base to contribute to the development of public policy options to promote the realisation of women's human rights at work. To this end, interim results as set out in this paper will be forwarded to the Office for Women, Department of Premier and Cabinet, the Minister for Women and Family Violence, and the Minister for Industrial Relations. It is hoped that these results will be particularly useful in light of current preparations for the development of a Gender Equality Strategy for Victoria.<sup>2</sup>

So far the results suggest three emerging themes that warrant public policy intervention. Firstly, gender-based violence at work, including the existence of cultures of sexism that allow such violence to occur. Secondly, difficulties associated with work-caring responsibilities and the negative impact

---

<sup>1</sup> For the purpose of this study we have included in the definition Victorian working women those who are currently in paid work and those who are actively seeking work.

<sup>2</sup> The Victorian Government launched a Consultation Paper for a new Gender Equality Strategy on 27 November 2015.

that caring has on women’s status within the workplace. Thirdly, gender-based remuneration inequality, including inadequate retirement funds for women.

This paper briefly describes some relevant employment statistics for women in Victoria in order to establish context. The WRAW study methods and demography of participants will then be explored. The interim results, organised in accordance with the themes described above, are then documented. Finally, questions for public/social policy interventions are reviewed. In order to stimulate discussion regarding potential areas for public policy intervention, a number of questions are posed at the end of this paper.

## Victorian working women – the statistics

As an introduction to the issues raised in this paper, it is useful to provide a snapshot of some statistics regarding women’s employment in Victoria.<sup>3</sup> It is perhaps useful to note at this stage that Australian Bureau of Statistics (ABS) data, like most other data sources, does not capture workforce data in a disaggregated manner to build a picture of the diversity of women workers. However, readers are directed to the ABS Gender Indicators<sup>4</sup> from 2011-16 presents a useful summary of gender-specific data in six areas of social concern for gender equality: economic security, education, health, work and family balance, safety and justice, and democracy, governance and citizenship.

### Workforce make-up

In Victoria there are 1,459,900 women workers. This represents 46 per cent of the Victorian workforce. Women make up the majority of part-time workers (66 per cent) and about half of workers who are unemployed in Victoria.

**Table 1** Labour Force (May 2016)

Victoria	Total	Male	Female	% M/F
All	3,195,700	1,735,800	1,459,900	54.3 / 45.7
Fulltime	2,029,900	1,315,300	714,600	64.8 / 35.2
Part Time	986,300	330,300	656,000	33.5 / 66.5
Unemployed	182,200	91,700	90,500	50.3 / 49.7

### Participation

Women’s workforce participation has a significant effect on lifetime wealth and retirement savings.<sup>5</sup> In Victoria, there is a participation gap for women of 13.6 per cent, which is the same as the national average.

<sup>3</sup> All figures in this section are drawn from Australian Bureau of Statistics (2016) *Labour Force, Australia*, tables 1 and 5, cat. no. 6202.0, Canberra, ABS.

<sup>4</sup> Australian Bureau of Statistics (2016) *Gender Indicators*, cat. No. 4125.0, Canberra, ABS.

<sup>5</sup> Economics References Committee (2016) *A husband is not a retirement plan- achieving economic security for women in retirement*, final report, Senate, Canberra, The Committee, April, p. 31.

**Table 2** Participation rate % (May 2016)

Persons	Total	Male	Female
National	64.7	71.8	57.9
Victoria	64.7	71.8	57.9

## Unemployment

The unemployment rate for women in Victoria is higher than for men, and is also higher than the national average. Unemployment data measures the rate of people who are unemployed, part of the labour force and actively seeking work. Those who have indicated they are not seeking work are not included in unemployment figures.

**Table 3** Unemployment rate % (May 2016)

Persons	Total	Male	Female
National	5.7	5.7	5.7
Victoria	5.7	5.3	6.2

## Rates of underemployment

Underemployment measures workers aged 15 years and over who are not fully employed, i.e. part-time workers who indicate that they would prefer to work more hours (including those actively looking for more hours), and full-time workers who did not work full-time hours in the reference period for economic reasons, such as insufficient work being available.

**Table 4** Underemployment rate % (May 2016)

Persons	Total	Male	Female
National	8.4	6.8	10.3
Victoria	8.8	7.0	10.9

## Rates of underutilisation

Underutilisation measures the data for those who are unemployed and those that are underemployed. It therefore represents those people that are looking for more work, whether they are already employed or not.

**Table 5** Underutilisation rate % (May 2016)

Persons	Total	Male	Female
National	14.2	12.4	16.2
Victoria	14.7	12.6	17.2

Underutilisation data is useful as it can be used to show that women are willing to work or take on more hours, but the opportunities are not there and/or there are systemic barriers to this occurring. The figures appear to reject any presumption that women work part time due to voluntary domestic and other commitments.

For Victoria, the female underutilisation figure is 17.2 per cent compared to the male figure of 12.6 per cent, meaning close to one in five Victorian women are actively looking for, but are unable to attain sufficient hours at work.

## Study methodology – a human rights-based approach

---

This study has been designed to use action research methods within a human rights-based framework. Both in its subject matter, and in its pedagogy, this study adopts a human rights-based approach. Central to this approach is the emphasis on participants – harnessing their knowledge, skills and ideas and supplementing this with new knowledge or theory that is linked to what participants already know. The end point is the application of learning that empowers participants to take action to advance gender equality and realise the human rights of all within their workplaces, and to advocate for changes in public policy.<sup>6</sup>

The knowledge and experience of participants is at the centre of the process, as it acknowledges that they are the experts of their own experience and have knowledge and ideas that are relevant. Their input is necessary from the commencement of the process.<sup>7</sup> The focus of the research is on outcomes that participants can implement in real life situations. Empowering participants to take action is a fundamental feature of this human rights-based approach.<sup>8</sup>

The WRAW study has been designed to embrace the Participation, Accountability, Non-Discrimination and Equality, Empowerment and Legality (PANEL) approach that the United Nations has applied to its development work in recent years.<sup>9</sup> This approach is a process-driven approach to developing policy, conducting research and service delivery.<sup>10</sup> It is consistent with the aims of encouraging participation and self-efficacy in individuals and organisations. The British Institute of Human Rights, the Australian Human Rights Commission (AHRC) and the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) all use the PANEL approach.<sup>11</sup> Those who implement initiatives under the Victorian *Charter of Human Rights and Responsibilities Act 2006* (Vic) (the Charter) will be also be familiar with this approach.

---

<sup>6</sup> J. Ife (2010) *Human Rights from Below: achieving rights through community development*, Cambridge University Press, Port Melbourne, p. 212.

<sup>7</sup> M. Bernbaum et al. (2000) *The Human Rights Education Handbook: effective practices for learning, action and change*, Human Rights Resource Centre, University of Minnesota, Minneapolis, pp. 23-26.

<sup>8</sup> F. Tibbits (2005) *Transformative Learning and Human Rights Education: taking a closer look*, *Intercultural Education*, 16(2), Taylor & Francis Online, p. 1.

<sup>9</sup> United Nations Children's Emergency Fund (2004) Annex B: *Human Rights Based Approach - Statement of Common Understanding*, New York, UNICEF, pp. 91-93; United Nations High Commissioner for Human Rights (2006) *Frequently Asked Questions on a Human Rights Based Approach to Development Cooperation*, New York, United Nations.

<sup>10</sup> J. K. Boesen & T. Martin (2007) *Applying a Rights Based Approach: an inspirational guide to civil society*, The Danish Institute for Human Rights, Copenhagen.

<sup>11</sup> D. Sisley (2011) Public Lecture: introduction to a human rights based approach, Melbourne, RMIT, February.

In the context of this study, the key aspects in applying the PANEL framework are:

- **participation** and involvement of Victorian working women with the aim of building their capacity through this participation;
- **accountability** to stakeholders (the participants and organisations) and the wider community in the public interest. This includes sharing the results of the study and any actions or advocacy arising from it;
- **non-discrimination/intersectionality** by recognising those that may be disempowered and more vulnerable and actively addressing issues to ensure this disempowerment or vulnerability is overcome (e.g. Aboriginal women, young women, culturally and linguistically diverse (CALD) women, lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) women, women in insecure work or vulnerable positions in the labour market, women in not traditional industries or occupations);
- **empowerment** of people to recognise and realise their human rights and build their capacity to take action to achieve this; and,
- **linkage** of issues and experiences raised to human rights instruments and the rights they seek to realise in order to provide a framework for action.

The study has been designed to model good practice in the area of social and public policy development and review. Key to this good practice is a recognition that both the process used and the results achieved are equally important.

This study involves traditional survey based instruments, facilitated workshops and self-led discussion groups (*Women's Rights at Work – WRAW – Chats*). The survey instrument is available online and is open for any person who identifies as a woman to complete. At the time of writing this paper, 282 women have completed the online survey. The benefit of this approach is the breadth of access. The survey can be promoted through a range of channels. So far the survey has been promoted through the Victorian Trades Hall Council (VTHC) women's network, various unions, the VTHC website and Facebook pages, the Women's Information and Referral Exchange (WIRE), Domestic Violence Victoria (DV Vic), Women's Health Victoria, the Victorian Immigrant and Refugee Women's Coalition (VIRWC) and Transgender Victoria. There are methodological difficulties with this approach. The breadth of representation in the survey responses is a matter to consider. Using existing networks in order to promote the survey could create a bias in the data. However, the diversity of organisations that have engaged with the process helps to address these concerns.

The discussion groups can be facilitated or self-led and can be held wherever women are together – in the workplace, mother's groups, social clubs, friendship circles or forums specifically organised for this purpose. Participants are provided with a kit (the *WRAW Chat Kit*) that sets out the steps in the process and provides worksheets to assist in structuring and documenting their conversation. During the discussion groups, participants work through a conversation that is designed to:

- capture their own experiences of work (good and bad);
- identify key issues of concern regarding their experiences at work;
- identify the underlying causes or factors contributing to these key issues of concern;
- consider the changes they would like to see in their workplaces; and,
- describe the action they can take to see this change take place as well as identifying actions or changes that can take place within their unions, to public policy and by governments.

Participants are asked to make a commitment to themselves and to others within their workplace/group and to an agenda for change that supports the realisation of their human rights at work.

To date, discussion groups have occurred in various metropolitan Melbourne locations and also in Traralgon, Wodonga and Ballarat.

## Who's voice? – the demography of those who have participated so far

---

This paper reflects preliminary results. Not all of the data collected to date was able to be included at the time of writing this paper.

The following is a demographic summary of the 282 participants who have completed the online survey.

### Employment demographics

- 100% of participants had participated in paid employment in the past;
- 93% of participants were in paid employment in the last six weeks;
- 85% of participants would like to participate in paid work in the future;
- 63% of participants worked 35 hours or more;
- 63% of participants are employed on an ongoing basis;
- 20% of participants are employed on fixed term basis; and,
- 17% of participants are employed casually.

### Other demographics

- 98% of participants are Australian Citizens or residents;
- 92% of participants speak only English at home;
- 74% of participants had a Bachelor's Degree or higher qualification.
- 58% of participants were union members;
- 37% of participants were aged 25-34;
- 33% of participants indicated that they had caring responsibilities for a parent or other adult with an illness or disability;
- 32% of participants indicated they had caring responsibilities with a majority of these caring responsibilities being for either preschool or school aged children.
- 24% of participants were identified as LGBTQI;
- 23% of participants were aged 35-44;
- 12% of participants were identified as having a disability; and,
- 2% of participants were identified as Aboriginal.

The above demographic information provides a useful snapshot of survey participants. However, it also indicates that some outreach is necessary in the next stages of the study in order to increase the diversity of those participating. The survey has reached women with professional qualifications who are English speakers. Given the survey is only currently available in English and via electronic sources this is not surprising. Including data from the discussion groups may increase the diversity of participants. There have been a number of discussion groups with women without tertiary qualifications. Moreover, there has been greater diversity in ethnic background in discussion groups where migrant and refugee women have been specifically engaged and where translation has been available.

Reflecting on this data our methods now need to turn to a number of often vulnerable groups of women who are underrepresented, particularly Aboriginal and Torres Strait Islander women and those with a disability. Affirmative strategies for engaging these groups and other CALD women now

need to be adopted. The flexibility within the design of the study, and a commitment to a human rights-based approach will allow us to address these deficiencies.

## Interim results

---

The results of both the survey and the discussion groups identified three emerging themes:

- the existence of wide spread gender-based violence at work including the pervasiveness of cultures of sexism that underpin this;
- ongoing difficulties for women associated with work / caring responsibilities and the negative impact that caring has on women's status within the workplace; and,
- the impact of persistent gender-based remuneration inequality including on women's retirement funds.

The women's responses to these themes will now be explored in turn.

### Gender-based violence at work

I have had my manager wolf whistle at another woman worker, and when I said that is not okay to do at work the manager asked me if I was jealous. I raised this harassment with my manager's boss and he said the issue was a personality clash.

- Copy Writer and Editor (Carlton North)

I was working in an office and it was commonplace for the male employees to openly tell me what they wanted to do with me sexually. This was done frequently both verbally and in writing. It was before I went into health - I was working in financial trading and was even traded by the male staff.

- Environmental Health Worker (Melbourne Western Suburbs)

- 64% of respondents have experienced bullying, harassment or violence in their workplace;
- 60% of respondents report having felt 'unsafe, uncomfortable or at risk' in their workplace;
- 44% of respondents report having experienced discrimination at work;
- 23% of respondents don't feel that they are treated with respect at work; and,
- 19% of respondents cited 'unsafe work environment' as a factor in their decision to leave paid work.

The impact of gendered violence at work is significant. Many women have reported illness arising from sustained gender-based violence. Others have reported leaving secure employment to remove themselves from the risk where employers fail to address the issue or the culture. The health and safety impacts of workplace cultures of sexism were highlighted in the recent independent review by the VEOHRC into the culture of Victoria Police.<sup>12</sup>

Many participants have indicated that management responses to complaints of gendered violence in the workplace are inadequate. They have little confidence that cultures of sexism at work will be tackled in any comprehensive way that brings about real change.

---

<sup>12</sup> Victorian Equal Opportunity and Human Rights Commission (2015) *Independent Review into sex discrimination and sexual harassment, including predatory behaviour in Victoria Police: Phase One Report - Dec 2015*, Melbourne, VEOHRC, December.

Some participants also disclosed that they were victims/survivors of family violence. In the 2011 Safe at Home, Safe at Work<sup>13</sup> survey of 3,600 workers, nearly one third reported they had experienced family violence. Nearly half of those who had experienced family violence reported that the violence affected their capacity to get to work. This was mainly due to the abuser inflicting physical injury or restraint (67 per cent), followed by hiding keys and failing to care for children. Nearly one in five (19 per cent) of workers who experienced family violence in the previous 12 months reported that the violence continued at the workplace, commonly in the form of abusive phone calls and emails (12 per cent) and the partner physically coming to their workplace (11 per cent). The main reported impact was on work performance, with 16 per cent of victims reporting being distracted, tired or unwell, 10 per cent needing to take time off, and seven per cent being late for work.<sup>14</sup>

All who have raised this issue have also highlighted the importance of support and flexibility from their workplace in helping to remove themselves from violence and to make necessary ongoing arrangements. Some participants have reported difficulties in getting practical help at the workplace, such as an adjustment to working hours, relocation to another location or difficulties and delays in getting approvals for leave even where this entitlement exists in workplace agreements.

### Impact of work/caring responsibilities

Working part time to look after my children hinders career progression, such that I am working casually and not competitive for ongoing positions.

- Postdoctoral Research Fellow (Northcote)

According to the AHRC, 36 per cent of mothers experience discrimination on their return to work after pregnancy. Of that number, half reported discrimination when they requested flexible work arrangements, and almost a quarter reported being made redundant/restructured, were dismissed or did not have their contract renewed.<sup>15</sup>

The results of the most recent Household, Income and Labour Dynamics in Australia (HILDA) survey show that 'approximately 88 per cent of lone parents are women.'<sup>16</sup>

Women continue to perform the majority of unpaid caring and domestic work and bear the economic consequences of balancing these responsibilities.<sup>17</sup> As a result, women with caring responsibilities are more likely to be employed in lower paying jobs and in less secure employment.<sup>18</sup>

The AHRC has observed that the limited availability of flexible working arrangements and quality affordable childcare presents a barrier to women's participation in paid work and the subsequent reduced accumulation of retirement savings in superannuation.<sup>19</sup> Participants in our study confirmed that this is a significant issue.

---

<sup>13</sup> McFerran, L. (2011) *Safe at Home, Safe at Work?: National Domestic Violence and the Workplace Survey 2011*, Australian Domestic and Family Violence Clearinghouse (UNSW), Sydney.

<sup>14</sup> *ibid.*, p. 18.

<sup>15</sup> Australian Human Rights Commission (2014) *Supporting Working Parents: pregnancy and return to work National Review Report*, Canberra, AHRC, p. 29.

<sup>16</sup> R. Wilkins (2016) *The Household, Income and Labour Dynamics in Australia Survey: selected findings from waves 1-14*, Melbourne Institute of Applied Economic and Social Research, University of Melbourne, p. 17.

<sup>17</sup> Australian Institute of Health and Welfare (2015) *Australia's welfare 2015: in brief*, Australia's welfare no. 12. cat. no. AUS 193, AIHW, Canberra, p. 52.

<sup>18</sup> Economics References Committee (2016) *op. cit.*, p. 31.

<sup>19</sup> Australian Human Rights Commission (2014) *op. cit.*, p. 10.

Participants in the survey were asked the question: how well do your working hours fit in with your family/and or social commitment outside of work? On a scale of 0-10 where, 0 = not at all well and 10 = very well, 38 per cent of participants provided a ranking of 5 or below. The difficulties obtaining flexible working arrangements upon return to work following maternity leave, as documented in the AHRC report above, were confirmed by women in the discussion groups. Women frequently reported having to take lower status roles in order to get part-time hours or moving to less secure working arrangements in order to achieve the flexibility they needed to accommodate their caring responsibilities. Further, participants reported a perceived shift in the way their organisations viewed them once they have caring responsibilities, citing less access to more complex or important work, professional development, training and mentoring opportunities and higher duties. A lack of access to these opportunities has a compound effect, as those matters are significant in terms of future promotional opportunities.

## Gender-based remuneration inequality

In order to fulfil family and caring responsibilities, I work part time (30+ hours per week), but this will affect my superannuation. Also, as a part-time worker, I find I still have to work on my day off at times, which as it is a managerial position, is unpaid.

-Manager (higher education), 45 – 54 years old (Geelong)

My male co-worker got a slightly larger pay rise than me and I trained him on an inventory management system. He also takes excessive time off.

- Store person (manufacturing), 45 – 54 years old

The Workplace Gender Equality Agency defines the gender pay gap as the difference between women's and men's average weekly full-time equivalent earnings, expressed as a percentage of men's earnings. The national gender pay gap as of March 2016 was 17.3 per cent (full-time average weekly earnings). The Victorian gender pay gap as of March 2016 was 14 per cent (full-time average weekly earnings).<sup>20</sup>

The Australian Institute of Health and Welfare reports that nearly two-thirds (65 per cent) of primary carers aged 25–64 found it hard to meet everyday living costs because of their caring role.<sup>21</sup>

According to Industry Super Australia, the superannuation gender gap for women upon retirement is 47 per cent.<sup>22</sup> 29 per cent of women over 65 are living below the poverty line.<sup>23</sup>

According to the Senate Economics References Committee, the current provisions of the Fair Work Act 2009 (Cth)<sup>24</sup> regarding equal remuneration have been found to have limited efficacy given their adversarial nature, complexity and lengthy time delays.<sup>25</sup>

Interim results from the WRAW survey show that:

---

<sup>20</sup> Workplace Gender Equality Agency (2016) *Gender Pay Gap Statistics*, Sydney, Commonwealth Government of Australia, March.

<sup>21</sup> Australian Institute of Health and Welfare (2015) op. cit., p. 52.

<sup>22</sup> Industry Super Australia (2015) *The gender superannuation gap - without policy action now, women will retire with far less than men for decades to come*, media release, 10 March.

<sup>23</sup> ibid.

<sup>24</sup> *Fair Work Act 2009* (Cth).

<sup>25</sup> Economics References Committee (2016) op. cit., p. 21.

- 71 per cent of participants indicated that they were worried about their current financial situations or their financial future. 58 per cent of participants did not feel confident that they would have enough savings or superannuation on retirement. A further 28 per cent indicated that they did not know if they would have enough for the future.
- 45 per cent of participants indicated that they either didn't think they were paid fairly or did not know if they were paid fairly. 38 per cent of participants did not know what others were getting paid in their workplace.
- Over a quarter of participants indicated that they currently had difficulty meeting household costs such as insurance, power, utilities and petrol. 19 per cent had difficulties meeting the costs of groceries whilst 19 per cent found it difficult to meet the costs of rent and 15 per cent the costs of mortgage.

## Issues for public/social policy

---

The three themes of inequality emerging from this study, as outlined above, warrant consideration from employers, unions, government and academics. One overarching question that can be asked is why, in the face of evidence that inequality exists, is it allowed to continue in our workplaces? Culture changes must be considered as central to any future action. Participants in this study are describing workplace cultures that continue to foster gender inequality. The persistence of this problem, in the face of mounting evidence, warrants the contemplation of action, if for no other reason than that it is having a major impact on Australia's economic growth.<sup>26</sup>

A gender equality strategy should look to points of intervention that will promote the realisation of women's human rights at work. Women should be free from discrimination, harassment and violence at work. They should not be disadvantaged or discriminated against because of their family or caring responsibilities. There should be equal remuneration for work of equal and comparable value. Each of these fundamental human rights has been included in the laws that govern our workplace and yet gender inequality persists. This suggests that in addition to creating rights, there is a need for interventions that will help women to realise their rights at work.

The Victorian Government is currently considering the content of a Gender Equality Strategy (GES) for the state, which is due to be released in November 2016. Central to achieving gender equality is the economic empowerment of women. Work is central to both economic empowerment of women and also to their overall health and well-being. Women's experience of work should therefore form part of this gender equality strategy.

The Victorian Government has the opportunity to model the GES as both an exemplar of good practice and an incubator, testing new ideas that it can then promote to the private sector. Initiatives at the whole of government level should include:

- ensuring public expenditure and all government decision making is put through a gender equality lens;
- achieving equal gender representation for appointments to cabinet and other key roles within the public service, judiciary, tribunals etc.;
- ensuring that, as a procurer of goods and services the government makes decisions in alignment with the GES;
- taking affirmative strategies on women's employment in line with the GES; and,
- funding the collection of labour force data that can be disaggregated to capture the experience of vulnerable groups of women, which will assist to map the progress of gender equality at work.

---

<sup>26</sup> Economics References Committee, op. cit., p. 31.

## Questions for action

---

During the course of this study women have been asked to consider what they can do personally to make changes that will promote the realisation of their human rights at work. Given the interim results of this study, the following framework of questions is designed for those who can influence public/social policy to consider what they can do to promote gender equality at work. These questions have been grouped under the three themes of inequality which have emerged from this study.

### Gender-based violence in the workplace

- Why do cultures of sexism continue to exist at work? Is this a reflection of sexism in the community? What can be done to better address this wider issue?
- What is the role of leaders in the workplace in setting the standard that eradicates sexism and gender inequality?
- How well equipped are our workplace leaders to understand and tackle gender inequality and sexism at work? How can governments assist in helping workplace leaders?
- Is gender-based violence at work considered a serious health and safety risk? What role can WorkSafe play in mitigating this risk?
- How can government support initiatives that raise family violence as an issue to be addressed in the workplace?
- How can we ensure that family violence leave and associated entitlements are contained in workplace agreements and that these entitlements are easily accessible at the workplace?
- Should employment and equal opportunity/discrimination laws be amended in order to ensure that being a victim of family violence is a 'protected attribute'?

### Work/caring responsibilities

- Why do women continue to experience discrimination upon return to work from parental leave?
- Given numerous government initiatives to promote employer awareness of the benefits of providing family friendly working arrangements why is there still cultural resistance to implementing these strategies?
- Can work force development strategies be undertaken to help employers more effectively plan for, and integrate, the caring responsibilities of their employees into their operations? Is there particular assistance that can be given to small or medium sized businesses?
- Will gender equality ever be achieved if women continue to shoulder the overwhelming responsibility for caring for young children and dependent adults? Are there policy levers that government can utilise to encourage men's uptake of caring responsibilities?
- Are there incentives, beyond awards/recognition schemes, that government can offer to encourage employers to improve practice in this area? Are penalties needed where employers fail to address gender inequality within their workplace?
- Are amendments needed to the Fair Work Act to require employers to accept requests for flexible work arrangements on return to work following parental leave?
- Are amendments needed to equal opportunity laws to provide a positive duty on employers to accommodate the needs of workers who are pregnant or have family responsibilities?

### Remuneration equality

- How does lack of transparency around remuneration perpetuate the gender pay gap? Should there be a requirement to publish remuneration data across the board? Can the Victorian government play a leading role in this?

- Whilst the gender pay is widespread amongst industries and professions, very few organisations have specific strategies to combat it. Should gender pay audits become mandatory across the board? Do employers have the tools to perform such audits? Can the government assist employers to develop and use these tools?
- The current provisions within the Fair Work Act do not facilitate easy access to remedies for remuneration inequality. Are there changes that can be made to remove barriers to quick determination of these matters? Do employers and unions need to be supported to progress these matters given the public interest in removing gender pay inequality?
- How can women's superannuation earnings be improved in order to overcome historical inequality and to recognise their absence from paid employment due to unpaid caring responsibilities?
- Why aren't women paid superannuation when receiving paid parental leave? Can the Victorian Government advocate for a change to the Commonwealth Paid Parental Leave scheme to support inclusion of superannuation during parental leave? How do we encourage employers to also include superannuation in parental leave payments?
- What is the link between insecure work and the gender pay gap? Are there opportunities, from inquiries such as the Victorian Labour Hire and Insecure Work Inquiry to make changes?
- What role can government procurement have in achieving gender equality? Will the Victorian Government adopt a procurement standard that requires all organisations funded by the government or contracting to the government to demonstrate workforce practices consistent with a gender equality statement?

## Conclusion

These are just some of the important questions which could be considered by employers, unions and the government when promoting greater gender equality in the workplace and in addressing a future gender equality strategy. The results gathered from this interim study into Women's Rights at Work will form the basis for a consolidated report once further studies have been concluded.

## References

---

- Australian Bureau of Statistics (2016) *Gender Indicators*, cat. no. 4125.0, Canberra, ABS.
- Australian Bureau of Statistics (2016) *Labour Force Australia*, cat. no. 6202.0, Canberra, ABS.
- Australian Human Rights Commission (2014) *Supporting Working Parents: pregnancy and return to work national review report*, Sydney, AHRC.
- Australian Institute of Health and Welfare (2015) Australia's welfare 2015: in brief, Australia's welfare no. 12. cat. no. AUS 193, AIHW, Canberra.
- Bernbaum, M., N. Flowers, K. Rudelius-Palmer, & J. Tolman (2002) *The Human Rights Education Handbook: effective practices for learning, action and change*, Human Rights Resource Centre, University of Minnesota, Minneapolis.
- Boesen, J. K. & T. Martin (2007) *Applying a Rights Based Approach: an inspirational guide to civil society*, The Danish Institute for Human Rights, Copenhagen.
- Commissioner for Human Rights (2006) *Frequently Asked Questions on a Human Rights Based Approach to Development Cooperation*, New York, United Nations.
- Economics References Committee (2016) *A husband is not a retirement plan- achieving economic security for women in retirement*, final report, Senate, Canberra, The Committee, April.
- Ife, J. (2010) *Human Rights from Below: achieving rights through community development*, Cambridge University Press, Port Melbourne.
- Industry Super Australia (2015) *The Gender Superannuation Gap – without policy action now, women will retire with far less than men for decades to come*, media release, 10 March.
- McFerran, L. (2011) *Safe at Home, Safe at Work?: National Domestic Violence and the Workplace Survey 2011*, Australian Domestic and Family Violence Clearinghouse (UNSW), Sydney, October.
- Sisley, D. (2011) *Introduction to a Human Rights Based Approach*, Melbourne, RMIT University, February.
- Tibbits, F. (2002) 'Understanding What We Do: emerging models for human rights education', *International Review of Education*, 48(3-4), pp. 159 -171, Springer, New York City.
- Tibbits, F. (2005) 'Transformative Learning and Human Rights Education: taking a closer look', *Intercultural Education*, 16(2), Taylor & Francis Online.
- United Nations Children's Emergency Fund (2004) Annex B: *Human Rights Based Approach - Statement of Common Understanding*, New York, UNICEF, pp. 91-93.
- Victorian Equal Opportunity & Human Rights Commission (2015) *Independent Review into sex discrimination and sexual harassment, including predatory behaviour in Victoria Police: Phase One Report*, Melbourne, VEOHRC, December.
- Wilkins, R. (2016) *The Household, Income and Labour Dynamics in Australia Survey: selected findings from waves 1-14*, Melbourne Institute of Applied Economic and Social Research, University of Melbourne.
- Workplace Gender Equality Agency (2016) *Gender Pay Gap Statistics*, Sydney, Commonwealth Government of Australia, March.

## About this publication

---

This research report was written by Victorian Parliamentary Library Fellow Professor Lisa Heap from the Institute for Religion, Politics and Society at the Australian Catholic University in Melbourne. Professor Heap was appointed Professor (Adjunct) by the Australian Catholic University (ACU) in recognition of her experience in the area of work and labour law. She is a practicing solicitor working in the area of workplace relations and discrimination law and currently leads the area of women's policy and strategy at the Victorian Trades Hall Council (VTHC). She forms part of a team of academics at the ACU currently engaged in a research project called 'Cities and Successful Societies', which examines the impact of social and economic changes on happiness and well-being. For more information, visit <http://irps.acu.edu.au>.

Research papers by Parliamentary Research Fellows offer views which are independent to the Victorian Parliamentary Library & Information Service. These research papers are designed to stimulate broader discussion and encourage wider debate on issues of topical interest. Any views expressed are those of the author(s).

Information in this paper was current as at the time of printing. It should not be considered as a complete guide to the particular subject or legislation covered. While it is intended that all information provided is accurate, it does not represent professional legal opinion.

All links are current and available as at the time of publication.

For information relating to this paper email [women@vthc.org.au](mailto:women@vthc.org.au)

## Library Fellows

The Victorian Parliamentary Library Fellowship provides academics, scholars, PhD candidates and post-doctoral researchers with an opportunity to undertake research to advance parliamentary and political studies in Victoria. Library Fellows can utilise the Parliamentary Library's historical collection and resources and are invited to deliver forums and papers of topical interest to Members of Parliament.

### **Enquiries:**

Jon Breukel  
Coordinator, Research & Inquiries  
Victorian Parliamentary Library & Information Service  
Parliament House  
Spring Street, Melbourne  
Telephone (03) 9651 8633  
[www.parliament.vic.gov.au](http://www.parliament.vic.gov.au)