

2010

Gender Equality
Blueprint



**Australian
Human Rights
Commission**

everyone, everywhere, everyday

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The time to act is now

In 2008, I published *Gender equality: What matters to Australian women and men*. It was the report of my Listening Tour, which involved extensive consultations with women and men across the country.

In these discussions, people from all walks of life shared the challenges they faced, as well as their hopes for the future. My key finding was that gender equality matters to both women and men – but that progress towards this goal had stalled.

Since then, as independent Sex Discrimination Commissioner, my office at the Australian Human Rights Commission, along with governments, business and community groups, has worked hard to put the spotlight on practical ways to improve equality between women and men.

As an independent Commission, we have been involved in nine major national government reviews which impact on gender equality since the change of national government in late 2007.¹

These reviews have placed gender equality firmly back on the national agenda. They have also generated some of the best thinking in our country about the steps we now need to take as a nation.

The Australian public supports change. The path ahead is clear. In 2010, we have an unprecedented opportunity to take a major leap forward with national reform.

My *Gender Equality Blueprint 2010* sets out key reforms that are a priority for our country at this time. It builds on the excellent work of all those committed to gender equality in this country.

Some of the reforms proposed here do not involve significant cost. Some are already underway, but more needs to be done to entrench genuine progress.

These reforms do not represent all that needs to be done to achieve gender equality in Australia. However, I recognise that the road to equality is long and we cannot achieve everything at once. That's why my goal here is to identify the top priority reforms which are achievable **right now**.

As a mother of a young girl and boy, I believe that every one of us – as a parent, brother, sister, aunt or uncle – wants to ensure that the gender of our children does not undermine their birth right to equality.

After all, equality is the starting and end point for a life filled with hope, opportunity, financial security and positive relationships.

The time to act is now.



Elizabeth Broderick

Sex Discrimination Commissioner
Australian Human Rights Commission

June 2010



Elizabeth Broderick

Sex Discrimination Commissioner

About the Sex Discrimination Commissioner

Elizabeth Broderick was appointed Sex Discrimination Commissioner under the *Sex Discrimination Act 1984* in September 2007 for a five year term. The Sex Discrimination Commissioner is a part of the Australian Human Rights Commission, an independent statutory authority and Australia's national human rights institution.

The Sex Discrimination Commissioner leads the work of the Commission to address gender-based discrimination, sexual harassment and other barriers to gender equality in Australia.

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Recommendations

The *Gender Equality Blueprint 2010* sets out recommendations in five priority areas which significantly affect both the public and private lives of women and men:

- Balancing paid work and family and caring responsibilities
- Ensuring women's lifetime economic security
- Promoting women in leadership
- Preventing violence against women and sexual harassment
- Strengthening national gender equality laws, agencies and monitoring

Balancing paid work and family and caring responsibilities

Recommendation 1

To better support parents and families, the legislated independent review of the new *Paid Parental Leave Act 2010* two years after its commencement should give particular consideration to providing:

- superannuation on paid leave
- a minimum of two weeks paid leave for fathers and other supporting parents
- over time a full year of paid parental leave that can be shared between parents, to ensure that children receive the care they need at this important early stage
- within the full year of paid parental leave, a minimum of four weeks paid leave for fathers and supporting parents, available on a 'use it or lose it' basis, to enable them to be involved in caring during the first year of their child's life
- leave paid at the rate of at least two thirds of income, so that more families can afford to take the leave.

Recommendation 2

To make flexible work a normal part of workplace culture, the National Employment Standard and the Sex Discrimination Act should be amended to:

- provide comprehensive protection from discrimination on the grounds of all forms of family and carer responsibilities to both women and men in all areas of employment
- place a positive duty on employers to reasonably accommodate a worker's family and carer responsibilities, including through the provision of flexible work arrangements.

Recommendation 3

To better support working families and ensure children in all age groups are able to access age appropriate care, early childhood education and care and school age care policy reforms must:

- establish a strong national body to oversee the ongoing development and improvement of early childhood education and care in Australia. The national body must be adequately funded to drive national reform in a transparent manner, with a lead role in policy and planning, operating as a single point of national accountability
- ensure improvements under the National Quality Framework do not lead to increases in costs to individual parents and families
- ensure services deliver equal outcomes to all children, including children in regional and remote areas, Indigenous children, children from culturally and linguistically diverse communities and children with specific needs
- provide greater options for families for non-standard hours child care services
- introduce a scheme of financial incentives or grants for primary and secondary schools, community based organisations and children's services to introduce innovative and age appropriate activities outside school hours and in school holidays
- promote greater accessibility and coordination between all services for children, including schools, recreation and sport programs and health-related services and programs.

Ensuring women's lifetime economic security

Recommendation 4

To ensure women receive the same pay as men for doing paid work of equal or comparable value:

- the Equal Opportunity for Women in the Workplace Agency, the Sex Discrimination Commissioner, the Australian Human Rights Commission and Fair Work Australia should be provided with the mandate and resources to develop a National Pay Equity Strategy
- the Equal Opportunity for Women in the Workplace Act should be amended to make pay equity a specific 'employment matter'
- the new wage setting body of Fair Work Australia should establish a specialist unit to develop and monitor pay equity mechanisms

- measures should be put in place to promote greater transparency in relation to pay rates, including in individual contracts
- funding should be provided to ensure that any decision of Fair Work Australia arising from the Australian Services Union’s application for an Equal Remuneration Order on behalf of Social and Community Service workers can be implemented without job losses or reduction of services.

Recommendation 5

To make life in retirement fair for both women and men:

- the super co-contribution scheme should be extended. This scheme has particularly benefited women who are more likely to be low income earners
- a gendered analysis of the findings of the *Henry Review* and responses by the Australian Government should be prepared to ensure that changes to the tax system help close the gap in economic security between men and women
- an independent inquiry into recognising unpaid caring work within Australia’s superannuation and pension schemes should be undertaken.

Recommendation 6

To ensure all women can access safe, secure and affordable housing:

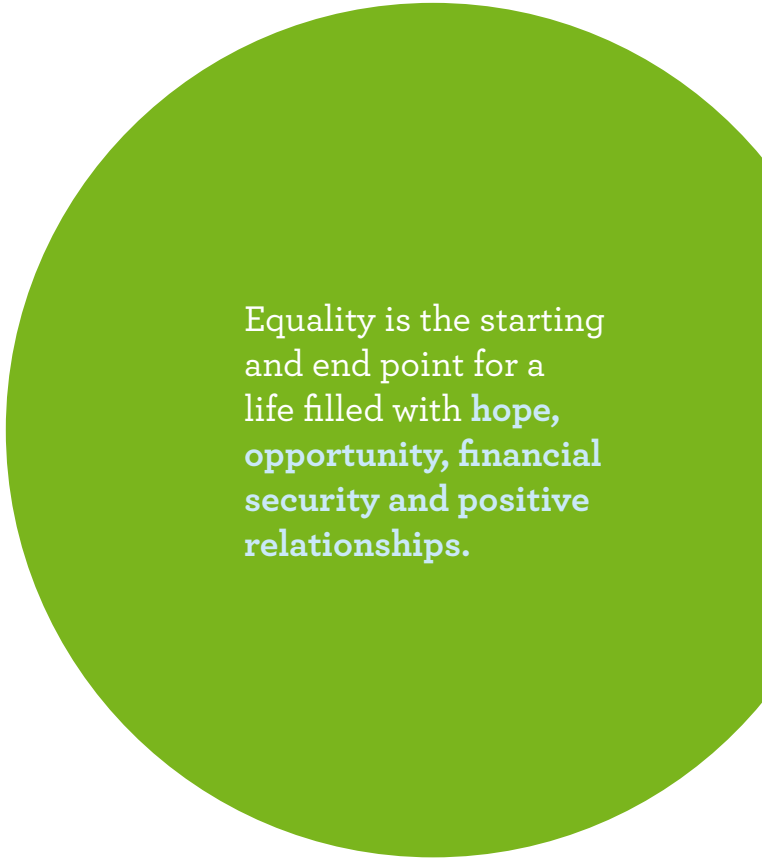
- a National Housing Strategy should be developed and implemented with the aim of delivering equal outcomes for women and men
- national responses to homelessness and affordable housing should be disaggregated by gender and other relevant characteristics to monitor equality of outcomes
- all government funded research, reporting, monitoring and evaluation frameworks should include disaggregated data collection and analysis of the outcomes being achieved for vulnerable groups, including women and their children
- national initiatives to eliminate violence against women, including legal support services, should be integrated with national housing and homelessness initiatives
- a review of tenancy laws should be undertaken to better protect people from being evicted into homelessness.

Promoting women in leadership

Recommendation 7

To strengthen the representation of women at decision-making levels:

- a minimum target of 40% representation of each gender on all Australian Government Boards within three years should be set, publicly announced and progress should be reported annually
- a minimum gender equality target in the Senior Executive Service in the Australian Public Service should be set, publicly announced and progress should be reported annually
- all publicly listed companies providing goods or services to the Australian Government should be certified by the Equal Opportunity in the Workplace Agency
- a target of 40% representation of each gender on all publically listed Boards in Australia, to be achieved over five years should be promoted. If progress is not made, the Australian Government should consider legislating to require publicly listed companies and other large employers to achieve a mandatory gender diversity quota of a minimum of 40% of both genders within a specified timeframe, failing which penalties will be imposed.



Recommendation 8

To lift the profile and voices of women who are making a genuine difference in their communities:

- women’s organisations and representatives should be specifically and adequately supported to participate fully in local, national, regional and international policy and decision-making processes
- meaningful and ongoing consultation with grassroots communities, women’s organisations and women’s alliances should be undertaken in the development of government policy
- Australian delegations to regional or international intergovernmental bodies should reflect the diversity of women in Australia.

Preventing violence against women and sexual harassment

Recommendation 9

To reduce the incidence of violence against women and ensure women who experience violence have access to adequate support:

- both national structures and adequate Commonwealth funding should be in place to support coordinated and strategic implementation of the National Plan to Reduce Violence Against Women across jurisdictions and sectors
- a suitable independent statutory office to monitor and inform the development of the National Plan should be identified and adequately funded. It should contribute to the development of a national research and education agenda and promote best practices.
- services responding to the needs of women and girls who have experienced violence should be adequately funded as an urgent priority
- independent advocacy organisations and representatives should be adequately resourced to contribute to the development and evaluation of the National Plan
- the Australian Government should invite the UN Special Rapporteur on Violence Against Women to visit Australia to contribute to independent monitoring of the nation’s ‘zero tolerance’ approach to gender-based violence.

Recommendation 10

To strengthen protection from sexual harassment:

- the Sex Discrimination Act should be amended to provide greater protection from sexual harassment for students and workers, as proposed by the Australian Government in its response to the review conducted by the Senate Committee
- the powers of the Sex Discrimination Commissioner should be strengthened by inserting into the Sex Discrimination Act a function for the Commissioner to initiate investigations within Australian workplaces without requiring an individual complaint, in order to drive down the incidence of sexual harassment
- a national Sexual Harassment Prevention Strategy should be developed and implemented to assist all employers and workers understand their rights and responsibilities in regards to sexual harassment. The strategy should focus on prevention and education with key roles for the Equal Opportunity in the Workplace Agency, the Sex Discrimination Commissioner/Australian Human Rights Commission and Fair Work Australia.

Strengthening gender equality laws, agencies and monitoring

Recommendation 11

To build effective gender equality machinery in this country:

- the Australian Government should improve the quality of government decision-making and policy-making relating to women by ensuring that the federal Office for Women is adequately funded and has influence at the highest level of government
- the independent agencies that contribute to gender equality should be strengthened, including the Equal Opportunity for Women in the Workplace Agency and the Australian Human Rights Commission
- concrete measures such as the setting of targets should be considered to increase the proportion of women running for election and entering both houses of federal Parliament.

Recommendation 12

To strengthen the Sex Discrimination Act and promote substantive gender equality, the SDA should be immediately amended to:

- implement the Australian Government’s response to the Senate Legal and Constitutional Committee’s *Report into the Effectiveness of the Sex Discrimination Act (Cth) 1984*

- insert a function for the Sex Discrimination Commissioner to commence self-initiated investigations for alleged breaches of the Sex Discrimination Act, without requiring an individual complaint.

- the Australian Government should support the Australian Human Rights Commission and other national human rights institutions to secure independent participation status at the United Nations Commission on the Status of Women.

Recommendation 13

To ensure women experience equal outcomes in the workplace:

- the EOWW Act should be amended to change its name to the *Gender Equality in the Workplace Act* and rename the Equal Opportunity in the Workplace Agency as the Gender Equality in the Workplace Agency
- the achievement of gender equality should be a key object of the EOWW Act
- the EOWW Act should be amended to cover Australian Government departments and statutory agencies with 100 employees or more
- the EOWW Act should be amended to include pay equity as a separate ‘employment matter’
- the Equal Opportunity in the Workplace Agency should be adequately funded so that it can properly fulfil its statutory mandate.

Recommendation 14

To genuinely chart our progress on gender equality:

- the Sex Discrimination Act should be amended to require the Sex Discrimination Commissioner to monitor progress towards eliminating sex discrimination and achieving gender equality and report to Parliament every two years
- the Australian Bureau of Statistics should be resourced and required to generate gender-disaggregated data and analysis to enable independent monitoring of progress towards gender equality.

Recommendation 15

To promote and protect all human rights, including the right to equality:

- Australia’s reservations under CEDAW should be removed
- a process of constitutional reform to protect the principle of equality for all people in Australia should be commenced



Why does achieving gender equality matter?

Australia has made significant progress towards achieving equality between women and men since the federal Sex Discrimination Act was enacted in 1984.

Women appear to have all the same formal opportunities as men and, as a result, many in Australia believe that the task of achieving gender equality is complete.

Did you know that?

Women make up 50.2% of the Australian population.²

Australia is one of a group of countries ranked first for women's educational attainment.³

Overall, Australia is ranked 20 in the World Economic Forum Global Gender Gap Index,⁴ behind Norway, the Philippines and the United Kingdom but ahead of the United States, Austria and Singapore.

Yet in very important ways women still experience significant inequality and disadvantage, particularly when we look over the course of a lifetime.

Here are some telling facts:

- Women in Australia currently earn approximately 82 cents in the male dollar (full-time adult ordinary time earnings) and the gender gap in pay has widened over the last four years.⁵
- Between 2008 and 2009, Australia's international ranking for women's participation in the workforce dropped from 40th to 50th position.⁶
- Women chair only two per cent of ASX200 companies (four Boards) and hold only 8.3% of Board Directorships.⁷
- Women spend almost three times as many hours per week looking after children as men.⁸
- Average superannuation payouts for women are less than half that received by men – \$63,000 compared with \$136,000.⁹
- Women make up 73% of Single Age Pension recipients.¹⁰

Australian women still have limited choice when it comes to paid work, often because of their family and

caring responsibilities. When women do work, they are typically paid less than men for work of equal or comparable value.

This leads to women having less than half the superannuation that men receive when they retire. We also know that women are more likely to experience poverty than men and be far more reliant on the Age Pension.¹¹

If gender equality is everyone's birth right, is this fair?

Gender inequality costs us all. It costs women and men, their families, our communities and the national economy.

Australian women are among the most highly educated in the world, yet their participation in paid work remains comparatively low.

If we are committed to increasing Australia's productivity then it is crucial that all people who want to be in paid work are able to be employed to the maximum of their skills, abilities and aspirations. Gender should not – and must not – be a barrier to participation.

As the World Economic Forum has noted, "there is a strong correlation between the gender gap and national competitiveness ... a nation's competitiveness depends significantly on whether and how it educates and utilises its female talent."¹²

Australia faces a number of serious economic and social challenges. A top priority is to build a strong and productive workforce in the midst of a rapidly ageing population.

The proportion of people aged over 85 is expected to quadruple by 2050, while the proportion over 65 will double.¹³ Supporting women to participate more equally with men in paid work is essential in order to expand the nation's tax base and fund essential services.

Continuing gender inequality also threatens women's basic right to feel safe and respected at work, in public, in places of study and, especially, at home.

It is a disturbing reality that many Australian women and girls experience harassment and violence during their lives.

Gender-based violence occurs on a continuum, ranging from demeaning attitudes towards women, to sexual harassment and, at its most severe, crimes against women such as sexual assault and family and domestic violence.

Did you know that?

One in three Australian women experiences physical violence in their lifetime.¹⁴

Nearly one in five Australian women experiences sexual assault in their lifetime.¹⁵

In 2009, violence against women and their children cost the Australian economy an estimated \$13.6 billion.¹⁶

Violence against women in any form is unacceptable. It has serious and long-term consequences for individuals and for families, as well as significant economic costs for the community.

Australia has made great strides towards achieving equality between men and women. However, systemic barriers such as these still remain.

Gender equality will not occur simply because we have anti discrimination laws in place. It requires a commitment from all people in Australia – women and men – to counter the attitudes and assumptions that lead to discrimination and unequal outcomes.

On top of that, achieving gender equality requires our elected political representatives to drive and champion the policy reforms that are needed to build a stronger, more productive and fairer Australia.

The recommendations in this Blueprint are informed by the Australian Human Rights Commission's submissions to nine major national reviews which impact on gender equality since the change of government in late 2007:

The Blueprint identifies specific actions that need to be taken over the next term of government to progress gender equality in Australia.

December 2008

SEX DISCRIMINATION ACT

Senate Legal and Constitutional Affairs Inquiry into the effectiveness of the *Commonwealth Sex Discrimination Act 1984* in eliminating discrimination and promoting gender equality (12 December 2008)

VIOLENCE AGAINST WOMEN

National Council to Reduce Violence Against Women and their Children, National Plan to Reduce Violence Against Women and Their Children (March 2009)

SUPPORT FOR CARERS

House of Representatives Inquiry into Better Support for Carers (1 May 2009)

RETIREMENT SAVINGS

Australian Government, Australia's Future Tax System (Retirement Income System) Inquiry (the Henry Tax Review) (12 May 2009)

PAID PARENTAL LEAVE

Productivity Commission Inquiry into Paid Maternity, Paternity and Parental Leave (12 May 2009)

PAY EQUITY

House of Representatives Standing Committee on Employment and Workplace Relations Australian Inquiry into pay equity and associated issues related to increasing female participation in the workforce (24 November 2009)

HOMELESSNESS

House Standing Committee on Family, Community, Housing and Youth, Inquiry into Homelessness Legislation (29 November 2009)

HUMAN RIGHTS

National Human Rights Consultation (8 October 2009)

EOWA REVIEW

Government Review of the Equal Opportunity for Women in the Workplace Act and Agency (16 October 2009)

January 2010

1. Balancing paid work and family and caring responsibilities

1.1 Improving the Paid Parental Leave Scheme

Did you know that?

Norway first introduced some form of paid parental leave in 1936.¹⁷

Australia has been one of only two OECD countries that did not have a national scheme of paid parental leave.

When Norway introduced paid leave specifically for fathers, the percentage of men using their leave jumped from four per cent to 70%.¹⁸

On 17 June 2010, the Australian Parliament passed the *Paid Parental Leave Act 2010*, which will deliver Australia's first statutory Paid Parental Leave scheme on 1 January 2011. This is an historic victory for all women and parents in Australia.

The scheme will provide 18 weeks leave paid to the primary carer at the federal minimum wage.

The scheme will provide a significant step towards reducing the workplace disadvantage that women experience following the birth of a child and enable parents to stay at home to care for their baby during the vital early stages.

However, there are a number of significant gaps in the current Paid Parental Leave scheme that must be addressed.

The scheme does not include superannuation. There is also no specific paid leave for fathers and other supporting parents.

Improving the scheme over time will better protect women's financial security and provide a greater opportunity for fathers and other supporting partners to bond with their babies and share in their care.

Australian men and women overwhelmingly believe (90%) that men should be as involved in parenting as women,¹⁹ and that equal participation in caring work leads to greater financial and social equality over the life course.

One of the most common reasons that women and a growing number of men struggle to stay in paid work is **because of their responsibility for the care of children and other loved ones.**

Recommendation 1

To better support parents and families, the legislated independent review of the new *Paid Parental Leave Act 2010* two years after its commencement should give particular consideration to providing:

- superannuation on paid leave
- a minimum of two weeks paid leave for fathers and other supporting parents
- over time a full year of paid parental leave that can be shared between parents, to ensure that children receive the care they need at this important early stage
- within the full year of paid parental leave, a minimum of four weeks paid leave for fathers and supporting parents, available on a 'use it or lose it' basis, to enable them to be involved in caring during the first year of their child's life
- leave paid at the rate of at least two thirds of income, so that more families can afford to take the leave.

1.2 Making flexible work an accepted part of Australian workplace culture

Did you know that?

- In a week where 3.2 million employees provided unpaid care to someone, only 15% used flexible working arrangements to help them provide that care.²⁰
- 40% of parents say they want greater flexibility in their job or their partner's job.²¹
- Men are more likely to want greater flexibility to care for their children than women (46% compared with 40%).²²
- Lower income earners (under \$30,000 pa) are more likely than middle and high income earners to need greater flexibility.²³

One of the most common reasons that women and a growing number of men struggle to stay in paid work is because of their responsibility for the care of children and other loved ones.

In many workplaces, caring is still seen as an individual choice. Workplaces do not adequately support employees who have caring roles. Many workers are not able to obtain the flexible work arrangements they need. When it gets too hard to juggle their various responsibilities, some have no option but to resign.

There has been a lot of talk about the importance of 'flexible work' and getting the 'work-life balance' right.

However, the simple reality is that quality flexible working arrangements are still not common in Australian workplaces. Where flexible work policies are available, unsupportive workplace cultures mean that many workers – and men in particular – report being reluctant to use them. Men report concerns about money, concerns about adverse effects on careers, fears about job security, negative attitudes of supervisors and lack of awareness about leave as reasons for their low take-up.²⁴ While women report having better access to family friendly employment conditions, using these often comes at the expense of job quality, pay, satisfaction with hours worked and career progression.²⁵

To be effective, flexible work arrangements need to be an accepted part of all Australian workplaces. They need to

be available to both men and women and cover all forms of caring responsibilities, not just young children.

This is particularly important as our population ages and the need for workers to care for older parents and family members increases.

The National Employment Standard (NES) on the right to request a flexible work arrangement commenced on 1 January 2010 under the *Fair Work Act 2009*. The NES is a welcome recognition of the reality that many workers need to balance paid employment with their family and caring responsibilities.

Unfortunately, the NES in its current form does not properly address the full range of caring responsibilities that workers often have to meet. The right to request flexible work is currently restricted to carers of a child below school age or a child under 18 years old with a disability.

However, carers of older children, elderly parents or a family member with a disability may also need flexible work arrangements to meet their caring responsibilities and remain in paid employment.

The Sex Discrimination Act in its current form also provides only limited protection from discrimination on the grounds of family and caring responsibilities.

The Australian Government has accepted a number of the Senate Committee's recommendations from the *Inquiry into the Effectiveness of the Sex Discrimination Act*, including those relating to family and caring responsibilities.

The proposed changes to the *Sex Discrimination Act* would expand the protection of both female and male workers from discrimination on the grounds of their family and carer responsibilities.

Recommendation 2

To make flexible work a normal part of workplace culture, the National Employment Standard and the Sex Discrimination Act should be amended to:

- provide comprehensive protection from discrimination on the grounds of all forms of family and carer responsibilities to both women and men in all areas of employment
- place a positive duty on employers to reasonably accommodate a worker's family and carer responsibilities, including through the provision of flexible work arrangements.

1.3 Supporting parents through affordable, accessible, quality early childhood education and care and school age care

Many parents who want to stay in paid work after they have children rely on formal childcare. Parents use a range of services to assist them balance their paid work with their responsibilities for their children – childcare for infants, care and education for preschool aged children and outside school hours care for school aged children. These services also support children's social, cognitive, physical and emotional development.

However, parents continue to experience difficulty in finding appropriate care for infants, preschool education and care for school aged children before and after school and during school holidays.²⁶

The lack of appropriate and affordable childcare has been identified as one of the main barriers to women returning to work after having children.²⁷

Some parents report care fees are prohibitive, sometimes costing them more than they earn. Others struggle to find a place for their child, even when they can afford to pay. For parents using childcare and after school hours care, getting to these centres on time can be stressful and costly. Many parents still do the 'double drop-off', dropping one child at childcare and another at school. To complicate matters, the hours when care is available can often be incompatible with paid work hours, particularly shift work.

Some parents also question the quality of care their children receive or the age appropriateness of activities and care.

Increasingly, grandparents are being called on by their adult children to 'fill the gap' and provide this care. As a result they may have to reduce, or even give up, their own paid work to provide care for their grandchildren.

In 2009, Australian Governments agreed to a new National Quality Framework to improve early childhood education and care in Australia. The agreement includes a commitment to establish a new national body jointly governed between the Commonwealth and the state and territories.²⁸

Recommendation 3

To better support working families and ensure children in all age groups are able to access age appropriate care, early childhood education and care and school age care policy reforms must:

- establish a strong national body to oversee the ongoing development and improvement of early childhood education and care in Australia. The national body must be adequately funded to drive national reform in a transparent manner, with a lead role in policy and planning, operating as a single point of national accountability
- ensure improvements under the National Quality Framework do not lead to increases in costs to individual parents and families
- ensure services deliver equal outcomes to all children, including children in regional and remote areas, Indigenous children, children from culturally and linguistically diverse communities and children with specific needs
- provide greater options for families for non-standard hours child care services
- introduce a scheme of financial incentives or grants for primary and secondary schools, community based organisations and children's services to introduce innovative and age appropriate activities outside school hours and in school holidays
- promote greater accessibility and coordination between all services for children, including schools, recreation and sport programs and health-related services and programs.

2. Ensuring women's lifetime economic security

2.1 Pushing for pay equity

Did you know that?

- Women in Australia currently earn approximately 82 cents in the male dollar (full-time adult ordinary time earnings) and the gender gap in pay has widened over the last four years.²⁹
- The gender pay gap is even greater when women's part-time and casual earnings are considered, with women earning just two thirds the amount men earn.³⁰
- Women are more likely to work under minimum employment conditions and be engaged in low-paid, casual and part-time work.³¹
- Australian women are over-represented in low-paid industries, with high levels of part-time work in retail, hospitality and personal services sectors.³²

A concerted effort is needed to close the gender pay gap in Australia.

Women in Australia currently earn approximately 82 cents in the male dollar (full-time adult ordinary time

earnings) and the gender gap in pay has widened over the last four years.³³

Pay inequity affects women's involvement in the workforce in the short term and has long-lasting effects on women's financial security. The consequences of pay inequity are more than financial. The fact that women on average earn less than men can limit the choices available to women and men trying to balance their work and family life. Couples make decisions about the division of paid work and unpaid caring work based on whose salary can better provide for the family's needs.

The Australian workforce is highly segregated by gender and female-dominated industries have been historically undervalued. For example, industries such as aged care, child care, health and community services are all female-dominated and generally lower paid compared to male-dominated industries such as engineering, banking and finance.³⁴

The gender pay gap is not limited to female-dominated industries. It is also particularly pronounced in ASX200 companies. Among the key management personnel in these companies for whom remuneration data is available, the pay gap is 28.3% – more than 10% higher than the current national average gender pay gap.³⁵

Recommendation 4

To ensure women receive the same pay as men for doing paid work of equal or comparable value:

- the Equal Opportunity for Women in the Workplace Agency, the Sex Discrimination Commissioner, the Australian Human Rights Commission and Fair Work Australia should be provided with the mandate and resources to develop a National Pay Equity Strategy
- the *Equal Opportunity for Women in the Workplace Act* should be amended to make pay equity a specific 'employment matter'
- the new wage setting body of Fair Work Australia should establish a specialist unit to develop and monitor pay equity mechanisms
- measures should be put in place to promote greater transparency in relation to pay rates, including in individual contracts
- funding should be provided to ensure that any decision of Fair Work Australia arising from the Australian Services Union's application for an Equal Remuneration Order on behalf of Social and Community Service workers can be implemented without job losses or reduction of services.

Women who take time out of paid work to care for children or other family members are penalised in retirement savings.

Did you know that?

- 2.8 million women and 1.6 million men aged 15 years and over are not covered by superannuation.³⁶
- Half of all women between 45 and 59 have \$8,000 or less in superannuation.³⁷
- Current average superannuation payouts for women are less than half that received by men – \$63,000 compared with \$136,000.³⁸
- Of all household types in Australia, elderly single women are at the greatest risk of persistent poverty, with more than half of elderly single women living in poverty.³⁹
- Many women are reliant on the Age Pension due to minimal retirement savings – 73% of single Age Pensioners are women⁴⁰ and 58.3% of all Age Pensioners are women.⁴¹

2.2 Closing the gender gap in retirement incomes, superannuation and valuing unpaid work

During my Listening Tour, many women expressed real concern about how they would make ends meet in their retirement years.

There is a major gap between the financial security of Australian men and women in later life and women face a much greater risk of living in poverty.

The fears of individual women are confirmed by the available facts.

Australia's retirement income system is based on compulsory savings enforced through the superannuation guarantee and voluntary savings (both through superannuation and other sources). The government-provided Age Pension supplements this income.

Superannuation savings are directly linked to paid work. This means women who take time out of paid work to care for children or other family members are penalised in retirement savings. Women do two thirds of the unpaid caring and domestic work in Australian households⁴² and spend almost three times as many hours each week looking after children as men.⁴³

Reforms are needed to the whole retirement income system to ensure women, who receive lower salaries in paid work and perform the majority of unpaid work in the home, are not left in poverty in their retirement.

In particular, the retirement income system needs to include mechanisms that provide a financial reward for unpaid caring work carried out during a person's lifetime.

The reviews conducted by the Australian Government have so far failed to grapple with the gender inequality inherent in Australia's retirement income system. While the recently announced changes to the superannuation system may have some benefits for people on low incomes, the persistent gender pay gap and the continuing 'broken' work patterns of women mean their retirement savings will continue to lag behind those of men.

Recommendation 5

To make life in retirement fair for both women and men:

- the super co-contribution scheme should be extended. This scheme has particularly benefited women who are more likely to be low income earners⁴⁴
- a gendered analysis of the findings of the *Henry Review* and responses by the Australian Government should be prepared to ensure that changes to the tax system help close the gap in economic security between men and women
- an independent inquiry into recognising unpaid caring work within Australia's superannuation and pension schemes should be undertaken.

2.3 Providing safe, secure and affordable housing

Did you know that?

- Women account for 62% of people using homelessness assistance services.⁴⁵
- Domestic violence is the most common reason why women with children access homelessness assistance services.⁴⁶
- Single women with children are the biggest group of people reliant on Commonwealth Rent Assistance.⁴⁷
- There will be a significant increase in the number of single women entering the homeless population over the next two decades.⁴⁸

Australia is facing a national housing crisis, with not enough supply to meet the demand of a growing population.

The rising cost of housing means that women, with less financial resources at their disposal than men, are particularly vulnerable to living in insecure or inadequate housing.

Women can also experience periods of homelessness, especially following domestic or family violence or the breakdown of a relationship.

A house is more than just a secure place to live; the type of housing available to people directly affects their lifetime economic security.

Recommendation 6

To ensure all women can access safe, secure and affordable housing:

- a National Housing Strategy should be developed and implemented with the aim of delivering equal outcomes for women and men
- national responses to homelessness and affordable housing should be disaggregated by gender and other relevant characteristics to monitor equality of outcomes
- all government funded research, reporting, monitoring and evaluation frameworks should include disaggregated data collection and analysis of the outcomes being achieved for vulnerable groups, including women and their children
- national initiatives to eliminate violence against women, including legal support services, should be integrated with national housing and homelessness initiatives
- a review of tenancy laws should be undertaken to better protect people from being evicted into homelessness.

3. Promoting women in leadership

3.1 Strengthening representation at decision-making levels

Did you know that?

- Women chair only two per cent of ASX200 companies (four boards), hold only 8.3% of Board Directorships, hold only four CEO positions and make up only 10.7% of executive management positions.⁴⁹
- In 2008, women held 5.9% of line executive management positions in ASX 200 companies; a decrease from 7.5% in 2006.⁵⁰ Line executive management experience is considered essential for progressing to top corporate positions.
- Women make up a third of members on Australian Government Boards and Committees.⁵¹
- Despite comprising more than half of all Commonwealth public servants, women make up only 37% of the Senior Executive Service.⁵²

Despite making up 45% of Australia's total workforce, women remain grossly under-represented in leadership and management positions in virtually all sectors.

The number of women in leadership positions in the public and private sector is not representative of women's interest or ability.

Further, increasing the representation of women at decision-making levels would help challenge and change the gendered culture of workplaces and institutions.

Corporate Australia is taking concrete steps to remedy gender inequality in its leadership structures. The revised *ASX Corporate Governance Principles and Recommendations*, which come into effect on 1 January 2011, require ASX200 companies to set targets for increasing the number of women on their Boards and at senior executive level.

These new reporting requirements are a welcome call to action to business to address the low representation of women at decision-making levels.

Most state and territory governments have already put in place gender equality targets for government-appointed Boards and Committees and these have had a dramatic impact on the representation of women on these bodies.

It is time for the Australian Government to follow suit and take concrete steps to ensure greater gender equality in Australian Government appointments, including on Boards and Committees and within the Australian Public Service as a whole.

Recommendation 7

To strengthen the representation of women at decision-making levels:

- a minimum target of 40% representation of each gender on all Australian Government Boards within three years should be set, publicly announced and progress should be reported annually
- a minimum gender equality target in the Senior Executive Service in the Australian Public Service should be set, publicly announced and progress should be reported annually
- all publicly listed companies providing goods or services to the Australian Government should be certified by the Equal Opportunity in the Workplace Agency
- a target of 40% representation of each gender on all publically listed Boards in Australia, to be achieved over five years should be promoted. If progress is not made, the Australian Government should consider legislating to require publicly listed companies and other large employers to achieve a mandatory gender diversity quota of a minimum of 40% of both genders within a specified timeframe, failing which penalties will be imposed.

3.2 Lifting the voices of women in civil society

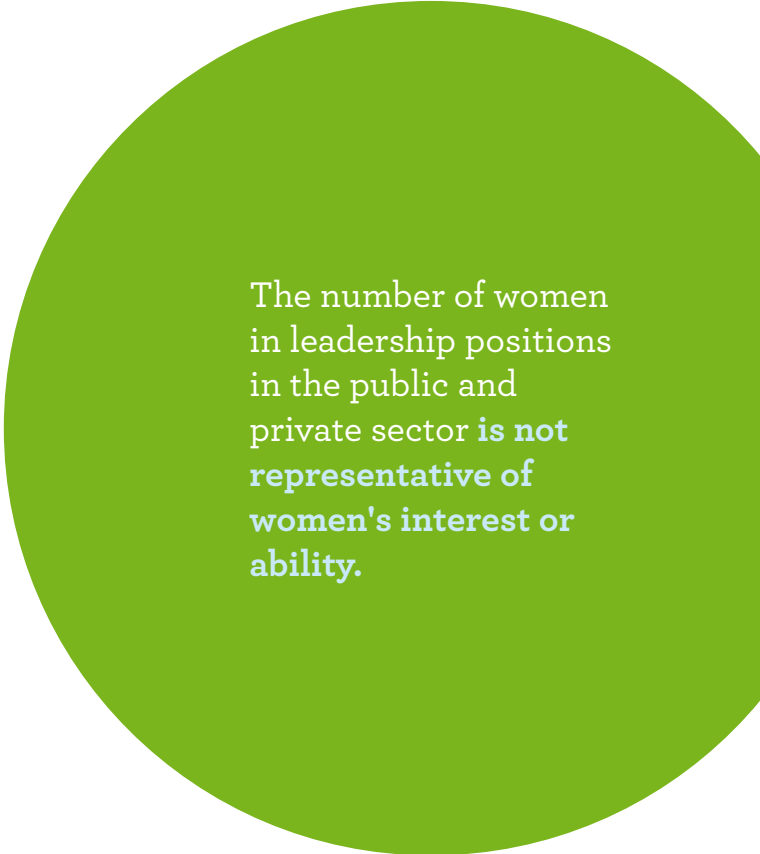
Women also play crucial leadership roles in civil society, developing initiatives to improve the health and well-being of their communities. They ensure that women are able to have a voice in the formation and implementation of legislation, policies and services which affect their lives.

It is crucial that women leaders have the opportunity to share their skills, experience and insights with others in Australia and abroad. It can be particularly difficult for women from different ethnic, religious and cultural backgrounds to participate in meetings and fora at a national and international level.

Recommendation 8

To lift the profile and voices of women who are making a genuine difference in their communities:

- women's organisations and representatives should be specifically and adequately supported to participate fully in local, national, regional and international policy and decision-making processes
- meaningful and ongoing consultation with grassroots communities, women's organisations and women's alliances should be undertaken in the development of government policy
- Australian delegations to regional or international intergovernmental bodies should reflect the diversity of women in Australia.



The number of women in leadership positions in the public and private sector **is not representative of women's interest or ability.**

4. Preventing violence against women and sexual harassment

4.1 Putting an end to violence against women

Did you know that?

One in three Australian women has experienced physical violence since the age of 15.⁵³

Nearly one in five Australian women has experienced sexual assault since the age of 15.⁵⁴

Reporting and conviction rates for violence against women in Australia remain low. Only one in three women who experienced physical assault by a male perpetrator in the last 12 months reported the assault to the police, while just one in five who experienced sexual assault by a male perpetrator reported the assault.⁵⁵

It is a basic right for women and girls to feel safe at home, work, in their place of study and in public.

However, many women in Australia continue to experience harassment and violence as an everyday reality.

It is a basic right for women and girls to be safe at home, work, in their place of study and in public.

It is commendable that the Australian Government has taken a 'zero tolerance' approach to violence against women and has committed to a National Plan to address the problem.

The *National Plan to Reduce Violence against Women and their Children* and its three-year *Action Plan* is currently being developed by the Council of Australian Governments. The Plan must be more than a new set of initiatives – it is time for a new federal approach to violence against women.

In order to be effective, a National Plan must create national structures which ensure cooperation and consistency across all Australian jurisdictions.⁵⁶

International research and experience suggests a national-level body, with a strong mandate, should drive the implementation and further development of the National Plan.⁵⁷

Recommendation 9

To reduce the incidence of violence against women and ensure women who experience violence have access to adequate support:

- both national structures and adequate Commonwealth funding should be in place to support coordinated and strategic implementation of the National Plan to Reduce Violence Against Women across jurisdictions and sectors
- a suitable independent statutory office to monitor and inform the development of the National Plan should be identified and adequately funded. It should contribute to the development of a national research and education agenda and promote best practices.
- services responding to the needs of women and girls who have experienced violence should be adequately funded as an urgent priority
- independent advocacy organisations and representatives should be adequately resourced to contribute to the development and evaluation of the National Plan
- the Australian Government should invite the UN Special Rapporteur on Violence Against Women to visit Australia to contribute to independent monitoring of the nation's 'zero tolerance' approach to gender-based violence.

4.2 Preventing sexual harassment

Did you know that?

- One in five women experiences sexual harassment in the workplace in their lifetime.⁵⁸
- There is a lack of community understanding about what sexual harassment is. Around one in five people who stated that they had not experienced 'sexual harassment' had experienced behaviours that may meet the legal definition of sexual harassment.⁵⁹
- In 2008, only 16% of people who had been sexually harassed in the workplace in the previous five years formally reported it or made a complaint.⁶⁰

Sexual harassment remains a chronic problem in Australian workplaces, despite being outlawed for over 25 years.

During my Listening Tour, people shared stories about sexual harassment in every state, industry and workplace that I visited. It is present across all levels of the workplace, although employers remain reluctant to discuss it.

Sexual harassment is a barrier to women participating in paid work with dignity and respect. It can prevent women from working to their full potential and, if left unaddressed, can be a reason they leave paid work.

Every year, sexual harassment accounts for one of the largest groups of complaints received under the Sex Discrimination Act.⁶¹

The proliferation of new technologies – such as mobile phones and social networking websites – is also creating new mediums where sexual harassment can occur.

The Australian Government has accepted a number of the Senate Committee's recommendations from the *Inquiry into the Effectiveness of the Sex Discrimination Act* relating to sexual harassment. The proposed changes to the Sex Discrimination Act will greatly improve the protection available for women who experience sexual harassment at work or in schools.

The Australian Government has also agreed to consider amending the Sex Discrimination Act to include a general prohibition against sexual harassment in any

area of public life, as recommended by the Senate Committee's *Inquiry into the Effectiveness of the Sex Discrimination Act* and as part of the proposed consolidation of federal discrimination laws.

Recommendation 10

To strengthen protection from sexual harassment:

- the Sex Discrimination Act should be amended to provide greater protection from sexual harassment for students and workers, as proposed by the Australian Government in its response to the review conducted by the Senate Committee
- the powers of the Sex Discrimination Commissioner should be strengthened by inserting into the Sex Discrimination Act a function for the Commissioner to initiate investigations within Australian workplaces without requiring an individual complaint, in order to drive down the incidence of sexual harassment
- a national Sexual Harassment Prevention Strategy should be developed and implemented to assist all employers and workers understand their rights and responsibilities in regards to sexual harassment. The strategy should focus on prevention and education with key roles for the Equal Opportunity in the Workplace Agency, the Sex Discrimination Commissioner/ Australian Human Rights Commission and Fair Work Australia.

5. Strengthening gender equality laws, agencies and monitoring

To support the recommendations in this Blueprint it is necessary to have strong gender equality laws, responsible authorities and independent monitoring.

5.1 Building gender equality machinery

International experience shows that the systems and agencies that are most effective in promoting gender equality:

- are located at a high level within the national decision-making hierarchy to influence government policy
- have a clear mandate and functional responsibility
- are linked to civil society groups that support the advancement of women's rights
- have adequate human and financial resources
- are accountable to the public.⁶²

At present, however, Australia's approach to progressing gender equality is fragmented and disjointed.

The laws that underpin the various agencies are inconsistent and inevitably lead to confusion and increased enforcement costs. At worst, they deliver limited impact.

We urgently need reforms that will provide greater clarity around roles and responsibilities and to coordinate action towards gender equality.

Recommendation 11

To build effective gender equality machinery in this country:

- the Australian Government should improve the quality of government decision-making and policy-making relating to women by ensuring that the federal Office for Women is adequately funded and has influence at the highest level of government
- the independent agencies that contribute to gender equality should be strengthened, including the Equal Opportunity for Women in the Workplace Agency and the Australian Human Rights Commission
- concrete measures such as the setting of targets should be considered to increase the proportion of women running for election and entering both houses of federal Parliament.

5.2 Improving gender equality legislation

(a) *Sex Discrimination Act 1984*

The operation of the Sex Discrimination Act (SDA) over the last 25 years shows that there are some serious limitations with the current form and content of Australia's gender equality legislation.

This was confirmed when the SDA was reviewed by the Senate Legal and Constitutional Committee in 2009. Evidence presented to the Committee suggested that while the SDA has had an impact on the most overt forms of sex discrimination, it has been less successful in addressing systemic discrimination.

It is also widely acknowledged that the SDA does not fully implement Australia's international legal obligations, particularly under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

In its report of December 2009, the Committee made a suite of recommendations designed to ensure the SDA can continue to progress gender equality in Australia.

These recommendations were also endorsed by the House of Representatives *Inquiry into Pay Equity* in 2009.

The Australian Government responded to the SDA review in April 2010. The Government's proposed immediate action would:

- ensure that the protection from discrimination provided by the Sex Discrimination Act applies equally to women and men
- establish breastfeeding as a separate ground of discrimination
- provide greater protection from sexual harassment for students and workers
- extend protection from discrimination on the grounds of family and caring responsibilities to both women and men in all areas of employment.

The Government has stated that it will give further consideration to implementing the outstanding recommendations of the SDA Review as part of the proposed consolidation of federal discrimination laws. The consolidation of federal discrimination laws is one of the outcomes of the Australian Government's Response to the National Human Rights Consultation.

Recommendation 12

To strengthen the Sex Discrimination Act and promote substantive gender equality, the SDA should be immediately amended to:

- implement the Australian Government’s response to the Senate Legal and Constitutional Committee’s *Report into the Effectiveness of the Sex Discrimination Act (Cth) 1984*
- insert a function for the Sex Discrimination Commissioner to commence self-initiated investigations for alleged breaches of the Sex Discrimination Act, without requiring an individual complaint.

5.3 Monitoring progress towards gender equality

What gets measured gets done. It is time we invested sufficient resources and energy into collecting data and measuring our progress towards gender equality.

There is currently no formal arrangement in place for an independent agency to report to Parliament and the Australian public on progress towards achieving gender equality.

Regular independent monitoring and reporting against an integrated set of national gender equality indicators would provide an evidence-based assessment of progress towards gender equality, benchmarked over time.

(b) *Equal Opportunity for Women in the Workplace Act 1999*

Women continue to experience discrimination in the paid workforce. This is demonstrated by the level of women’s workforce participation, particularly women with young children, the gender gap in pay, the level of women’s representation in management and leadership positions, complaints of pregnancy discrimination and the prevalence of sexual harassment.

The Equal Opportunity in the Workplace Act (EOWW Act) plays a crucial role in promoting and progressing gender equality in Australian workplaces. The EOWW Act and the Equal Opportunity for Women in the Workplace Agency (EOWA) are currently under review by the Australian Government.

Recommendation 14

To genuinely chart our progress on gender equality:

- the Sex Discrimination Act should be amended to require the Sex Discrimination Commissioner to monitor progress towards eliminating sex discrimination and achieving gender equality and report to Parliament every two years
- the Australian Bureau of Statistics should be resourced and required to generate gender-disaggregated data and analysis to enable independent monitoring of progress towards gender equality.

Recommendation 13

To ensure women experience equal outcomes in the workplace:

- the EOWW Act should be amended to change its name to the *Gender Equality in the Workplace Act* and rename the Equal Opportunity in the Workplace Agency as the Gender Equality in the Workplace Agency
- the achievement of gender equality should be a key object of the EOWW Act
- the EOWW Act should be amended to cover Australian Government departments and statutory agencies with 100 employees or more
- the EOWW Act should be amended to include pay equity as a separate ‘employment matter’
- the Equal Opportunity in the Workplace Agency should be adequately funded so that it can properly fulfil its statutory mandate.

5.4 Human rights and equality protection

Australia's strong traditions of liberal democracy, an independent judiciary and a robust media have been sufficient to protect the rights and freedoms of most people in Australia, most of the time. However, not all people in Australia can be confident of enjoying this protection in respect of all aspects of their lives, all of the time.

Australia needs a system of government that makes sure that all people, no matter who they are, what they do or where they live, have a safety net to protect their fundamental human rights.

All people in Australia should be able to name the human rights that the Australian Government has pledged to protect.

A stronger human rights culture will build respect for the human dignity, freedom and equality of all people in Australia.

Australia needs a system of government that makes sure that all people, no matter who they are, what they do or where they live, **have a safety net to protect their fundamental human rights.**

In April 2010, the Australian Government released the Australian Human Rights Framework in response to the national human rights consultation. The framework includes a number of new measures, parliamentary review processes and legislative reform which will significantly improve the protection of human rights in Australia.

However, these steps will not address all of the existing weaknesses in human rights protection in Australia.

Recommendation 15

To promote and protect all human rights, including the right to equality:

- Australia's reservations under CEDAW should be removed
- a process of constitutional reform to protect the principle of equality for all people in Australia should be commenced
- the Australian Government should support the Australian Human Rights Commission and other national human rights institutions to secure independent participation status at the United Nations Commission on the Status of Women.

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