

Women, Rights & Equality

What do they want now?

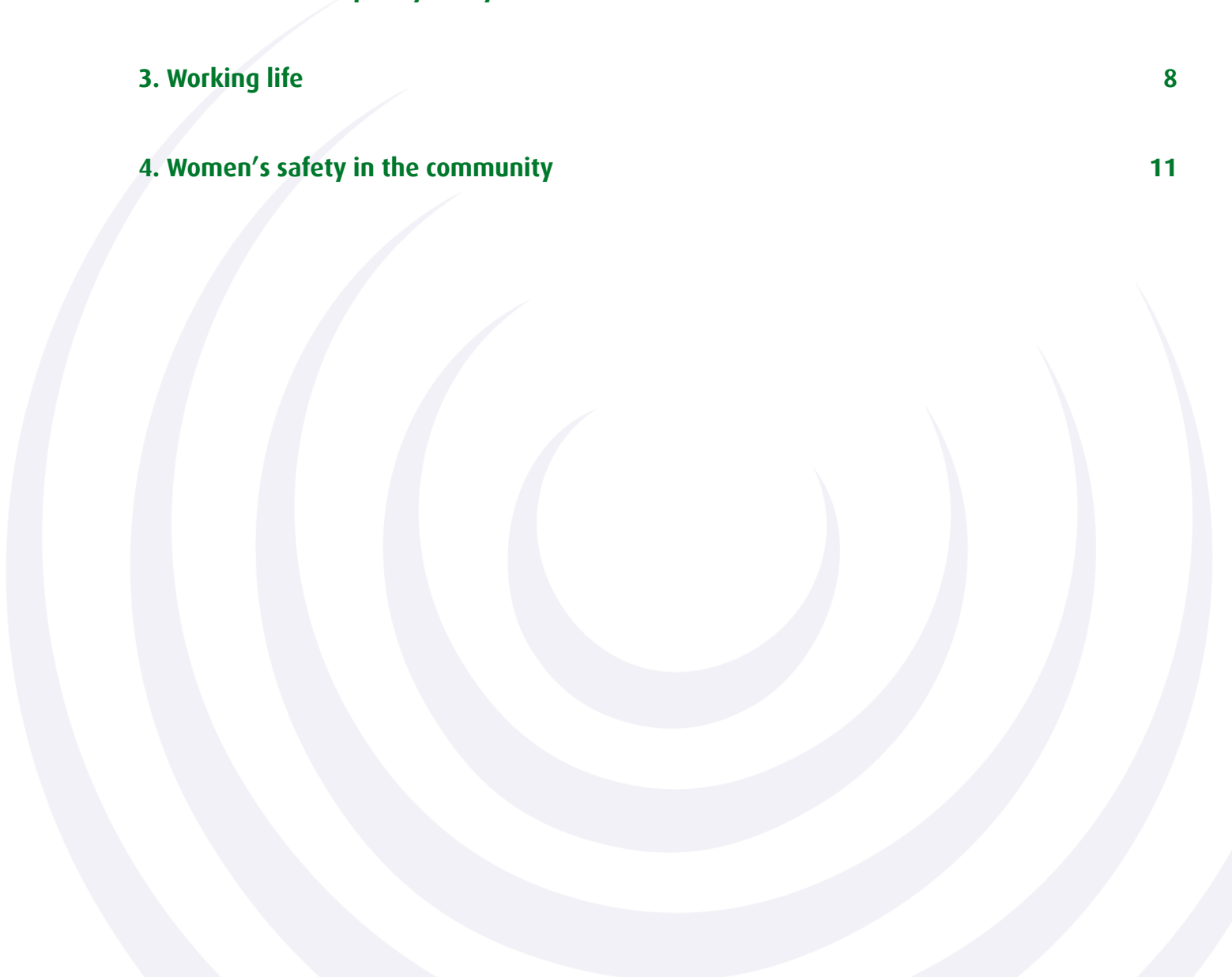
Qualitative Research commissioned by
The Victorian Equal Opportunity & Human Rights Commission



Victorian Equal Opportunity
& Human Rights Commission

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Overview and research objectives

The Victorian Equal Opportunity & Human Rights Commission (the Commission) helps people resolve complaints of discrimination, sexual harassment and racial or religious vilification by offering a confidential, free and impartial complaint resolution service with the aim of achieving a mutual agreement. The Commission has responsibilities under three laws:

- The Equal Opportunity Act 1995 (Vic)
- The Racial and Religious Tolerance Act 2001 (Vic)
- The Charter of Human Rights and Responsibilities Act 2006 (Vic)

Services provided by the Commission include:

- a free telephone Advice Line
- information and education about equal opportunity, racial and religious vilification and the Charter of Human Rights and Responsibilities
- education and consultancy service tailored to the needs of workplaces
- reporting on the operation of the Charter of Human Rights and Responsibilities

In October 2007, the Commission engaged Auspoll to conduct research to contribute to the Commission's body of knowledge on women and equality and to broadly inform its work in addressing discrimination against women.

Discrimination on the basis of marital status and gender was outlawed in Victoria in 1977 with the passage of the Equal Opportunity Act. The following year airline pilot Deborah Wardley became the first contested anti-discrimination case in Australia when she took on the powerful Reg Ansett to win the right to become Australia's first female commercial airline pilot.

Deborah's win was an important victory for all women. It showed women that equal opportunity laws could work for them and that sex discrimination would not be tolerated in the workforce.

The past 30 years have seen many changes for women with much of the blatant discrimination women faced eliminated. However, sex discrimination and sexual harassment continue to be amongst the most common complaints to the

Commission. Last financial year there were 162 complaints of sex discrimination and 205 complaints of sexual harassment made to the Commission – mostly from women. These figures represent the tip of the iceberg with the Commission estimating that about 75% of people who have experienced discrimination choose not to make a formal complaint.

Discrimination on the basis of parental and carer status was outlawed in Victoria in 1995. Since then the Commission has received more than 1,000 complaints from parents and carers who felt discriminated against in employment. While not all these complaints were from women, the figures suggest that workplaces have a long way to go in embracing the 'family friendly' conditions and practices that became the buzz words of the 90s. In Australia today we lack paid universal parental leave, available to men and women. We lack affordable and accessible quality childcare. We lack flexible working arrangements that allow people to participate equally in the work force.

This research was commissioned in recognition of 30 years of legislation prohibiting sex discrimination. Another driver was the 2008 celebration of 100 years of Victorian women's suffrage. These two events represent a time when women told us what they wanted.

It is timely that we hear directly from women about what they want now.

Research methodology

Six focus groups were conducted with women from metropolitan and regional Victoria. The groups included women (working and non-working) from three age groups (18 – 25 yrs, 25 – 45 yrs, 45 – 64 yrs), mixed marital status (with and without children), from Culturally and Linguistically Diverse (CALD) communities and covered the breadth of socio-economic status.

Groups were randomly recruited to meet the criteria of the specification. The average number of participants per group was nine.

Key findings

1. Women today

Life is challenging, hectic and stressful

These were the words participants most often used to describe their lives. For most women the pace of life, particularly the constant juggling, often leaves them feeling depleted of energy and stressed. Juggling work and children in particular, was seen as particularly challenging for most women. Whilst women also experienced a sense of freedom and independence, life was seen as complex in ways not envisaged in past times.

The carer role is dominated by women and is undervalued

Women received strong messages from their mothers about women being primary carers. Whilst women accepted this to a point, they strongly believed the carer role was undervalued and in several cases could readily be performed by males just as well as by females.

A number of older women used terms like “just a housewife” to describe themselves, and undervalue their role. This also sends the message that society has undervalued their contribution largely as it is unpaid and expected.

The superwoman stereotype does not make for a super role model

The participants largely rejected the ‘superwoman’ tag as an unsustainable, unrealistic expectation that just places more pressure on women to make the juggle and complexity of life work seamlessly.

Some younger women thought their mothers were superwomen as they saw them juggling myriad things, including catering to the needs of all other family members as well as making their own lives.

While the women who participated in this study may have rejected the superwoman model intellectually, it appears that many women still attempt to meet the myriad demands on their time by trying to ‘have it all’, or more correctly ‘do it all.’ Women provide the majority of care for children, older parents and dependents with a disability with 69% of Australian adults believing that women are obligated to provide this care.

(de Vaus 1996; NATSEM 2006) As a result women are often unavailable for full-time work – or indeed any work outside the home. (NATSEM 2006) The delay in first births happening across the western world means that many women are facing a double whammy; caring for their children and ageing parents at the same time. In 2003, 2.5 million people (mainly women) provided informal care to an older person or a person with a disability; about one in five of these carers assisted someone with limited self-care, mobility or communication skills (ABS Social Trends 2005).

The most common ‘solution’ to the work/life crunch for Australian families is for the mother, usually, to work part-time. (Adema, Gornick and Whiteford 2004)

The availability of part-time work is a double-edged sword. On the one hand part-time work may offer mothers the only sort of paid employment they can manage. On the other hand working part-time means women are more available to do the unpaid domestic and caring work. (Morehead 2005) And while a “wife-at-home” may help fathers advance their careers, such advancement often comes at the expense of the employment prospects of mothers.

But there are signs that the children of the Superwoman generation have learned the lessons from their parents experiences. Social researcher, Mark McCrindle (2006) says Generation Y is less likely to tolerate inflexible work conditions in the same way that previous generations of women have. According to McCrindle, Generation Y have seen their parents pay for their standard of living through stress, broken relationships, long hours and health concerns and want more out of their lives.

While previous generations may have simply put up with inflexible work practices or perhaps made a complaint of discrimination on the basis of parental or carer status, young people are exploiting the skills shortage and simply demanding jobs that meet their expectations.(McCrindle 2006) (Donaldson 2006)

Sexualised stereotyping of women persists in the media and this is considered degrading and damaging, especially of younger women

The persistent portrayal of women as 'young, thin and gorgeous' and who 'put out', was seen as damaging by most women. There was considerable concern that this portrayal placed pressure on young women in terms of what was 'accepted' sexual behaviour as well as what was 'the right' body type. The body images presented were largely seen as unattainable and ultimately unrealistic for most women.

The sexualised representation of women was seen as pervasive and dominant, and thus influencing women from a very young age. Its emphasis in the media, through celebrities and models, made it hard for other role model 'types' to cut through. There was also concern, even by women in their late teens, that this sexualisation was increasingly extending to pre-pubescent girls, even more so than it was when they were younger. Again, this was seen as sending very negative messages about what being a woman meant, at early stages of development, when the foundations of identity were being laid down.

It was also felt the image of strong, independent (often career) woman was beginning to be represented in the media – female politicians or very senior business women were the most cited. Even then, some women were dismayed that they were being portrayed largely in terms of their private lives – in their roles as mothers and wives - or even worse, by their fashion sense.

Sexualised stereotyping of women by the advertising and entertainment industries sends the message that the value of women lies only in their appearance or in what they can do for men – that is be sexually available or the perfect mum. By encouraging us to regard women's bodies as commodities the advertising industry contributes to a culture that tolerates discrimination and sexual harassment against women.

Own mothers are seen as the most influential and positive role models

Virtually all women nominated their mothers as role models. Often mothers were seen as 'doing it tough', being very giving of themselves, providing support and comfort as well as the values by which their children should live their lives. They are seen as having made sacrifices to ensure their children had a better life than they had.

Interestingly, whilst older women felt that younger women were more likely to hold up celebrities such as Paris Hilton or Britney Spears as role models, those women aged 18 -25 were just as likely to talk about their mothers as being their role models.

Key findings

2. Feminism and equality today

Feminism by any other name

Feminism is seen as having a damaged brand image. Older women, particularly those in their 40s and 50s are more likely to be aware of and view the legacy of feminism positively. A number believe it had delivered a change of thinking across most parts of society that has led to the erosion of gender-specific roles and to more opportunities for women, especially in terms of work and career. Some women alluded to stories about ‘career women’ with the underlying assumption that this kind of success may not have happened were it not for feminism.

However, many women, younger and older, associate the term with stereotypes: radical or militant women who ‘want to be men’. There is also some confusion about what feminism means. They feel uncomfortable in describing themselves as feminists, even if they can see some of the positives delivered by the movement. Even so, there was an overall belief that feminism had delivered something for women, which was largely taken for granted in today’s society, especially by younger women (under 30) who see it as something of an anachronism whose job is largely done.

It is one of feminism’s successes (almost ‘too’ successful) that younger women just assume they have the same opportunities as men. What becomes somewhat lost in this is not only the struggle it took to get this far, but that there are still systemic inequities across a number of aspects of life, which need to be challenged and rectified.

For a number of participants, some of feminism’s negative image appears to come from a belief that its main premise is to cast men and women as ‘the same’.

The term feminist appears to have outlived its usefulness and indeed seems to be experiencing a backlash. It is timely to remind ourselves that without feminists, women in Victoria would not have received the vote 100 years ago. Feminism led to the creation of Equal Opportunity Act, which not only benefited thousands of women but subsequently outlawed discrimination on the basis of race, religion, disability and sexual orientation.

Last financial year the Commission received almost 500 complaints about sexual harassment or discrimination because of sex, pregnancy or breastfeeding – overwhelmingly from women. Given that most experiences of discrimination go unreported to the Commission it is clear that we have a long way to go to achieving gender equality in this State.

On married women

It can be easy to forget the progress made in women’s equality; it was only in 1966 that the bar on married women as permanent employees in the Federal Public Service was abolished or in 1975 when the significant changes to the Family Law Act recognised the economic value of women’s traditional work in the home in the division of assets in divorce.

From Women in Australia Milestones, Office for Women’s Policy, 2007

Men and women being equal means men and women having access to the same opportunities

While the participants may reject the term feminist, they still expected equal treatment and a similar level of respect that is afforded to men. Whilst most take it for granted that equal opportunity exists and is enshrined by law, several women feel that women “have to become men” in order to move up the career ladder and gain respect. Women still largely believe they have had to ‘fit in’ to an outmoded work culture designed by men at a time when they dominated the workforce. For these women, society has not gone as far as restructuring work so that it caters for women’s needs and the complexity of modern life.

Workplace culture is one of the most significant challenges that we face in terms of achieving real equality of opportunity. The Commission, in its response to the review of the EO Act, has called for employers to have a ‘positive duty’ to comply with equal opportunity law and take active steps to prevent discrimination from occurring.

Australian mothers have one of the lowest employment rates among OECD countries. In 2001, of Australian women with children under six years of age, only 45% were in the paid workforce. Only Czech Republic (32.5%), Hungary (32.9%), Slovak Republic (40.9%) and Spain (43.3%) have lower rates of workforce participation (Campbell and Charlesworth 2004).

One of the most significant barriers to women's workforce participation is the reliance on the traditional "breadwinner" family as Australia's social norm. Key Australian social institutions (like schools and workplaces), and policies (like tax and family) operate as if every worker in paid employment has a "wife" who takes care of all the domestic and caring duties.

The gender pay gap identified as the persistent example of significant inequality between men and women

A considerable number of women believe that there are large sections of the workforce that do not have pay equity. It is felt that the only way this will ever be corrected, is when there are enough women in senior, decision-making positions to create enough momentum for change. Younger women were often unaware of pay inequality and found it difficult to understand how systemic it was.

The pay equity principle

More detailed research by Industrial Relations Victoria defines pay equity as a simple idea: men and women should receive equal remuneration for work of equal value. This is known as the pay equity principle*.

At May 2007, the pay gap between women and men in Victoria was 16.0 percent and 16.2 percent in Australia**.

*Industrial Relations Victoria, 2007

**Source: ABS Average Weekly Earnings (6302.0) May 2007

– Released August 2007 (Based on the trend data for full time adult weekly ordinary time earnings)

Feminised occupations

One of the key issues for working women and the wages and benefits they receive is how their work is valued. One of the misconceptions that still exist is that 'feminised' occupations, such as childcare, are simply an extension of work that is done at home.

- On average, workplaces with a high proportion of female employees have lower rates of pay. Over 90 percent of workplaces with more than two-thirds female employees have average hourly pay (for the main occupational group) at less than \$18 per hour. In contrast, only 72 percent of male workplaces have an hourly rate of less than \$18.
- Female workers comprise two-thirds of casual employment; of these workers three-quarters are part-time.
- Female workers were also more likely to have more than one job. While fewer than two percent of male workers with dependants had more than one job, eight percent of female workers with dependants were multiple jobholders.
- Forty-six per cent of women work in retail, education and health and community services compared to 20 percent of men. In contrast, 40 percent of men are employed in manufacturing, construction, and transport.
- Almost 50 percent of workplaces with more than two-thirds of male employees offer performance pay and salary packaging (compared to fewer than 30 percent of female workplaces.) In addition, 51 percent of male workplaces offer bonus payments (compared to 40 percent of female workplaces).

Source: State of Working Victoria Survey 2002

Generational difference most apparent in messages women received from their mothers

Whilst factors such as cultural background, socio-economic status and differing values had some influence over the messages women got from their own mother about what they should expect from life, women in their 50s and 60s were considerably less likely to have been encouraged to pursue careers. These women were largely told they would ultimately become wives and mothers in a time when there were considerably less opportunities available to women.

By contrast most younger women were being actively encouraged to establish careers in the first instance, before embarking on families. And whilst the value of an education, as the stepping stone to a career, was seen as paramount, the message younger women were receiving was that careers would have to go on hold with the birth of children.

Most younger women (under 25) appear to have been told they can be whatever they want and have exactly the same opportunities as their male peers.

The optimism of younger women is encouraging. However, the work of the Commission continues to highlight the challenges many women face when they become pregnant or return to work following maternity leave:

- loss of job through dismissal, redundancy or 'having no job to return to'
- having employment status or hours changed
- other downgrading of employment conditions including loss of status, lack of access to promotion, change of work location, and being allocated less-skilled work

- employer refusal to accommodate pregnancy
- flexible or part-time work not given due consideration
- agreed part-time work arrangements not adhered to or made difficult
- no provision for breastfeeding
- work organisation, performance and rewards systems that disadvantage pregnant women and women who return to work after maternity leave
- other discriminatory treatment in the workplace including being excluded from activities such as staff meetings or strategic planning, not being valued because of working part-time and being subjected to degrading comments.

Case study

Megan,* held a permanent part-time position as an administrative officer in the banking sector. While on maternity leave her manager told her that her position had been restructured. She was not consulted during the restructure and her duties were developed into a more senior role and at full-time hours. 85% of the duties of the new role were previously performed by her. Megan's employer said she would be accommodated with a new role but this was of an extremely less status than her former position.

The complaint of carer status discrimination in employment was referred to conciliation and settled for a redundancy package and statement of service.

*name has been changed to protect privacy of individual

(Charlesworth & Macdonald 2007)

Key findings

3. Working life

A successful career means sacrifices in personal life

For most women the successful pursuit of a career creates strong tensions with other aspects of life. It is felt that career forces women to sacrifice their private lives as it tends to dominate and take the bulk of a woman's time.

There is significant support for meaningful part-time work, but this is seen as untenable if a woman holds a senior position. Organisations are seen as unable to accommodate such arrangements.

Ultimately, most women feel that it is all but impossible to have a successful career at a level of seniority without considerable damage to family life. This is what women seem to mean about career being on men's terms – it is women at the older end of Generation X (now entering their 40s), who are realising that, whilst feminism has delivered considerable, fundamental changes for the better, society still lets women (and men) down because it refuses to address work-life balance in any real sense.

Access to work-place flexibility is seen as integral to alleviating a large proportion of the tension that currently exists between work and family life. Women struggle with how work culture can accommodate senior part-time roles, but are very much open to any creative thinking around the matter. They also believe that as more women want both meaningful work and time with their families, that the system will have to ultimately accommodate them (in a time where there are not enough younger people entering the workforce to replace those retiring).

The frustrations reported by many of the participants are backed by research undertaken by Industrial Relations Victoria which found that while just under half of all employed women worked part-time (46%), these part-time jobs were not 'quality'

jobs, as the majority of them were casual, with limited working hours. It also found that many part-time workers wanted more hours of work. The hourly wages of part-time workers were often lower and there was little access to training or promotional opportunities. (Industrial Relations Victoria 2005, 3)

Case study

Rebecca* worked for a food manufacturing company and is a single mother of a four-year-old. She was employed on a casual basis and her working day started at 7am. When Rebecca won a permanent full-time job, she was required to start at 6am. This made it difficult to take her son to childcare so she asked her employer about starting and finishing work one hour later. Her employer returned her to casual employment and soon after sacked her.

A complaint of carer status discrimination was referred to conciliation and settled for financial compensation and letter of regret.

*names have been changed to protect privacy of individuals

Flexibility or job security?

Some women feel that the only way to achieve work flexibility is to sacrifice job security and work casually. This largely depends on the nature of a woman's work and the relationship she has with her employer.

Work is increasingly a fundamental part of a woman's identity and younger women indicate that they would prefer to continue to work throughout their lives, for their self-esteem. This, and the more basic reason that dual incomes are mandatory if you want to buy a house, indicates that women's participation in the workforce will continue to grow.

Whilst on the one hand younger women take for granted a lot of what has been hard-fought by previous generations, this has also created certain assumptions about how they want to live their lives and these assumptions translate into expectations of employers when it comes to balancing work and life. They also believe that young men have similar expectations of the workplace, and that this will ultimately force workplace reform.

Case study

King v Nike Australia Pty Ltd – pregnancy and parental & carer status

Ms King was an employee of Nike Australia Pty Ltd (“Nike”) and occupied a senior role within the organisation. Following the birth of a child and a period of maternity leave, Ms King attempted to return to work at Nike. Nike did not return Ms King to the same senior position upon her return, but rather offered her a junior role. Ms King also sought to work part-time and/or to perform some of her role from home so that she could balance her child caring responsibilities with her work. The senior position was not considered compatible with part-time duties. Ms King had offered to work full-time in order to keep the senior role and would have had to arrange childcare to accommodate this, which she was prepared to do. VCAT ordered Nike to pay Ms King \$19,658 in compensation for the loss of her senior position.

There is solid support for a universal paid maternity leave scheme

Such a scheme would be seen as sending strong messages to women: that they are valued employees worth retaining, that they deserve financial support at a time in their lives when they most need it, that motherhood is a significant, critical role

worthy of society’s collective support. Most of the participants felt it was important to have maternity leave offered to working women and were surprised to learn that Australia was one of only two OECD countries (along with the United States) not to have a universal paid maternity leave scheme.

There is very strong support for the right to request (change in work from full-time to part-time due to changes in family circumstances)

This is consistent across women at all stages of life. Again, women see it as a way that they (and men) can be supported to undertake caring responsibilities whether it be of children or aging parents. Many believe that workers are currently disadvantaged (unless they had a compassionate employer) because such a right did not exist. Women felt that they often have to sacrifice their work (and income) in order to take on caring responsibilities.

Some women felt that changes would only be made once men recognised the right to request as a legitimate workable option before it would be enshrined in Australian workplace laws.

The Commission has supported past calls for the right to request changes to working conditions to provide families more flexibility in managing work and life. Ideally the Federal Government should consider implementing a ‘right to request’ flexible work arrangements scheme. If employers were obliged to genuinely consider employees’ requests for flexible work practices there would be greater opportunity for a diverse work force to be maintained, and parents, carers, older people, people with disabilities would all have increased access to workforce participation.

Family responsibilities amendment

Recent amendments to the EOA have introduced a clear obligation on employers not to unreasonably refuse to accommodate the responsibilities that an employee may have because of his or her status as a parent or carer - such as considering requests for flexible working hours or arrangements.

This amendment to the EOA is not a right to request but creates a new type of discrimination that establishes a framework for prohibiting unreasonable refusal to accommodate an employee's family responsibilities.

The amendments make a strong statement that employers should take reasonable steps to accommodate an employee's family responsibilities but also provide clear guidance to employers about how to approach doing this.

The amendment is expected to become operational on or before 1 September 2008.

The consternation about the lack of quality, affordable and accessible childcare persists

Women continue to bemoan the difficulties in finding quality affordable childcare. There is a belief that governments are not doing enough to alleviate problems with childcare.

Key findings

4. Women's safety in the community

There is a very strong belief that sexual assault as well as domestic violence is seriously under-reported by women.

Whilst there is acknowledgment that society treats sexual assault more seriously than it once did, the participants felt that the justice system still lets women down in several ways. The trauma and stress of reporting assault, feeling disbelieved, having to confront a perpetrator in court and the leniency of the sentences if a perpetrator is found guilty are all seen as contributing to a reluctance to report sexual assault.

In cases of domestic violence, a woman's fear of exposing the offender and possible repercussions for her and her family are seen as preventing reporting. This, along with a lack of resources and funding to provide women with the type of support and assistance they would need when coming forward about domestic violence.

A number of women with direct experience of domestic violence also felt trapped for several years because they did not have the material means to leave an abusive relationship. Women in regional areas felt it was considerably more difficult to leave due to the isolation and lack of services.

The safety of women is still a major concern. Sexual harassment can be seen as existing at one end of a continuum of sexual violence against women. Sexual harassment includes:

- an unwelcome sexual advance
- a request for sexual favours
- unwelcome comments about a person's sex life or physical appearance

- suggestive behaviour such as leering and ogling
- unnecessary physical intimacy such as brushing up against a person
- sexually offensive comments, anecdotes or jokes
- displaying sexually offensive visuals (such as photos, pinups or calendars), reading matter or objects
- sexual propositions or continued requests for dates
- physical contact such as touching or fondling
- indecent assault or rape (also criminal offences).

Sexual harassment continues to be a major reason for a complaint to the Commission with 205 complaints received in the last financial year.

Case study

*Natalie was employed as a waitress in a restaurant when she experienced sexual harassment by the head chef.

The sexual harassment took the form of staring, groping her body, making inappropriate comments of a sexual nature and asking her to have sex with him.

The complaint was referred to conciliation and settled for financial compensation, letter of apology and equal opportunity training.

*names have been changed to protect privacy of individuals

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