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**Pay equity and associated issues
related to increasing female
participation in the workforce**

September 2008



NT Working Women's Centre

**Submission on behalf of
Working Women's Centre South Australia
Northern Territory Working Women's Centre
and
Queensland Working Women's Service**





About Working Women's Centres

The Working Women Centres (WWC's) in South Australia and the Northern Territory and the Queensland Working Women's Service are community-based not-for-profit organisations that support women employees whatever their age, ethnicity or work status by providing a free and confidential service on work related issues. All three Centres are small agencies that rely on funding from the Commonwealth (SA and NT), State (SA and Qld) and Territory governments (NT).

The Working Women's Centres opened in 1979 in South Australia and in 1994 in the Northern Territory and Queensland. Since their beginnings, the Centres have worked primarily with women who are not represented by a union, their own lawyer or other advocate. We provide advice, information and support in lodging complaints and claims. We refer women with legal needs to appropriate legal services. Many women who contact our Centres are economically disadvantaged and work in very precarious areas of employment.

WWC's also conduct research and project work on a range of issues that women experience in relation to work. These have included access to child care, Repetitive Strain Injury, outwork, family friendly practices, OHS&W, workplace bullying, the needs of Aboriginal and Torres Strait Island women, pregnancy and parental status discrimination, Community Development Employment Project (CDEP), work/life balance, pay equity and the impact of domestic violence on women workers and their workplaces. Although some of the issues have changed for women since the Centres began operation, the work that we do remains consistent with the philosophy that all women are entitled to respect, to information about their rights and equal opportunity in the workplace.

In 2007 the three Centres provided information to over 6000 women.

The Working Women Centres in South Australia and the Northern Territory and the Queensland Working Women's Service are extremely interested in the outcome of the House of Representatives Inquiry into 'Pay equity and associated issues related to increasing female participation in the workforce' and make the following submission to the Inquiry.

In this submission Case Studies are included to elaborate on points made. As our Centres offer a confidential service, identifying details have been changed or removed to protect our clients. Clients are advised that case studies may be cited in submissions and research but that no identifying details will be included.

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The adequacy of current data to reliably monitor employment changes that may impact on pay equity issues

Working Women's Centres through their membership of Security for Women have taken this issue up with the Office for Women and the ABS and work is progressing on the availability and adequacy of current data to reliably monitor employment changes that may impact on pay equity issues. Later in this submission we will discuss factors such as violence against women, stable housing and access to transport to get to work that we believe also impact on pay equity issues.

The need for education and information among employers, employees and trade unions in relation to pay equity issues

There is no doubt that the level of awareness amongst employers and employees of the gender pay gap is low. The Working Women's Centres regularly receive calls from women who are, for instance, outraged that they will not receive paid maternity leave – up until the time of their pregnancy they believed they would be entitled to paid time off. General disbelief is expressed whenever there are conversations amongst employers and employees about the gender wage gap. There is a general assumption that in Australia women have won equal pay and that is usually where the analysis ends. Little or no account is taken of the impact of time out of the paid workforce to bear and raise children or to attend to other caring responsibilities, most likely carried out by women, nor of the impact of this on superannuation entitlements or capacity for lifetime earnings.

WWC's recommend a Commonwealth funded national awareness-raising campaign. This campaign should involve publishing comparative average wage rates for female and male-dominated occupations and industries as well as make the (wider) gap at the management level evident.

There is also a lack of 'take up' of parental or paternity leave amongst workers, predominantly those who work in government, who are entitled through their agreements and/or awards to access time off for family responsibilities. This means that those workers who could 'show the way' to other enterprises are not doing so, for a whole range of cultural and systemic reasons. This is evidence then in our view of the need for a whole mind shift, somewhat similar to campaigns around the need to prevent health related illness from smoking or deaths from not wearing seat belts.

Many employers still don't realise the impact of simple things like women being on the

whole less able to work overtime hours due to family responsibilities and the impact of this on their weekly earnings compared to men.

Current structural arrangements in the negotiation of wages that may impact disproportionately on women

There is little awareness by women employees, especially those in low status, low paid work about wage negotiation and few resources for them to access to assist with this. For instance if a woman was able to negotiate paid maternity leave for herself would she necessarily be aware that she should factor in superannuation and/or long service leave entitlements that would be lost if she did not bargain for them? Data released from the Workplace Authority on the impact of AWA's indicated that women were disadvantaged by individual bargaining arrangements.

Women do best in workplaces where enterprise bargaining takes in to account the impact of time off to raise and care for children or the benefits to the workforce of flexible arrangements. Calls to our Centres indicate that most low paid, low status women workers are offered jobs on a 'take it or leave it' basis. There is in fact no capacity to bargain even if women felt they had the knowledge, language, information and skills to do so. Most often women who call our Centre in relation to contracts do so to seek an opinion on the worth of the contract. Even when some suggestions are given about negotiation points women feel that they won't be able to do this. If we can tell them that the contract is not totally 'dodgy' that's about the best they can expect from the deal. The fact that even highly paid women contact our Centres when offered positions at a senior level for advice on how to negotiate, shows their discomfort with having to bargain for themselves. They report feeling very uncomfortable about having to sell their skills and compete alongside men in this aspect of negotiating. Some women phone us when they find out that although doing work at an equal level, their male colleagues have negotiated themselves better wages and entitlements.

Short (2007) shows that even women on EBAs in female-dominated occupations such as teaching, child care, retail and clerical workers, receive less pay increases (almost 50% less during 1990 to 2003) than men under EBAs working in male dominated jobs such as metal workers, truck drivers, and building workers. This is due to many factors, but underlines the need to keep awards modern and award increases in line with inflation. The majority of women still work in jobs where their pay is award pay or is tied to awards – either through formal EBAs or through less formal unregistered agreements where small employers top up award rates.

Case Study - Ally

A woman working in sales applied for Maternity Leave and her position was replaced by a male sales person of less experience. The woman discovered that her colleague had negotiated a pay deal that provided him with \$10,000 a year higher salary. When she enquired whether she would be able to return on this salary she was told 'no' and was told that if she came back part time her colleague would become her supervisor.

The adequacy of recent and current equal remuneration provisions in state and federal workplace relations legislation do not adequately take in to account the complexity of reasons for gender pay equity – it's not just about equal remuneration for the same job.

New South Wales, Western Australia, Victoria and Queensland have conducted pay equity inquiries and have made legislative amendments to affect pay equity within the Awards system.

The Queensland Working Women's Service made a submission last year to the QIRC Inquiry into Pay Equity and Workchoices. The QWWS submission highlighted that the pay-setting mechanisms under the Australian Fair Pay Commission (AFPC) did not take into account Equal Remuneration Principles nor did it place a clear obligation on the AFPC (which replaced the AIRC capacity to determine minimum wages) to consider pay equity as a guiding principle in setting minimum wages. One of our concerns is that the achievements made by the Queensland Industrial Relations Commission (QIRC), including the implementation of the Equal Remuneration Principle will have minimal impact on women covered by the federal system. With the implementation of the WorkChoices amendments, women who were previously state employees and protected by the existence of the Equal Remuneration Principle will be disadvantaged given that there is not a strictly comparable principle or a statutory obligation to be unilaterally enshrined in federal agreements or awards. Based on anecdotal evidence collected by the Centres since the implementation of WorkChoices, the majority of callers do fall under the federal system. The advantages of the Queensland Equal Remuneration Principle (rather than the Federal, NSW or Tasmanian principles) were pointed out by Short (2007:275-6) "Queensland provisions sought to cover all situations where women work, even where formal industrial instruments do not exist (Todd & Eveline 2004:32-33) and thus provide greater reach for pay equity orders."

One of the key aims of the AFPC is 'to promote the economic prosperity of the people of Australia'¹. The Working Women's Centres believe that this must include the promotion of economic prosperity of working women, and the promotion of equal pay for work of equal or comparable value. Section 23 of the Workplace Relations Act requires the AFPC to take into consideration 4 guiding principles when setting the minimum wage. Achieving pay equity is not one of them. We would hope that the new Fair Work Australia will reinvigorate the commitment to achieving pay equity.

The adequacy of current arrangements to ensure fair access to training and promotion for women who have taken maternity leave and/or returned to work part time and /or sought flexible work hours

In some legislation (for example the Industrial Relations Act 1999 (Qld) women have the right to request part time return to work after maternity leave and other flexible work arrangements to suit their family responsibilities. Working Women's Centres, however, hear many stories from women where their reasonable requests are denied, especially when they have gone to their employer with a job share solution worked out with another employee.

In federal legislation, there is currently no 'right to request' part time work after maternity leave.

¹ Australian Fair pay Commission "Setting minimum wages in 2007 and Beyond" June 19, 2007 - Professor Ian Harper - Address to National Press Club

Working Women's Centres embrace the concept of the employer's 'obligation to provide' rather than the employee's 'right to request' to ensure that reasonable requests are not denied and then have to be challenged.

Case study - Jill

Jill had been employed as a store manager for a large retail chain for 10 years. She took (unpaid) maternity leave for around 8 months. Prior to taking the leave she was assured by her manager that she could return to work part time. Upon contacting her manager close to her return to work, however, she advised that she could only get childcare for 2 days per week. As such she was only able to work three days a week for a period of time. Her manager told her that the only options open to her were:

- *return to work as a store manager working 3 days over the weekend;*
- *return to work as a lower paid duty manager for her preferred 3 days during the week;*
- *take further unpaid leave until she could find another day of childcare.*

None of these options would provide her with remuneration at the level she was at before taking leave, or allow her to retain her position without having to work on weekends (when both her and her husband could be with their child).

Women contacting the Centres often report that they have less access to training and promotions than their male colleagues. Women who are part time or casual also commonly have been performing the same role for similar remuneration and have not had access to career advancement opportunities.

The need for further legislative reform to address pay equity in Australia

Evidence of gender inequality and Pay inequity in the workplace is strong:

Recently published research (Macdonald and Dear 2006, 2007 and 2008) which traverses the pre-reform period to present, analysing data that has been collected by the National Working Women's Centres points to the reality of women's employment. This includes concentration in low paid sectors and unacceptable levels of unlawful activities that discriminate against and disadvantage women in the labour market. The high demand for assistance from the Working Women's Centres in addressing women's disadvantage and low-paid status in the workplace also highlights the need for legislative reform around the structures that regulate women's employment.

Segregation into low-paid occupations:

The data from the WWC's serves to highlight the issues that arise from women's labour market segregation and provides evidence of gender inequality as a significant factor creating pay inequity. While our clients are represented across a wide range of sectors they are concentrated in low paid employment with limited upward progression and also by their dominance in low paid occupations such as Health/Community Services, Retail, Property and Business Services and as Clerks, sales and personal services.

Lower remuneration levels are reflected across these industries in such occupations as clerical workers. Clerical employees who are predominantly women and employed (for example in Queensland) under the Clerical Employees Award – (Qld NAPSA). The wage rates under this award do not exceed \$38,215 per annum or \$734.92 gross per week. Skilled clerical workers, office or administration managers, book keepers or personal assistants are regularly paid in excess of this amount and, under the Partial Exemption Clause of the Award, such employees are exempt from provisions of the Award except for paid leave entitlements and Occupational Superannuation. The main implications of this provision for women employed as clerks is that they become ineligible for penalty rates despite being required to work excessive overtime. In addition, in cases of redundancy, they are ineligible for the TCR provisions on the basis that TCR is an award based entitlement and not a legislative entitlement.

Industry sectors such as Health/Community Sector, Personal Services are primarily employers of women across Australia. Community Sector workers and Health workers are disadvantaged in that generally they attract low rates of pay for their areas of responsibility and skill. Their awards (for example the Social and Community Services Award (federal)) are effectively paid lower rates in comparison with awards such as the Engineering Award (Qld) (2002). These awards cover primarily male workers and operate as 'minimum rates' awards with opportunities for productivity based bonuses and allowances as over award payments. Managers and supervisors in the Community Sector are not paid commensurate with their skill levels or with salary rates available to similar workers in the public and private sectors. They also only receive minimum wage increases each year and not the level of percentage wage increases experienced in sectors that are covered by Enterprise Agreements.

In addition, employees regularly work extended hours without penalty rates. Because of the reliance on Government funding programs, jobs in the Community Sector lack job tenure or security, have no portable leave provisions or continuity of service which impacts adversely on occupational superannuation provision.

Rise of casual employment for women:

The rise of casual employment is also an issue for female dominated industries such as retail, hospitality, personal services, health and the community sector. Casual employment effectively excludes employees from all forms of paid leave apart from Long Service Leave. Casual employees are excluded from notice periods, and, in the first year of employment, from access to unfair dismissal provisions. These exclusions reflect an element of pay inequity where they persist over the long term particularly in relation to work and family responsibilities, job security, access to training and career prospects. Often such workers are technically permanent in that they are engaged on regular weekly rosters with expectations of ongoing employment but are paid under a casual classification presumably as a convenience for the employer. The temporary nature of employment imposes barriers to securing financial loans which impacts adversely on the capacity to achieve financial security.

Disproportionate reliance on Award conditions for women and loss of state provisions for equal remuneration in some states:

The disproportionate representation of women on award and comparatively low wages has meant that minimum wage increases have provided significant benefits for this group of

women and provided an effective protective mechanism for gender pay equity. As 60.3 percent of award-dependent workers are women², changes to minimum wage setting and awards will disproportionately affect them. While award dependent women earn 83% of men's earnings, women covered by Individual Transitional Employment Agreements (ITEAs) earn only 70% of the average earnings of men on these statutory individual contracts.³

The effects of Award minimisation that have occurred since 1996 culminating in the skeletal framework of 5 minimum entitlements under Workchoices in 2006 have disproportionately impacted on women who have higher reliance on Award and minimum wages. At a time when we have seen a decline in the minimum wage as a proportion of median earnings there has also been a growth of women workers who are low paid from 15.9% in 1989-90 to 27% in 2004 (Masterman, Pocock and May 2007) .

Similarly, the migration of women employees employed by Constitutional Corporations from State to Federal industrial relations jurisdictions has disadvantaged women who previously benefited from Equal Remuneration wage setting principles. A premise promoted by the Howard Government that employees would have the capacity to enter into meaningful negotiations with their employers did not result in better outcomes for women employees as documented in recent research (WESKI, Peetz 2007, Masterman and Pocock 2007).

Undervaluation of jobs commonly performed by women:

Segregation in low paid occupations explains part of the difference, however jobs traditionally performed by women have been systematically undervalued in the labour market with the outcome that jobs disproportionately held by women are paid less than comparable jobs with the same levels of skills and responsibilities but commonly held by males.

For the past 3 years the South Australian Working Women's Centre has been actively involved in a state campaign to address serious problems facing the community sector. The problems include staff attraction and retention, career development opportunities, and an ageing work force to name a few. It is believed by the sector that perhaps the biggest cause of concern is the low level of remuneration for this work, set out in awards and by the relevant commission. It is argued that if the community sector continues to offer very low wages for very big workloads the sector will continue to suffer, leaving the most vulnerable of our community members in precarious positions with substandard services.

The Working Women's Centre SA has taken a keen interest in this campaign as we see it as a women's work issue, considering the community services sector is predominately staffed by women. A similar campaign has recently started in the NT and the NTWWC is strongly supportive of it, particularly given that the Community Sector in the NT is 83.6% female (result based on NTCOSS Community Sector Staff Survey 2007).

We believe one way of addressing female pay inequity would be to better remunerate

² Figure supplied by Donna Hristodoulidis, Economic Research Officer, Australian Council of Trade Unions, Sept 2005

³ Australian Bureau of Statistics (March 2005) Employees earnings and hours, Australia (May 2004), Catalogue Number 6306.0. (Based on ordinary time average weekly earnings in the private sector).

female dominated industries such as the community sector. We would like to see it legislated either in award provisions or in legislation relating to the community sector that additional remuneration opportunities such as increased salary sacrifice provisions, lowered taxes, and or lump sum payments in addition to wages be paid to those working in the community sector. We believe that changes like this would contribute to addressing both pay equity issues as well as addressing the concerns held within the sector.

The Centres believe also that attention needs to be given to the issue of HECS debts for women students and employees. The fact that many women need to take time off from their careers to manage family responsibilities means that they are disadvantaged in paying back their HECS loans. Legislation regarding reduced HECS fees payments for women who have had to take time out of the workforce for family responsibilities should be considered. Time taken out of the workforce means it takes women longer to pay back the debt. We see this as a gender pay equity issue as men are able to clear HECS debts in a quicker time period than women. Men are therefore more likely to enjoy the benefits of full wages minus HECS repayments sooner than women. We believe this contributes to gender pay inequity.

The Centres support Minister Nick Sherry's proposal to remove the 15% superannuation contribution tax for women as a means to bring retirement savings in line with men. The disparity between men and women's superannuation, we believe, is wide. We understand this to be the case as women, due to family responsibilities, are more likely to have time out of the paid work force and are therefore not in a position to earn superannuation amounts equivalent to men. We support the legislation of this proposal to address another aspect of the gender pay equity issue.

The Long Service Leave Act (SA) 1987 and the Industrial Relations Act (Qld) (1999) are two pieces of legislation where a particular pay equity issue is evident. In these pieces of legislation, unpaid maternity leave is not counted as service for the purpose of calculating long service leave entitlements. The Centres believe that this legislation is a clear example of law which disadvantages women who have had to take time off for maternity leave as they are not able to accrue the same entitlements as men in the same period of time, and therefore need to work 'make up time' to ensure they receive this entitlement. The Centres would like to see legislative reform enabling any time taken off as unpaid parental leave to be counted as service for the purpose of long service leave. We believe that this would address another issue related to women's remuneration and earnings.

Case Study - Jill

In the case of 'Jill', cited above, she was denied payment of long service leave upon her resignation (after her employer failed to make reasonable adjustments to allow her to work 3 days a week) even though she had been employed for over 10 years. As 6 months of this tenure had been taken up by unpaid maternity leave, the legislation did not allow this time to be taken into account for the purposes of calculating long service leave. To receive payout of long service leave entitlements, Jill had to demonstrate that she resigned for a 'domestic or other pressing necessity'. Without the assistance of the Queensland Working Women's Service, Jill advised that she would have found it challenging to take action against her employer to prove that her reason for resignation was for a domestic or other pressing necessity (ie: for family reasons).

The Impact of Domestic Violence on Women's Capacity to Access Training and Employment and Retain Employment

Working Women's Centre SA Inc is a community partner in University of South Australia research currently being undertaken by Donna Chung, Suzanne Franzway and Carole Zuffrey into the impact of domestic violence on women and their workplaces. Working Women's Centres have an interest in the impact on women's capacity to learn and earn whilst dealing with domestic violence.

Clients report that partners and ex partners frequently prevent them from attending training, interviews or employment. Often we are initially not made aware of domestic violence being a contributing factor to women being placed on performance management or being terminated because of the behaviour of their partners or ex-partners. Perpetrators of domestic violence use a range of tactics including stalking at work, threats, assaults, abusive phone calls, even extending their aggression to co-workers and employers. Knowing how domestic violence impacts on employment should assist in identifying the changes needed to help affected women maintain economic stability and develop sustainable futures.

Women and children who escape domestic violence in a crisis because of safety concerns often have to leave their homes and employment, plunging them further into poverty. This causes homelessness for women and children and ways to keep women and children safe and in their own homes needs be considered (McFerran, 2007).

There is a widespread perception that women who experience domestic violence live in shelters and don't work. Our experience is that many women who experience domestic violence also work and most likely do not disclose their situations to colleagues or employers. Women may need to take more than the acceptable amount of time off work if they are verbally harangued about going to work or if they have physical injuries.

Case Studies

Lucille

A WWC Industrial Officer was contacted by Lucille's father who was referred by a SafeWork SA Inspector. He encouraged Lucille to phone us. Lucille's husband had found a text message from a co-worker which said 'I'm sitting at your desk.' This co-worker was from interstate and had been flown in for the day. He sent the text as a courtesy. She worked part time. The husband became very angry when he saw the text message, rang the workplace and told them, 'The last person who had a crush on my wife spent 6 months in hospital.' Lucille bolted with the children. He and 2 mates then spent the day outside the workplace in the city and watched everyone who left to see if they could identify the person who may have sent the text. The co-worker had already been flown back to his home interstate due to the threat. This all happened on a day when Lucille did not work anyway. When she got back to work the employer summoned Lucille to his office. Lucille let him know that she had left her husband. The employer said, 'I can't believe you have the audacity to think you can have your job back.' The husband had told her to 'pack her shit and get out' which she had done. Lucille felt she was not at risk but would be once her husband learnt that the separation was final. She made it quite clear to the employer that she had no intention of resigning, that she was the victim and not responsible for her husband's behaviour, that she loved her job, that she'd left him, that she had 2 children to

support and now had no home and that there had never been any performance issues in the past.

Kelly

Kelly worked for a short time in a small boutique in a regional town. Her husband came in to the store and 'went nuts'. The store owner lives in Victoria so didn't know about the incident but other women who worked there rang and told him. Kelly had to go to have a cat scan because her husband had hit her so hard. She let the owner know about this. He then told her she had to choose between her job and the cat scan – he said 'you can't have both.' Kelly was then dismissed for very vague reasons – 'it's not working out, etc'. Kelly rang her human resource contact who told her she would be paid a week's notice but the payment never appeared. When she rang to enquire, HR told her that she wouldn't be getting it as she'd been dismissed for gross and wilful misconduct. When Kelly asked what this meant she was told there was an accusation of stealing but they couldn't give any details of what or when she had allegedly stolen something. Kelly asked if she had stolen something why hadn't she been told and why hadn't it been reported to the police. She was given no reason. Kelly now works in the shop next door.

Australian Human Rights Commission

One of our industrial officers has raised the issue of lodging claims with AHRC regarding domestic violence. Staff there have had an internal discussion about this and are very keen for us to lodge a case with them so that they can test the law and look at where the gaps are. They believe there is scope to lodge under family responsibility discrimination especially if there are issues with children, for example the woman having to take time off to ensure their safety, etcetera and getting the sack because of this. In the above example we will lodge under disability discrimination. There is also scope to lodge using indirect sex discrimination as long as a strong argument accompanies the case about domestic violence affecting women more than men. The case will be stronger if there are a number of grounds under the law. Even though AHRC is keen to explore this we will of course be wary about which case we will lodge as we don't want our clients to be test case guinea pigs. Of course the issue is that AHRC cases can take months to resolve and this will not always be the preferred course for our clients.

Sylvia

Sylvia worked as a community support worker. She was experiencing domestic violence (DV). Her partner was coming in to her workplace, she was often late for work etc. Sylvia was terminated for performance issues (lateness).

She left the relationship. She has an apprehended violence order (AVO) against her husband which covers her in her workplace.

She applied for work at another organisation, did very well at the interview and she was sure they would offer her work which they did. The new employer then rang the former employer for a reference. He told them that Sylvia had had heaps of personal and family problems, that there'd been issues with attendance and that the abusive partner had been coming on to work premises.

The new employer has not withdrawn the offer of work but has requested a statutory declaration (they are emailing her what they want her to sign) from her saying she has

nothing to do with the ex partner. They also want a copy of the AVO as they say it covers them.

Her question to us is 'Can they do this?'

She has no children. There is no disability aspect. We have advised her that the Australian Human Rights Commission is keen to run a test case but she is not keen to be a 'guinea pig'.

The best available data about women's experiences of violence is in the 1996 ABS Women's Safety Survey and in the subsequent (though not as detailed) 2005 survey.

From the 2005 survey the ABS estimated that in the previous 12 months:

- 363 000 women (4.7 per cent of all women) experienced physical violence; and
- 126 100 women (1.6 per cent) experienced sexual violence.

The ABS further estimated that:

- 2.56 million (33 per cent of all women) have experienced physical violence since the age of 15; and
- 1.47 million (19 per cent) have experienced sexual violence since the age of 15.

From this it is possible to estimate that approximately one in five women (19 per cent) have experienced sexual violence at some stage in their lives since the age of 15 and one in three women (33 per cent) have experienced physical violence at some stage in their lives since the age of 15.

Given that we also know that in Australia there is under reporting of violence by women it is reasonable to assume that violence against women has a significant impact on women's capacity to achieve parity with men in terms of training, employment and earnings.

Indigenous Australians are over-represented as victims of all forms of violent crime in Australia, including domestic and family violence. The ABS [National Aboriginal and Torres Strait Islander Social Survey, 2002](#), offers the most up-to-date national statistics on the prevalence of violence in indigenous communities. After adjusting for age differences between the Indigenous and non-Indigenous populations, comparisons from the ABS General Social Survey indicate that Indigenous people aged 18 years or over experienced double the victimisation rate of non-Indigenous people. The vast majority are women for example, Indigenous females were 35 times as likely to be hospitalised due to family violence-related assaults as other Australian females; for Indigenous females, about one in two hospitalisations for assault (50 per cent) were related to family violence compared to one in five for males; and indigenous females were nearly ten times more likely to die due to assault as non-Indigenous females.⁴

The impact of living with these levels of violence on participation in the workforce affects women already dealing with extreme levels of disadvantage.

Working Women's Centres recommend that all strategies adopted to raise awareness and prevent violence against women take in to account women who work and the impact on their workplaces. In our experience employers are very unwilling to have discussions about what they can do to support and protect female employees experiencing violence.

When a married or de facto couple are employed at the same workplace and violence is impacting on their capacity to work, our experience is that it is the woman partner who is expected to 'move on', or who is terminated.

Housing

In consultations conducted with women who work in industries where short term contracts of employment are the norm, eg community services and the Arts the issue of secure work versus secure housing came up often. Women reported that they had to sign on for leases for rental accommodation but that often their work contracts were out of sync with their leases. This meant that they would move more often than they wanted. They reported that their finances were a constant juggling act – earning enough to anticipate time off between work contracts and having to meet rental obligations became a real pressure point. Some women reported that their children had been to 5 different schools by the age of 10 because they had to move so many times. The capacity to save was not there and these women worried about their financial futures. Gender pay equity was something they saw as what older feminists discussed but was certainly not their reality.

In the Northern Territory, as in many other places, a shortage of rental housing combined with extremely high rents means that many people are not able to find safe affordable accommodation. This places them in a double bind, as without an adequate income they cannot rent accommodation, and often without a safe and permanent address accessing work can be extremely difficult.

Workers in remote communities with extreme housing shortages are often supplied housing as part of their employment. If the employment ceases the worker is often required to leave in an extremely short time frame with no option of any alternative accommodation, or with any alternative accommodation being unsuitable or highly unaffordable.

Case Study - Sally

Sally had worked in a community for 2 years and was supplied a house as part of her job. Her employment was terminated harshly and from her perspective unfairly, and she intended to take a case to the AIRC for unfair dismissal. In the meantime she was told she had to pack up all her possessions and leave her home within two days. Accommodation options which would have been available to a single man in her situation were not available to her as they were culturally inappropriate or unsafe, so she was forced to leave her home and the place which had become her community.

Other issues which affect women in relation to housing include the fact that women are often sole parents or caregivers and therefore have more complex and usually more expensive housing needs.

Safety in housing is also a major issue for women.

Case study – Tanya

Tanya was a young single woman who lived and worked in a remote Northern Territory

community. Her housing, a small flat, was provided by her employer. The housing provided to Tanya was unsafe as there were regular incidents of violence that occurred directly outside her lounge room window. In one incident a man knocked on her door at 10:30pm and asked her to take him for a drive. When she refused he became aggressive towards her. Tanya managed to flee her flat as he temporarily walked away but a glass bottle was thrown at her car when he saw Tanya in it. When Tanya raised the issue of unsafe housing with her employer she was told that there was nothing they could do about it and she would have to remain in the housing provided as part of the job.

Transport

In the same consultations referred to above women talked about the barriers of adequate transport to get to jobs, particularly if they had to drop children in different locations for school and care before they got to work – and then again at the end of the day to collect everyone on time before high costs for care were charged. Women felt that they would have had a chance of getting ahead financially if they had reliable means of getting to work but for many, despite the fact that there were job vacancies in the next suburb, they just didn't have the means of getting there. Again, the combination of inadequate transport and the responsibility of organising child care, means that for many women there is no reality of gender pay equity.

In the NT there is poor public transport in major cities and nothing available out of town. Women who work outside major towns need a reliable (often 4 wheel drive) vehicle to be able to manage work and other commitments. Even when women are able to afford their own vehicle, increasing fuel costs combined with low wages means that for many of them it is not viable to continue to work

Case study- Phyllis

Phyllis had to travel 135 km a day to get to and from her part time job . (This is not unusual for women in the Top End of Australia). As fuel costs increased she found that she was spending more on fuel than she was earning. She was forced to leave her job which she loved and where she had prospects of career advancement.

Racism and gender

Well documented issues affecting Indigenous people all impact on issues of pay equity, including inadequate housing, poor health issues, and increased violence (as discussed above). Indigenous people earn less, in lower paid jobs, with a far higher rate of unemployment, than non-Indigenous people, and the gap is widening.

Indigenous people earn less

In the Census 2001, the mean (average) equivalised gross household income for Indigenous persons was \$364 per week, or 62% of the rate for non-Indigenous persons (\$585 per week).

Between the 1996 and 2001 Census, the average equivalised gross household income for

Indigenous persons rose by 11% (after adjustment for inflation using the Consumer Price Index) compared with 13% for non-Indigenous persons. As a consequence, the relative income disparity between Indigenous and non-Indigenous persons increased slightly.

Indigenous people have a far higher rate of unemployment or non engagement in the labour force: Of indigenous persons 15 and over who indicated their labour force status in the 2001 census, 48% were not in the labour force. One third (34%) were engaged in mainstream employment, 7% participated in CDEP's and 10% were unemployed. In the 2001 Census, of the 52% of Indigenous people aged 15 years and over who reported that they were participating in the labour force, the participation rate was higher for Indigenous men (60%) than Indigenous women (45%).

This compares with 73% of the non-Indigenous population participating in the labour force.

Even when employed in the same occupation categories Indigenous people earn less than non-indigenous people. This gap between Indigenous and non Indigenous people has widened since 1996. [The ABS has also noted that Indigenous persons tend to earn less money than non-Indigenous persons within the same occupational categories. For example, in 2001 the median income of Indigenous managers was 81% of the non-Indigenous median, for professionals it was 73% and among labourers just 56%.](#)

The gap between income for Indigenous and non-Indigenous people is widening. Overall, the average equivalised income for Indigenous persons declined from 64% of the corresponding non-Indigenous rate in 1996, to 62% in 2001. The disparity between Indigenous peoples and the non-Indigenous population increased noticeably in relation to individual income over the decade 1991 – 2001, from 0.70 in 1991 to 0.65 in 1996 to 0.59 in 2001 where (1.0 indicates a situation of equality or parity).⁵

For Indigenous women the disparity is even greater. Indigenous women experience all the same issues non Indigenous women do, as outlined throughout the submission, with the added issues discussed here. In addition women often find themselves working in largely non-indigenous organisations where cultural issues (obligations to family and community) are not understood and often have a significant impact on work. Often these women are employed in positions because of their indigenous connections but are expected to ignore these connections and obligations.

Case study - Narelle

Narelle was employed as an Indigenous outreach worker. She was sometimes 15 minutes late to work in the morning as she had commitments to family members which were more complex some mornings. She always made up any time she missed. The employer told her she would need to ring her on her mobile phone the evening before if she was going to be late.

Narelle explained that she only had a home phone which could receive calls and not dial out, so this required her to go to a phone box and make an expensive call. This was not always possible as she had small children at home she was caring for. It was also unlikely she would know the evening before what may happen the following morning. Her employer

⁵

source Australian Bureau of Statistics, National Aboriginal and Torres Strait Islander Social Survey 2002, ABS cat. no. 4714.0, Commonwealth of Australia, Canberra, 2004.)

gave her a written warning that if she did not give adequate notice about late arrival she would be terminated. She was also told that family members could not come into the workplace NTWWC assisted her with writing a letter to her employer. She has since found another job.

Indigenous women also often have a reduced ability to bargain and may feel that they are paid less and employed at lower levels than they would be if they were male and non-indigenous.

Case study - Judith

Judith worked for an Indigenous organisation in various roles for more than 20 years and held a senior position. When she contacted the WWC the organisation had undergone a recent restructure which saw the most senior positions being held by men and non Indigenous people. As a result of the restructure Judith was now the lowest paid worker in the organisation. NTWWC assisted her in addressing her concerns to her employers in writing.

REFERENCE LIST

McDonald P. and Dear, K., (2006) 'Pregnancy discrimination in Queensland: internal labour market issues and progress to formal redress'. Paper given at *Our Work... Our Lives: National Conference on Women and Industrial Relations*, 12–14 July 2006, Brisbane: 124-136.

[Masterman-Smith H, Pocock B and May R, \(2007\) 'Low Paid Services in Australia: Causes Dimensions, Effects and Responses, Paper presented 2007 AIRAANZ Conference.](#)

Peetz, D., (2007) 'Collateral damage: Women and the WorkChoices Battlefield', paper to Diverging employment relations patterns in Australia and New Zealand, 21st Conference, Refereed papers, Auckland, February.

Short, C.E., (2007) 'Why and How Gender Wage Inequality Persisted', Australian Digital Theses online accessed 2 November 2007 at:

<http://adt.curtin.edu.au/theses/available/adt-WCU20071017.113755/>

[The Report on the Review of the Gender Pay Gap in Western Australia \(the Todd / Eveline Report\) was tabled in Parliament on 26 November 2004.](#)

[A statistical overview of Aboriginal and Torres Strait Islander peoples in Australia August 2006 Online accessed 22 September 2008 at : http://www.hreoc.gov.au/Social_Justice/statistics/index.html#fn102](#)

Women's pay and conditions in an era of changing workplace regulations: Towards a Women's Employment Status Key Indicators (WESKI) database.