



INDEPENDENT EDUCATION UNION OF AUSTRALIA

SUBMISSION TO

The Inquiry into the Provisions of the
Sex Discrimination Amendment
(Teaching Profession) Bill 2004

APRIL 2004

1. Introduction

- 1.1 This submission is made on behalf of the Independent Education Union of Australia (IEU) which is the federally registered union representing teachers, principals and support staff in 2,677 non-government schools across Australia. The union's membership is currently 56,096. There are approximately 80,000 teachers who work in the non-government education sector across all states and territories, approximately 57% of whom work in the Catholic sector and 43% in the independent sector. It should be noted that the great majority of non government schools have a religious affiliation.
- 1.2 In relation to the gender ratio of teaching staff in non-government primary schools, 79.6% of teaching staff are female and in secondary schools 55.2% are female. The gender split across the sector at both primary and secondary schools is 67.8% female, 32.2% male. (ABS: Schools Australia 2003)
- 1.3 The 2003 ABS publication 'Schools Australia 2003' shows that 1,063,988 (32.1%) full time students attend non-government schools, with the gender distribution across the ages (5 & under to 20 & over) being 50.13% (m) and 49.87% (f).
- 1.4 The age participation rates of 15-19 year old students across all States/ Territories (as a proportion of the population of the same age and sex) show, without exception, a higher rate of participation for girls than boys.
- 1.4 The apparent retention rate from year 10 to year 12 for female students (81.6%) in 2003 was higher then the rate for males (72.3%) across both government and non-government schools. In non-government schools, it was 79.6% for males and 87.6% for females.

2. Background regarding the IEU's Position on the Amendment

- 2.1 In August 2002, the Catholic Education Office, Archdiocese of Sydney made an application seeking a temporary exemption from the Sex Discrimination Act in order to offer teacher training scholarships to male students only. The IEU opposed the application and the Sex Discrimination Commission rejected the application. Our reasons for opposing the application and the recommendations within our submission were generally consistent with the decision of the Sex Discrimination Commission and with the Report of the Joint Standing Committee on Education and Training Inquiry into Boys Education (*Boys: Getting It Right*).
- 2.2 This Committee will be aware that in March 2004, the Human Rights and Equal Opportunity Commission granted the Catholic Education Office (CEO) a temporary exemption from the operation of certain provisions of the Sex Discrimination Act to offer 24 new scholarships – 12 reserved for

male and 12 for female student teachers in each of the next five academic years. This followed the consideration of a new application from CEO. The IEU supports this decision. It is founded on common sense principles.

- 2.3 The IEU also made a substantive submission to and appeared before the House of Representatives Committee Inquiry into the Education of Boys in 2000. Given the statements made by the Attorney General that the major purpose of this amendment is to address issues related to boys education, the Union refers the Committee to this previous submission and to the submission we made to HREOC in relation to the CEO's original temporary exemption application, both of which can be found on the IEU's website at www.ieu.org.au.

3. The IEU's Concerns with the Proposed Sex Discrimination Amendment (Teaching Profession) Bill 2004

- 3.1 The fundamental purpose of anti-discrimination legislation is that it be beneficial to the human rights of the citizens of the Australian community and that it prohibits discrimination on a range of grounds of attributes and areas of activity.

The purpose of the proposed Bill which is the subject of this Inquiry is to permit the provision of scholarships to persons of one sex in relation to school teaching courses and thereby to address the gender imbalance in the teaching profession, in particular the shortage of males in pre-school and primary school teaching.

The IEU acknowledges the considerable gap in the number of males and females in primary teaching. However, we believe it is unacceptable that sex discrimination legislation is permanently weakened as a measure to encourage a particular gender to enter any profession, including the teaching profession, unless there is evidence of historic gender-based discrimination at entry or the consequent need to redress inequity arising from such discrimination.

To do so is to give scant regard to the fundamental purpose of this human rights legislation which is to enshrine in law, special measures intended to redress systematic and institutionalised gender-based discrimination which has occurred over decades. There is no evidence at all that this is the case in relation to men seeking entry to the teaching profession.

- 3.2 It is the responsibility of employing authorities, legislators and policy makers at the Federal and State/Territory levels to ensure that strategies are in place for the planning, researching and resourcing of the labour market requirements of key public policy priorities such as education. It is entirely inappropriate to use Sex Discrimination legislation as a mechanism to fill gaps in the labour market.

The Union supports the view that the teaching workforce should generally reflect the diversity of the Australian community – including not only across gender but also across age, ethnicity, Aboriginality and socio economic groupings – and that this should be achieved in accord with 3.2 above.

- 3.3 The disparity in numbers of men and women in primary teaching has been evident for a very considerable period of time – as has the critical teacher shortage currently being experienced across the country in certain curriculum areas and regions. Certainly these are issues which have been noted at meetings by senior policy makers and educational administrators dating back to the early/mid 1990s.

The failure to properly address the issue has meant that there is a growing propensity at this point in time for “quick fix” solutions which are not consensus-based and are inappropriate. The IEU believes this was the case with the original CEO application and also with the current amendment, although the Union also believes that this amendment is a somewhat cynical manoeuvre by the government in the context of ‘out-positioning’ the opposition in the forthcoming election.

- 3.4 The fact that there is an imbalance in the numbers of men in the teaching profession, and more precisely within the primary sector, is not about structural discrimination which has prevented men from having equal access to the profession on the same basis as women, a matter which would be within the ambit of the objects of this Act.

It is important to note that in the ABS statistics quoted above, there is much less of an imbalance in the numbers of men and women teaching in the secondary non government sector. There needs to be a deeper analysis as to why male school leavers decide not to go into teaching or if they do, why they are much more likely to go into secondary teaching.

- 3.5 The view is often advanced that teaching is an unattractive job to many men, particularly because of the poor salary levels. Mr Ruddock also notes this point in his second reading speech. However, while the union has long argued that the status and morale of the profession is linked to the issue of improved salaries for the profession, it should be noted that for the last 20 years and more, the salary levels for both primary and secondary teachers across all jurisdictions have been the same. It also seems somewhat simplistic to suggest that women don’t care about poor remuneration.
- 3.6 Nevertheless, male teachers have historically attained equivalent, if not better salaries, conditions and status, as women teachers. Furthermore, there continues to be structural disadvantage and discrimination to women in the profession arising from breaks in their career for family reasons.

Over a career, women earn less than men because they have less time in the workforce, are often penalised because of a drop on the incremental level of the salary scale on return to work from parental leave, and lose out in terms of the amount of superannuation they exit with on retirement. Statistics indicate that women hold proportionately fewer positions of responsibility and fewer leadership positions within the sector than men, and this was acknowledged by the Catholic Education Office in their original application.

This issue of parental responsibilities and the need to balance work and family responsibilities is very significant. There is no doubt that the structure of the school year allows many teachers to better organize and juggle their work and family responsibilities and in the main, it is women (still substantially the primary carers in Australia) who see the teaching profession as giving them greater flexibility in managing work and family responsibilities.

- 3.7 A relevant issue is the overall labour market, which continues to be heavily gender segmented, where male/female wage differentials remain substantial even with the same qualifications, and career progression between males and females remain disparate and unequal. The teaching profession is strongly gender segmented. The union is also increasingly aware of male teachers within the sector confronting:

- (i) the difficulty of justifying to their peers and the school management that their primary interest lies in classroom teaching rather than career progression to positions of responsibility;
- (ii) the heightened community concern around child protection issues and rigorous legislation relevant to this.

- 3.8 The education unions and employing authorities across both government and non-government sectors have implemented policy advice to teachers with regard to their personal engagement with students, and in some cases, have dealt with serious industrial problems caused by students making mischievous and false allegations against a teacher.

For all teachers, successful teaching and learning is more likely to occur if positive relationships can be developed between teachers and students, but when a legislative and management regime inhibiting this becomes the norm, then it is quite likely that this will act as a disincentive to men entering and/or remaining in the profession. The great pity of this quite recent development is that it is occurring at a time when increasingly higher numbers of students (and the statistics show there are more boys) are disaffected and disengaged from school and would really benefit from closer, more personal relationships with teachers who are prepared to respond beyond the parameters of the school rules. What is now emerging is a more restrictive, litigious regime.

- 3.9 The IEU supports research which shows that it is not the sex of the teacher

that matters but the approach to teaching and learning. Male teachers with traditional views on masculinity may actually be confirming and colluding with the macho culture, not challenging it.

Bob Lingard argues that *“All teachers have a responsibility ... to make schools supportive learning environments for all students, both male and female. More male teachers are needed, but more female administrators and senior executives in systems are needed as well. And men do have a responsibility to work with boys around the negative effects (as well as the rewards) of hegemonic practices of”*¹

- 3.10 The original CEO application asserted that *“to address the imbalance between males and females in the primary teaching profession ... would in turn help to improve the substantive equality of boys and girls in primary classrooms.”*

In a similar vein, Attorney General Ruddock in his second reading speech stated that *“the imbalance in the number of male and female teachers in schools, in particular in pre-schools and primary schools, means that boys and girls are without enough male role models in schools. This has a detrimental impact on education outcomes”*

- 3.11 Both of these arguments fail to address the complexity of the teaching and learning process which education researchers discuss with vigour. Researchers point out that *“There are, most certainly, styles of learning which have been extensively researched and documented that all teachers are aware of. Some boys learn better when they can touch and do things. Some girls learn better when they can listen and watch and talk about things. Any teacher, regardless of gender, can teach to specific learning”*²

Central to an effective boys' education strategy must be discernment of the needs of boys as individuals and at school and community levels. Similar principles should also underpin programs to support girls, with a focus on achieving more socially just and educationally equitable outcomes for all students. Such outcomes will require different levels and forms of intervention for different students.

4. Appropriate Strategies

- 4.1 The Union notes that substantial work has been undertaken under the auspices of various Commonwealth and State/Territory programmes related to teacher supply and demand, teacher quality and leadership, the review teaching and teacher education, the values education study and boys education, to name but a few. Such work has also been supplemented by the related Senate Inquiries into boys' education and vocational education in schools.

Such work and the consequent reports are highly professional, expert and considered. The Union believes that it is more appropriate for

governments and employing authorities to consider the analyses and recommendations from these programs and projects to inform the development of policy and strategies to encourage men to opt into primary teaching.

In particular, the IEU urges the Committee to give weight to the recommendations from the Report from the Boys' Education Lighthouse Schools Programme Stage One 2003 – in particular, the Guiding Principles For Success – as these reflect the outcomes from important and interesting work being done by schools on these issues.

- 4.2 In our submission to HREOC in relation to the initial application by the Catholic Education Office, Dioceses of Sydney, the Union proposed a number of strategies which could be considered including:
- The granting of equal numbers of scholarships to enter primary teacher training for both male and female secondary school leavers. [also a recommendation from the Senate Inquiry report *Boys: Getting It Right* (2002)]
 - Encouraging career education counsellors to talk positively about the teaching profession across the levels – early childhood, primary and secondary.
 - As an employing authority, making more supportive and positive statements about the contribution of teachers and the importance and complexity of their work
 - To negotiate a range of initiatives which will attract and retain all primary school teachers, including:
 - More professional development opportunities
 - Improved salaries and conditions
 - Appropriate induction and mentoring
 - Assistance with classroom management issues
 - Minimising administrative tasks

5. Conclusion

The IEU opposes the proposed amendment as set out in Sex Discrimination Amendment (Teaching Profession) Bill 2004. It will diminish the legislation and the fundamental purposes for which it exists and in our view, this is not in the public interest. The IEU urges the Committee to oppose the legislation.

1. Lingard, B. "Contextualising and Utilising the 'What about the Boys?' Backlash for Gender Equity Goals." *Change: Transformations in Education* 1, no. 2 (1998): 17-30.
2. Canberra Times, August 28 2000