

Coalition Of Activist Lesbians Australia Inc.

Submission to the

Consultation Committee

**Department of Families, Housing,
Community Services and Indigenous Affairs**
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Re: the new *Workplace Gender Equality Act 2012*

January 2013

FROM

COALITION OF ACTIVIST LESBIANS AUSTRALIA INC. (COAL)

A United Nations Accredited Non-Government Organisation

Working for the human rights and participation of lesbian women.

COAL aspires to being part of Australian society where

respect for differences,

the rule of law,

the dignity of all humans,

and the widest possible human rights observances are shared equally by all.

Introduction

The Coalition of Activist Lesbians Australia Inc. (COAL) was formed in 1994 as a human rights organisation to work towards full participation of lesbian women, and ending all forms of discrimination against lesbians. COAL embraces the guiding principles of the United Nations human rights conventions generally and the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) in particular. COAL is a national community organisation that advocates on behalf of Australian lesbians to all levels of government as well as other sectors of society. We work to identify and promote positive approaches in human rights, workplace issues including workplace inclusion and parenting rights, social inclusion, youth affairs, health, housing, ageing issues, education, anti-discrimination/equal opportunity, social justice and other areas. These core interests have been addressed through research papers, submissions to governments and others, training and education, community publications, action research, narratives, art and other cultural works, conference presentations, seminar participation, community education and participation in consultative, advisory and management structures. It is necessary for lesbian women to be represented by autonomous lesbian organisations as too often representations through Gay Lesbian Bisexual Transgender Intersex (GLBTI) channels are insufficient and confusing for lesbian women and even the general population, frequently presuming that lesbian women's experiences and needs are identical with those of the other groups under that rubric. Lesbians experience the workplace as both women and lesbians, experiencing all the disadvantages of being a woman intersected with the further disadvantages that come with homosexuality.

COAL believes, as a lesbian organisation, it can only speak on behalf of members of the lesbian community and trusts that other sexual diversity and GLBTI organisations and communities will be vocal on their own behalf. It is essential that lesbian voices are heard directly, not filtered or even suppressed through the dominance of other sexual minorities. Nor should lesbian perspectives be presumed or reinterpreted by other/generalist organisations and those with decision making powers. We submit that this should be respected with reference to the development of reporting matters under the Act.

The Five Key Outcomes to be met by the Act

Outcome 1: To improve women's workforce participation across Australia

Lesbian women in the workplace suffer double detriments – as women and as lesbians – as has been established in anti-discrimination reports. Lesbians are frequently confused about whether they are being discriminated against because they are lesbians, women, or both.

As a consequence of self-imposed silencing (not wanting to draw attention to themselves) for fear of actual or potential discrimination, lesbians in the workplace will frequently not put themselves forward to access workplace benefits. As a consequence, lesbians frequently miss out on advantages such as workplace training and opportunities for promotion. Lesbians are thus kept financially disadvantaged and not realising their full potential in the workplace. These issues can lead to lower job satisfaction and poor performance in the workplace.

Amending and expanding the Act by refining reporting standards, benchmarks and procedures to include the category of lesbian as a subset of women will assist in the determination of the impact of the double detriment.

Outcome 2: To improve women's representation in leadership positions in workplaces and on governing bodies

There continues to be an underrepresentation of women in leadership positions in workplaces and on governing bodies. Thus it is hardly surprising that the few representative women in these kinds of positions are exceptionally visible. However, there continues to be an absolute dearth of visible lesbians in leadership positions in workplaces and on governing bodies in Australia. For example, Senator Penny Wong and Dr Kerryn Phelps are exceptionally rare examples of visible lesbian representation, and continue to be highly visible because they are such a minority. When lesbians do adopt leadership roles, typical homophobic responses are to make comparisons of similarity with traditional male behaviours (consider the many media responses of recent years to Penny Wong). These beliefs about lesbians in leadership positions are frequently culturally and socially entrenched, the end result being that other women in the workplace feel threatened.

Amendment and expansion of the reporting standards to include the category "lesbian" will facilitate the numbers of lesbians assuming such positions with positive images.

Outcome 3: To improve equal remuneration for work of equal value between women and men

It is well documented that women still receive a lower income than men, and still receive a lower income than men when employed to do the same job. However, further statistical evidence has emerged which indicates that lesbians receive an even lower income than non-lesbian women. The Australian Longitudinal Study on Women's Health has provided statistical data indicating that young lesbians are paid 30% less than young heterosexual women. Lesbians are more disempowered in the workplace than heterosexual women due to the prevalence of workplace homophobia, fear of losing employment if their sexuality is revealed. This inhibits their ability to be visible in the workplace, and to negotiate improved group and personal wages and working conditions.

Where income is assessed as household income, lesbian couples are income disadvantaged in comparison to heterosexual couples. Heterosexual couples have a distinctly higher income given the generally higher income of men whereas lesbian couples can only attract two wages at significantly lower rates than men and heterosexual women. Considering both that the lower income levels of lesbian women that has been variously reported and the fact of historical, and sadly still continuing, structural barriers to women's income equality generally; it is no surprise that today many lesbian women retire from work with very meagre superannuation or are fully reliant on the state for income and support in their old age. This is double discrimination.

The inclusion of "lesbian" as a reportable subset of "women" will facilitate lesbians progressing towards income parity with their heterosexual peers.

Outcome 4: To increase flexible working for both women and men, particularly those with family or caring responsibilities

While acknowledging that more men are taking advantage of parental and carer leave, statistics indicate that the bulk of parental and carer responsibilities still fall on women. Lesbians, as women, are not excluded from this familial demand or responsibility. Lesbian couples need to have the same access to parental leave whether or not they are the biological parent of the child concerned.

It is now acknowledged that caring for aged people or those with a disability often falls to others who are not part of traditional family structures, and whilst the various federal and state statutes recognise same-sex couples it should also be understood that in lesbian circles it is often the friendship group and others that constitute the family of association that provide end of life care and similar intense attention. It should be noted too that the concept of coupledness often excludes lesbian women who are not in an intimate relationship but who have strong supportive and mutually accepted places in the lives of another or other women. Hence, the flexibility of carer's leave and flexible work times should be flexible enough to accommodate lesbian women's requirements. Lesbians whether of partnered or single status should have their relationships respectfully acknowledged in the workplace to ensure equal access to carer leave, albeit partners or other family members.

Making this a required reporting category will ensure lesbians have the same access to this legislation as their heterosexual peers.

Outcome 5: To promote employee and employer engagement on gender equality

As an invisible subset of women, lesbians remain invisible in the promotion of gender equality in the workplace. The promotion of equality for lesbians will both reduce workplace homophobia and enhance the contribution of lesbians to the workplace to the benefit of both employees and employers. It is therefore necessary to ensure that in workplaces management and staff understand and respect the autonomy and rights of lesbian women to ensure that engagement and equality is truly fair and equitable. Workplace training and indeed basic human resources induction and information for employees concerning the issue of gender equality, from the boardroom to the floor, must therefore be positively inclusive of lesbian women without subsuming them under generalities.

Recommendations

- **COAL recommends that the Act be amended or expanded to identify “lesbians” as a distinct subset of the cohort “women”, and a separate group for the purpose of reporting back to the Agency. The inclusion of the subset “lesbian” is a necessary reporting category for employers to ensure all women are equally represented and remunerated in the workplace.**
- **COAL recommends that the word Organisation be expanded and interpreted to mean:**
 - Organisations with 100 or more employees
 - Non-public (private) sector organisations – ie. business organisations from small to large companies
 - Public sector organisations – government bodies/departments – federal, state, local
 - Organisations who receive federal, state or local government grants/funding, ie community organisations, religious organisations, not-for-profit organisations
- **COAL supports** that more resources be made available to the Workplace Gender Equality Agency for the purposes of:
 - Identification of employers who should be reporting
 - Monitoring compliance and reporting by employing organisations to the minimum standards
 - Providing education and advice to all employers – large and small
- **COAL supports** the promotion of both employee and employer engagement in the process to attain workplace equality for all women. **Further to this, COAL recommends that lesbians are included as a subset in the promotion of workplace equality for all women.**
- **COAL recommends that the Act be amended or expanded to include measureable outcomes for lesbians in the workplace.**
 - Organisations provide data and statistics on lesbian participation in the workforce, ie the number of lesbians employed by the organisation in relation to the total number of women, and to the total number of women and men
 - Organisations provide data and statistics on lesbian representation in leadership positions in workplaces and on governing bodies, ie the numbers of lesbians in relation to women and to women and men in leadership positions and on governing bodies
 - Organisations provide data and statistics on the accessibility and utilisation of flexible working hours, recording and comparing the categories lesbian, women, men
 - Organisations provide data and statistics of practices that promote employee and employer engagement of equality for women in the workplace, where the categories include lesbians. For example employers could record numbers of in-house training events which include all employees and employers
 - Organisations provide data and statistics reflecting the proportion of employees returning from parental and/or carer leave, including the subset “lesbian”.

- Organisations are provided with benchmarks for the purpose of collation and reporting back on required standards, and that further to this, the Agency can then provide peer performance comparisons for employer/employee/public information.
- **COAL supports** process indicators which inform the existence of workplace conditions, practices and policies, feedback on the quality of their implementation, and that this information will be made available to employers/employees/public for the purpose of employer comparison of performance towards equality for women in the workplace. **COAL recommends that process indicators include the category of lesbian, that organisations develop proactive policies and practices that incorporate lesbian access and visibility.**

