



Australian
Human Rights
Commission

Questionnaire on women's and girls' human security in the context of poverty and inequality

Australian Human Rights Commission

Submission to the UN Working Group on discrimination
against women and girls

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1 Introduction

This submission is made by the Australian Human Rights Commission, an 'A status' national human rights institution.

The Commission operates under the *Australian Human Rights Commission Act 1986* (Cth). It defines human rights by reference to various international instruments, including the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW). The Commission also has functions conferred on it by federal discrimination laws, including the *Sex Discrimination Act 1984* (Cth) (SDA).

The SDA gives effect to Australia's international human rights commitments, including CEDAW, and includes as an objective the promotion of equality between men and women. The SDA protects people from discrimination on the basis of their sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy and breastfeeding. It also protects workers with family responsibilities and makes sexual harassment against the law. The Commission has the power under the AHRC Act to investigate and conciliate complaints made under the SDA by people who experience direct or indirect discrimination.

The Commission welcomes the opportunity to provide a written contribution to the Working Group on discrimination against women and girls, in preparation for its thematic report to be presented at the 53rd session of the Human Rights Council in June 2023.

This submission provides an overview of some of the Commission's key work that may be relevant to the thematic report.

2 Relevant Commission work areas

The Commission wishes to draw the Committee's attention to the following key areas of work:

2.1 Sexual harassment and sexual assault in the workplace

Between April and June 2018, the Commission conducted a national survey to investigate the prevalence, nature and reporting of sexual harassment in Australian workplaces and the community more broadly. The Commission has conducted and reported on similar sexual harassment surveys in 2003, 2008 and 2012. The survey

found that one in three people (33%) having experienced sexual harassment at work in the last five years.¹

The Commission is currently conducting the fifth national survey on workplace sexual harassment. The survey takes place around every four years and is our nation's key source of information on the prevalence, nature and reporting of sexual harassment in Australian workplaces. The data aims to inform Australia's ongoing response to this issue, providing evidence to enable employers, policymakers and advocates to develop more effective responses to workplace sexual harassment.

The *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (Respect@Work) report was launched in March 2020.² Respect@Work examined the nature, prevalence, and drivers of sexual harassment in Australian workplaces, and measures to address and prevent it, finding that sexual harassment is pervasive, occurring in every industry and across every level in Australian workplaces. The report provided recommendations to improve how Australian employers prevent and respond to sexual harassment.

Respect@Work drew on a national survey of 10,000 workers, 60 public consultations with 600 participants, 460 written submissions, and a comprehensive modelling of the high economic costs of workplace sexual harassment by Deloitte Access Economics. Respect@Work paved the way for transformative legislative, regulatory, and cultural change across the Australian workforce with respect to sexual harassment. On 8 April 2021, the Government released its official response to Respect@Work, titled *Roadmap for Respect: Preventing and Addressing Sexual Harassment in Australian Workplaces* (Roadmap for Respect).³ All 55 of the Respect@Work report recommendations were agreed upon (in full, in part, or in principle) or noted.

On 5 March 2021, the Independent Review into Commonwealth Parliamentary Workplaces was established by the Australian Government, with support from the Federal Opposition and crossbench. Conducted by the Australian Human Rights Commission and led by the Sex Discrimination Commissioner, the Review was asked to make recommendations to ensure that Commonwealth parliamentary workplaces are safe and respectful and that the nation's Parliament reflects best practice in prevention and response to bullying, sexual harassment and sexual

¹ Australian Human Rights Commission, *Everyone's business: Fourth national survey on sexual harassment in Australian workplaces* (2018)

<https://humanrights.gov.au/sites/default/files/document/publication/AHRC_WORKPLACE_SH_2018.pdf>.

² Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) <<https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>>.

³ Australian Government, *Roadmap for Respect: Preventing and Addressing Sexual Harassment in Australian Workplaces* (2021) <<https://www.ag.gov.au/rights-and-protections/publications/roadmap-for-respect>>.

assault. *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* was launched on 30 November 2021.⁴

2.2 Aboriginal and Torres Strait Islander women and girls

Aboriginal and Torres Strait Islander women and girls continue to face systemic and structural barriers to the realisation of their human rights. The Australian Government's social security measures, including the Cashless Debit Card, have a disproportionate impact on Aboriginal and Torres Strait Islander people and, in particular, Indigenous women. Where the Cashless Debit Card takes a blanket mandatory approach and is not a community-led initiative, this disproportionately affects the most vulnerable—such as Indigenous women and single parents.⁵

Since 2017, the Aboriginal and Torres Strait Islander Social Justice Commissioner has engaged in a wide-ranging national consultation process in development of the *Wiyi Yani U Thangani* (Women's Voices) project. The National consultation phase included 105 engagements in 50 locations with over 2,200 women and girls across Australia. The project also received over 100 submissions and 300 survey responses from wide-ranging civil society groups, including women and girls in communities, community-controlled organisations, research and peak bodies, and First Nations women-led groups.

The *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future* report was released in December 2020.⁶ The report captures their strengths, experiences, challenges, and aspirations, and ensuring that their voices are heard and listened to on the issues that affect their lives and communities. Propelled by truth-telling, self-determination and healing, the report is the first time in a generation that First Nations women and girls have been heard as a collective since the 1986 *Women's Business* report.

2.3 Older women's risk of homelessness

⁴ Australian Human Rights Commission, *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (2021) <<https://humanrights.gov.au/set-standard-2021>>.

⁵ Australian Government Department of Social Services, *Cashless Debit Card Trial Evaluation: Final Evaluation Report* (2017) <<https://www.dss.gov.au/families-and-children/programs-services/welfare-quarantining/cashless-debit-card-trial-evaluation-reports>>.

⁶ Australian Human Rights Commission, *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future* (2020) <<https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/wiyi-yani-u-thangani>>.

The number of older homeless women in Australia increased by over 30% between 2011 and 2016 to nearly 7,000. We have an ageing population, a high cost of housing, and a significant gap in wealth accumulation between men and women across their lifetimes. Without innovative solutions this problem will continue to increase.

There are a number of organisations working on the issue and advocating on behalf of women who are homeless. However, many of the services currently available focus on women with complex needs—those experiencing family violence or mental health issues, or who have exhausted their savings and their informal support options.

Limited services are available for older women who are renting, working and have modest savings. The moment they are unable to work and pay their rent, they are likely to be homeless. Older women's circumstances vary with respect to their assets, income and capacity to work. A range of solutions is needed to assist them to achieve housing security and sustain it through retirement. This requires engagement across sectors to develop practical solutions—from property, finance and business, through to governments, community housing and philanthropy.

The *Older Women's Risk of Homelessness: Background Paper* explores the issue of older women's homelessness and a range of opportunities which may facilitate secure, ongoing housing arrangements for this cohort, including ways to capitalise on the financial assets and the capacity of these women to work to increase the possibility of them achieving more permanent housing outcomes.⁷

2.4 Older women's work

In 2016 the Australian Human Rights Commission released its report, *Willing to Work: National Inquiry into Employment Discrimination against Older Australians and Australians with Disability*.⁸ The report found that, while labour force participation for older people had been growing in recent years, particularly for older women, labour force participation continues to decline with age. Older, single women are increasingly vulnerable to housing stress, insecurity and homelessness.

The Inquiry found that too many people are shut out of work because of underlying assumptions, stereotypes or myths associated with their age. These beliefs lead to

⁷ Australian Human Rights Commission, *Older Women's Risk of Homelessness: Background Paper* (2019) <<https://humanrights.gov.au/our-work/age-discrimination/publications/older-womens-risk-homelessness-background-paper-2019>>.

⁸ Australian Human Rights Commission, *Willing to Work: National Inquiry into Employment Discrimination against Older Australians and Australians with Disability* (2016) <<https://humanrights.gov.au/our-work/disability-rights/publications/willing-work-national-inquiry-employment-discrimination>>.

discriminatory behaviours during recruitment, in the workplace and in decisions about training, promotion and retirement, voluntary and involuntary. The cost and impact of this is high, for individuals and for our economy.

There have been several projects implementing recommendations from the Willing to Work report and promoting the benefits of multigenerational workforces more broadly:

- A training module for managers on the rights of older workers is available to complete online via the Commission's Older Workers Resource Hub.⁹
- A longstanding collaboration with the Australian HR Institute (AHRI), which resulted in attitudinal surveys investigating organisations' strategies to recruit and retain older workers spanning over multiple years. Utilising data collected from similar surveys conducted in 2012, 2014, 2018 and 2021, another iteration of the survey is currently underway for release in 2023.¹⁰
- A toolkit for mature workers developed in conjunction with the NSW Department of Communities and Justice which is being expanded currently to include tip sheets and other resources.¹¹

2.5 Women and work

There are a range of gender equality gaps in Australia that affect women's rights to work, to just and favourable conditions of work and to adequate standard of living for themselves and their family.¹² The Commission has consistently highlighted issues for women in the workplace, and the need to address existing barriers to women's equal participation in the workforce.

These issues include occupational segregation, the gender pay gap, the undervaluing of unpaid care work, the low representation in leadership and management positions, access to adequate paid parental leave and greater flexibility in how and when to take the leave, the absence of superannuation from paid parental leave, and the resulting gender gap in retirement savings. The Commission has made a

⁹ Australian Human Rights Commission, *Older Workers Resource Hub* <<https://humanrights.gov.au/olderworkers>>.

¹⁰ Australian Human Rights Commission, *Employing and retaining older workers* <<https://humanrights.gov.au/our-work/age-discrimination/publications/employing-and-retaining-older-workers-2021>>.

¹¹ Australian Human Rights Commission, *New guide to keep our older workers working* <<https://www.humanrights.gov.au/about/news/new-guide-keep-our-older-workers-working>>.

¹² Australian Human Rights Commission, *Submission to the Senate inquiry into the economic security for women in retirement* (2015) <https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Economic_security_for_women_in_retirement/Submissions>; Australian Human Rights Commission, *Submission No 35 to the Senate Finance and Public Administration References Committee inquiry into gender segregation in the workplace and its impact on women's economic equality* (2017) <<https://www.humanrights.gov.au/submissions/gender-segregation-workplace-and-its-impact-women-s-economic-equality>>.

number of recommendations in key reports and submissions that are relevant to women's economic security and workforce participation.¹³

2.6 Children and young people

In 2020, the Nations Children's Commissioner engaged with children, young people, and families with lived experience of disadvantage and vulnerability on how to keep children safe and healthy in their homes and in their communities.¹⁴

The outcome report from this project, *Keeping Kids Safe and Well – Your Voices*, conveys the views of children, young people and families collected by the National Children's Commissioner in face-to-face and online consultations and surveys. The report presents key issues, identifies priorities, and makes recommendations for action, to inform the Australian government's five-year actions plans under the *Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031* (the National Framework).

The National Framework has four priority groups:

- Children and families with multiple and complex needs
- Aboriginal and Torres Strait Islander children and young people experiencing disadvantage or who are vulnerable
- Children and young people and/or parents/ carers with disability experiencing disadvantage or who are vulnerable
- Children and young people who have experienced abuse and/or neglect including children in out-of-home care, and young people leaving out-of-home care and transitioning to adulthood.

The National Framework seeks to improve outcomes for these groups through actions in four focus areas:

- A national approach to early intervention and targeted support for children and families experiencing vulnerability or disadvantage
- Addressing the over-representation of Aboriginal and Torres Strait Islander children in child protection systems
- Improving information sharing, data development and analysis
- Strengthening the child and family sector and workforce capability.

¹³ *Submission to the Productivity Commission on the Inquiry into Paid Maternity, Paternity and Parental Leave* (2008); *Investing in care: Recognising and valuing those who care* (2013); *Supporting Working Parents: Pregnancy and Return to Work National Review Report* (2014); *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability* (2015); *Submission to the Senate inquiry into the economic security for women in retirement* (2015); *Submission to the Finance and Public Administration References Committee inquiry into gender segregation in the workplace and its impact on women's economic equality* (2017).

¹⁴ Australian Human Rights Commission, *Keeping Kids Safe and Well – Your Voices*, <<https://humanrights.gov.au/safeandwell>>.