


# Holding up half the sky? Women at work in the 21st century

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## Abstract

This is an edited version of the 2015 Fay Gale Lecture soon after the author's retirement as Director of the University of South Australia's Centre for Work + Life. It begins with the author's personal work reminiscences as a touchstone for reflecting on continuity and change in women's working lives. A first job in sheep-shearing sheds illustrates the insecurity and hard physical and emotional labour associated with manual work. Despite strides in Australian women's qualification levels, discrimination is being 'refreshed and remade'. Examples include recent Australian reversals in paid parental leave policy and the role of sexual harassment in patrolling work boundaries. The institutional basis of unequal pay and inflexible work/family time allocation is demonstrated in the Productivity Commission's 2015 Workplace Relations agenda. This recommends reduced Sunday penalty rates that will disproportionately affect feminised, low-paid retail and hospitality work and rejects any strengthening of parents' statutory right to request flexible work arrangements. Three remedies are proposed – creative approaches to research, campaigning and political action.

**JEL Codes:** J31, J58, J71

## Keywords

Gender pay gap, paid parental leave, penalty rates, Productivity Commission, sexual harassment, work–life collision

## Introduction

In January 2015, I went to New Zealand to attend an annual conference about work that I had been going to for decades. When I went to register, through some glitch in the

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universe, my registration had gone astray. In my newly retired state – I had stepped back from university life 6 months earlier – I paused. Perhaps I was meant to do something else in New Zealand. I packed a small bag, hired a car and drove 500 km south to take a look at the place where my working life began 42 years earlier. As I drove, I reflected on where work had landed me and my generation – and where it lands women today.

I began my formal working life in 1973 when I went from Australia to New Zealand to work as a rouseabout in shearing sheds. I was 17. Like most farm kids, I had done plenty of farm work before that, but this was my first off-family-farm job for real money, with a real boss. Rouseabouts do the housework in shearing sheds. They clean up after shearers (sweeping up around them, penning up sheep, packing bales and making tea); it can be hard work; they sometimes do what academics now call emotional work, keeping sheds calm and pleasant and listening to shearers – and sometimes taking their abuse.

So I drove to the little town of Halcombe where I had lived for around 6 months in 1973. I pulled up in front of the pub, which did not look much different from 42 years earlier. When I walked into the front bar, conversation among the four occupants paused. I told the publican I was looking for an old boss of mine, Graham Hughes. Apart from the publican, I was in the company of a wool presser and two shearers, who had all worked for my old boss and knew him well. Shearers still ruled the Halcombe Pub. I found my old boss, Graham, and we spent the afternoon together, exchanging life and labour market war stories.

I had worked for two shearing contract teams in New Zealand: the first was a large, travelling, gang, which I left in a hurry after a night when some of the team, well lubricated with beer, tried to break down our thin plywood door. My room-mate and I packed our bags and walked to town – one of the few times in my working life when I walked off the job. My second and long-term rouseabout job was working in Graham's gang. Most of his shearers were farmers like him, supplementing their modest farm incomes. They were land holders and small business men, vigorously anti-union – as was I at the time. Later, in 1974, Graham brought his team – and their wives – to Australia on a working holiday to shear my family's sheep. They used their New Zealand wide combs to do the job, creating a controversy in our little town. There were meetings about using wide combs, doing Australian shearers out of work and breaking down their working conditions. The shed was declared 'black', and it was stoned while we were inside it. Graham loved it all: he loved teasing the union organiser.<sup>1</sup>

I learned about a lot more than shearing in these years – and four decades later, the lessons remain relevant to the position of women at work I think.

First, for many, work is sweat. For a shearer, there is no escaping the gruelling task of catching, turning over, hauling out, shearing and then pushing a sheep down a shute – up to 200 times a day, and often in the heat or cold. So, my first lesson was work can be hard, it can hurt. That realisation has stayed with me every day of my academic life, and it was very strongly with me, I found, for every one of the 420 days I worked in Parliament House in 2001/2002 – when I never saw a dirty, sweaty person.<sup>2</sup>

Second, people without recognised qualifications or skills have little labour market power – and they have to work hard to stay in work.<sup>3</sup>

Third, collectivity matters. My farmer-shearer bosses may have been anti-union, but no one was going to push them around. They were paid union rates and unionism put a

floor under their working conditions. I didn't know that at the time; it took arriving in Sydney 6 years later in 1979 to work at the Reserve Bank – with not much more than my economics degree and a suitcase – for me to realise that people need a safety net – and unions have been the main means to one in Australia since the 1890s.

Fourth, for many people work means more than money – for many, work can be a pleasurable part of life and a foundation of community. On a good day, shearing sheds are full of tales, jokes and laughter – some of them in very poor taste, but a great antidote to hard labour and tedium.

Finally, work is different for men and women – in occupation, reward and power. By and large, women do different jobs to men – still. Women and men take their bodies to work in different ways – in terms of their sexualisation, their vulnerability to harassment, the way their looks matter and – most importantly – their reproduction and responsibility for others beyond work, while they are at work. Working mothers in shearing sheds – whether farmers, shearers or rousies – do not go to the pub or union meetings very often – they go home to the kids and to make lunch for the next day.

After 42 years, I have worked in the Reserve Bank, government, trade unions and universities. But these lessons have stayed with me. In this lecture, I want to reflect on what the passage of these four decades has meant for women.

I have always loved the poetic notion – attributed to Mao Zedong – that women hold up half the sky. But when it comes to the contemporary labour market and its evolution over recent decades, it is very evident that women might hold up half the sky, but we don't get half the returns, and we pay a high price in terms of maternal guilt, harassment and time pressure.

We also get a great deal from work. Most women say they enjoy their work, find it meaningful and rewarding and enjoy their work-based social life. We have found economic independence through work – an incalculable freedom to create our own homes and lives and, for some, to escape violent relationships. However, I arrive at a view that a long-term Guerrilla war is still being waged against equality for working women – and that it is being remade and renewed even as we speak. We need to call it out loudly. And I want to argue that we need a new, different effort if it is to come to an end – and its consequences cleaned up.

## **So four decades on, where are Australian women at work?**

It is true now that women hold up almost half the sky in terms of participation in paid work. Since the early 1980s, women's increasing participation at work has entirely underpinned the overall participation rate in Australia, making up for the decline in men's. This growth is obvious across the age range – but nowhere more obvious than among older women. Among 60- to 64-year-old women, participation has increased threefold from 15% in 1993 to 45% (Wilkins and Wooden, 2014: 419). For the first time, we have a generation of older women who have not only undertaken the same kinds of reproductive work and care of their mothers and grandmothers but often held a job for many of those decades as well.

Despite their decades of the 'double day', they approach their retirement years being told that they must work on longer – that the nation cannot afford their pension

and that their superannuation balances are woefully inadequate. For many, their superannuation might buy a new car perhaps, but certainly not much income. More than a third have no superannuation at all. Most of the third who have separated or divorced during their working years will experience negative effects on their housing and retirement resources, and many will be very involved in the care of grandchildren as their daughters and sons work.

The increase in participation has been especially pronounced among women in their most intensive caring years – from 20 to 50 years, as we have scooped those women from home into the workplace so that women today, in terms of participation in work over the life cycle, look a lot like men. This is a transformation of our society. It means that we now expect women to work for most of their lives – to behave like men in this respect. Certainly, many work part-time, but they are expected to – and often want to – work outside the home.

### *Domestic work and care*

At the same time, their responsibility for domestic work and care has remained too little changed. While men have upped their domestic work contributions, mainly through few more minutes a day on childcare – although we know less and less about this as the Australian Bureau of Statistics (ABS) no longer collects time use data – and women have lowered their standards and are doing a little less, women still do twice as much domestic work and care as men. Overall, counting both paid and unpaid work, women work more than men – by about an hour a week. But it is more complex than this.

The fact that women's work sits across multiple spheres and involves unpredictable care and home needs that conflict or overlap with the often rigid boundaries of work means that they are caught in a demanding juggle. This means they experience levels of time pressure that are much higher than for men. Four in 10 women feel often or almost always rushed and pressed for time, compared to 3 in 10 men (ABS, 2015a). And for mothers and carers, this feeling is much more widespread: 7 out of 10 working mothers say they are rushed and pressed for time almost always, compared to 5 in 10 working fathers. Negative work–life interference is much more pronounced for working mothers than fathers, and it is especially high among sole mothers (Skinner and Pocock, 2014: 18, 30).

Unfortunately, while women and mothers have stepped up to work, the institutional adaptation to women's changing worker identity has been far from complete both at home and in the workplace. It has been partial, tentative, hotly debated at every turn, and despite advances the deep inequalities between men and women at work jump out from the data.

The Australian paid parental leave (PPL) policy is a debacle, not a 'debate': women are being called 'double dippers' because in many cases they access PPL from the government as well as their employers and their own savings (Williamson, 2015). We have a similar 'three-pillar' approach to that other working life policy, retirement – where people draw on their employer contributions to super, a government payment (the pension) and private savings – but no one would think to call someone who leaned on all three pillars a 'double dipper'. The PPL system was *designed* to increase working women's access to PPL to a reasonable international standard over time by means of all three

pillars. To protest this means that some women get more money than others which never bothered anyone much in relation to the very wide disparity in wages or retirement incomes in Australia. But it would appear that it cannot be allowed in a system which helps women. It is the gender of the recipient that makes this policy so bitterly – and often so ignorantly – contested.

Are the significant, continuing disadvantages that women experience in Australian workplaces today just the legacy of history – that will work their way through the system with time? Surely with women now so significantly out-qualifying men, it is only a matter of time before the workplace gender gaps close. With a 20% gender gap in university graduates (Martin, 2015), can't we expect the pipeline or the market to fix things? Not if recent history is any guide.

Why have we at best stalled and at worst gone backwards? The answer lies I believe in *ongoing, contemporary* policy approaches that see working women still as strangers to workplace norms, fostering new propositions that subtly *refresh and remake* discrimination against women. Things are resistant to change and perhaps increasingly difficult to call out because they are subtle.

## **The Productivity Commission on workplace relations in 2015**

I want to illustrate my argument through the latest review of workplace relations: the 2015 draft Productivity Commission's (PC) review of workplace relations in Australia. The Commission was asked by the Treasurer in his December 2014 Terms of Reference to review workplace law to 'identify future options to improve' it 'to maximise outcomes for Australian employers, employees' (Issues Paper 1, PC, 2015b).

The Terms of Reference did not mention women specifically, and the draft report released in August 2015 does not provide any serious gender analysis – beyond noting the increase in women's participation in paid work as a major change in our labour market. Its recommendations, however, have significant negative implications for women – and it misses entirely the opportunities to name and redress continuing gender inequalities in our workplace relations framework. I will refer to just two aspects of workplace relations to make my points: pay and flexibility.

### **Pay**

While big advances were made in pay equity in the 1970s just as I was beginning my working life, we have stalled in the past two decades. In 1970, women earned only 59.1 cents in the male dollar in Australia, but that rose to 70.4 cents in 1972 when I was heading for those shearing sheds and by 1979 the figure was 80.6 cents.

However, the gender pay gap has now been stuck for 20 years at about 83%–84% and it widened in 2015 to reach its highest level in 20 years. Analysing ordinary full-time earnings (and excluding overtime, penalty rates, the effects of part-time work or differences in overall salary packages like cars and superannuation – all of which favour men), Australian men employed full-time now earn almost AUD300 more a week than women employed full-time.

The gap is explained by many factors, including women's concentration in particular occupations and industries; gender bias and discrimination; and the effects on women of taking time out to look after others and having fewer years of work experience.

The effects of these gaps are very significant over a lifetime of work. Over a 45-year career, this amounts on average to AUD700,000 for Australian women according to the ANZ's (2015) recent report on gender equity (p. 6). The AMP/NATSEM (2012) analysis shows that a 25-year-old woman with a bachelor's degree will, over her lifetime, earn AUD2.14 million, while her male equivalent will accumulate AUD3.66 million. Anne Summers (2013) has called this the million dollar gender tax on women – in fact it is over AUD1.5 million.

Despite women's rapidly increased investment in their education – and the fact that they outnumber men in holding a degree – their pay has not shown an education dividend. So much for economists' theory of human capital. We have to look at the subtle operation of economic, social, cultural, workplace and institutional factors to find explanations for this.

Justice Mary Gaudron, the first woman to be appointed to the High Court, was as right in 2015 as she was in 1979 when she famously said, 'Equal pay was won in 1969 and again in 1972 and yet again in 1974. And we still don't have it' (Gaudron, 1979, cited in Industrial Relations Commission of New South Wales, 1998).

Indeed, our system has *amplified* this inequity in recent years.

We transfer the imprint of this wage inequality directly into our quite recently invented retirement incomes system, through wage-based percentage superannuation payments – which mean that a policy innovation, implemented in only 1992, entrenches the pay gap into retirement earnings, with the effect that women's average superannuation balances in 2015 are around half of men's – and a third of women in 2011/2012 had no superannuation at all (compared to a quarter of men). This superannuation gender gap will not disappear as the system matures – there is no automatic pipeline correction, unlike in other countries that have introduced carers' credits,<sup>4</sup> to compensate for the time women take away from paid work to care for others. In Australia, this is the price of interrupting your career to care for kids or others. Elizabeth Broderick eloquently asks, 'Is poverty to be the reward for a lifetime spent caring?' (cited in Corsetti, 2015).

*What to do?* We know that we can change this pay gap – by more appropriately valuing occupations that are female-dominated, especially rapidly expanding care-related work; by calling out and acting on discrimination and harassment; by supporting women in non-traditional occupations, industries and leadership; and by measuring, making transparent and addressing pay gaps within organisations.

We know that workplaces that measure their gender pay gaps, and make plans to narrow them, can change them – and some do so. However, the current Australian Government has weakened any encouragement in this direction by reducing gender equality reporting requirements – and the data tell us that we are failing on the most basic key performance indicator – the pay gap.

Australia now has the 11th highest gender pay gap among 34 Organisation for Economic Cooperation and Development (OECD) countries – around 3% points wider than the OECD average (OECD, 2014). The shift towards individualisation and bargaining of pay

has not served women well in the past 20 years – and where that individualisation is most pronounced, the gap is widest – for example, in Western Australia it is around 25%.

The continuing strong occupational segregation of our labour market is also important – for example, only 16% of engineer graduates are women and only 16% of all those are in technical and trade occupations. In the largest single trade occupation in Australia – that of electrician – women made up just 1.3% of the total in 2011/2012 (Women NSW, 2013). This is no different from the level of 1981 when I spent 2 years working for the NSW Government to increase women's share of apprenticeships as a resources boom unfolded in the Hunter Valley. Gender segregation – and its penalties in terms of pay and harassment – remains a signature feature of the Australian labour market.

Management is also key to this. Many engineers, lawyers, IT professionals and doctors point out that the major factor determining their workplace experience is the nature of their immediate boss and the culture they create. We have to change the capacities of these managers – and make sure more of them are women – so that people don't need a visual prompt to see that an engineer or a surgeon can be a woman, a woman with kids, a woman who is as diverse as men in the way she looks, works and lives.

So we know something of what to do. But we do not do much of it. Instead, each year our media hit us with the same not-very-surprising gender pay gap story: if I and many women in this room had a dollar for every time we have been interviewed about the annual shock-horror gender pay gap data, we could probably have *fixed* the gender pay gap personally!

We can see how the persistent gap is furthered through the current workplace relations policy discussion. Take the issue of Sunday penalty rates which received a great deal of attention – and specific recommendations – from the 2015 PC draft review of the Workplace Relations Framework (PC, 2015a) while saying nothing about issues such as the gender pay gap.

**Penalty rates.** The current Australian government and many employers want to reduce penalty rates. The PC has actively championed their case in its 2015 draft report (PC, 2015a), with a recommendation that penalty rates on Sundays should be reduced – but not in all industries – just in cafes, restaurants, entertainment and retailing – where Sunday rates should be cut to Saturday penalty levels.

There is no discussion in the lengthy draft report about the gendered impact of this change. Yet the selective attack on Sunday penalty rates in particular industries will have the effect of *widening* the real gender gap in pay, given that women are more likely to work in these industries. Women make up 55% of accommodation and food services industry employees and 54.5% in retail while comprising only 45.6% of the total labour market. These two industries are large: 15.2% of all non-managerial employees in 2014 worked in retail and 9.8% in accommodation and food services (ABS, 2015b).

Their average hourly cash pay is AUD10 an hour less than in other industries (AUD24 compared to AUD35) (PC, 2015a: 509). Many workers in these sectors are not paid their legal penalty rates: a recent Government investigation revealed a compliance rate with workplace laws of only 52% in the hospitality industry, with underpayment being the most common transgression (Owen, 2016).

A very large number of workers in these two industries work on weekends: 36.5% of retail workers and 29.0% of accommodation and food services work *only* on weekends



(Daly, 2014: 12). A cut in penalties for these disproportionately female, low-paid workers will have a very significant effect on their pay packets.

There is no recommendation to reduce penalty rates in emergency services, construction, manufacturing, mining, IT, transport or the power industry. Why? Because in the minds of the Productivity Commissioners, penalty rates in these male-dominated industries are

justifiable. They align with long held community expectations, the typical working arrangements and the job skills required in these industries. (PC, 2015a: 483)

In other words – in an entirely subjective line of ‘reasoning’ which reflects nothing more than the ‘the heavy weight of history’ (PC, 2015a: 11), very far from the analytical rigour these Commissioners proclaim to favour – these norms must not be disturbed. They are ‘justifiable’; they are ‘typical’; the community ‘expects’ them. They are ‘norms’. And these perceptions are all gendered.

We can contrast this with the Fair Work Commission’s 2014 decision to retain Sunday penalty rates for workers in the restaurant industry because of the particular impact on low-paid workers, pointing out that such a change would reduce pay for Sunday retail workers by as much as 17% for weekly employees and 14% for casuals in an industry where most workers are award-dependent, lack bargaining power, are not in unions and are disproportionately women and low paid (Fair Work Commission Full Bench (FWCFB), 1996 [2014]: para 102). Such a move, the PC concluded, did not sit well with the object of a ‘fair and relevant safety net’ that ‘takes account of relative living standards and the needs of the low paid’ (FWCFB, 1996 [2014]: para 295, quoted in PC, 2015a: 524).

There is no such concern from the PC in their draft IR report, however, and no attention to the gendered impact of what they propose despite submissions from several parties pointing it out (e.g. St Vincent de Paul Society, 2015; Textile Clothing and Footwear Union Australia (TCFUA), 2015). Potentially damaging to many low-paid women (and men), the basis for the PC recommendation displays subjectivity and gendered partiality. The PC argues that because retail and hospitality services have grown and more people want to use them on Sundays, we should cut pay premiums that compensate retail and services workers while preserving the specialness – and pay penalties – of Sundays for workers in more male-dominated industries.

*Use and misuse of statistics.* In constructing their argument, the PC cites the Australian Work and Life Index (AWALI) data collected at the University of South Australia’s Centre for Work and Life since 2007. The AWALI index is a composite measure of perceptions of five aspects of work–life interference, averaging and standardising scores on a scale from 0 (indicating the lowest work–life interference) to 100 (the highest work–life interference). See Table 1 (Skinner and Pocock, 2014).

The PC (2015a) accurately cites the AWALI finding that shows that work–life interference is ‘significantly’ worse for people who work on weekends, and especially on Sundays relative to Saturdays (p. 500), supporting the argument that in terms of relative damage to family, friends and community life, there is a strong case for a Sunday over Saturday premium. These are large differences – as the PC notes – almost as large as



**Table 1.** AWALI scores – perceptions of work–life interference.

Work arrangements	Work–life interference score
Work on Sundays often or almost always	51.4
Work on Saturdays and Sundays	52.5
Work on Saturdays only regularly	43.8
Do not work regular Saturdays or Sundays	38.9

Source: Skinner and Pocock (2014).

AWALI: Australian Work and Life Index.

Scores range from 0 to 100, with higher scores indicating worse work–life interference. Based on a national stratified random sample (n=2690).

wide work–life score differences between part-timers (<34 hours; AWALI=37.0) and those who work very long hours (48+ hours; AWALI=55.0).

Sara Charlesworth has undertaken further analysis of this data in relation to retail workers in particular. She found that retail workers are no different from workers in other industries in that regularly working on a Sunday is associated with worse work–life interference than regularly working on a Saturday or weekday. Retail workers do not love working on a Sunday; they are not uniquely built for it any more than construction or manufacturing workers.

However, the PC gives the AWALI evidence about Sundays no weight and instead offers an analysis of four (not all five) individual AWALI components. Why they choose only four of the five AWALI components is not clear, and no explanation is given. The one they exclude from consideration is particularly odd:

how often does work affect your ability to develop or maintain connection and friendships in your local community?

This would seem relevant to an investigation of working on a Sunday.

In their analysis of four of the five AWALI components, they control for the effects on work–life that relate to gender, age or the presence of young children. They argue that once you control for these – which they term ‘personal traits’ – work–life balance is not worse than for those who work on a Saturday. However, their own analysis does not bear that out on two of the four measures:

- More Sunday workers find that work interferes with outside activities;
- More find it interferes with family/friends than workers working on Saturdays or weekdays.

However, in their *Overview* report, this becomes, ‘Survey evidence shows that the overall social costs of daytime work on Sundays are similar to Saturdays’ (PC, 2015a: 24). This is a misuse of data.

Their approach of removing the effects of gender and care for young children in this analysis is particularly baffling, given that care responsibilities and gender are critical drivers of work–life interference; it is odd to wash their effects out of the analysis. It is

precisely gender and care responsibilities that are likely to make work–life an issue on Sundays: if only so many of these workers were not women and were not parents, there would be no problem!

In this conception, being a woman remains ‘strange’ to the favoured norms of our labour market institutions and their reformers. Once we turn everyone into a carefree, genderless being, the problem is – if not disappeared – then significantly reduced.

An argument that Sunday workers have worse work–life interference only because so many are women or parents is unconvincing given that these factors are major determinants of work–life interference.

This does not stop the PC from ignoring the overall AWALI evidence about worse work–life interference for those who work on Sundays and blithely recommending the removal of penalty rates for industries where so many workers are women and carers.

Implementing this draft recommendation would widen the gap between women and men’s pay and conditions because its effects would fall disproportionately on women. In 10 years’ time, researchers would be pointing back to this decision and to the widening gender pay gap, a bit like those women who warned against a percentage wage-based superannuation system did in 1992 – who can now quite rightly say, ‘I told you so!’ More annual ‘shock-horror’ the gender pay gap has widened.

This account is salutary for another reason also. Every student in an Australian university should receive a cautionary lecture about spending decades of their life collecting data to illuminate problems and then having it served back in perverse analyses. This is not an argument against collecting data: but it is an argument for being prepared for its strange use when you share it – and calling it out when it happens!

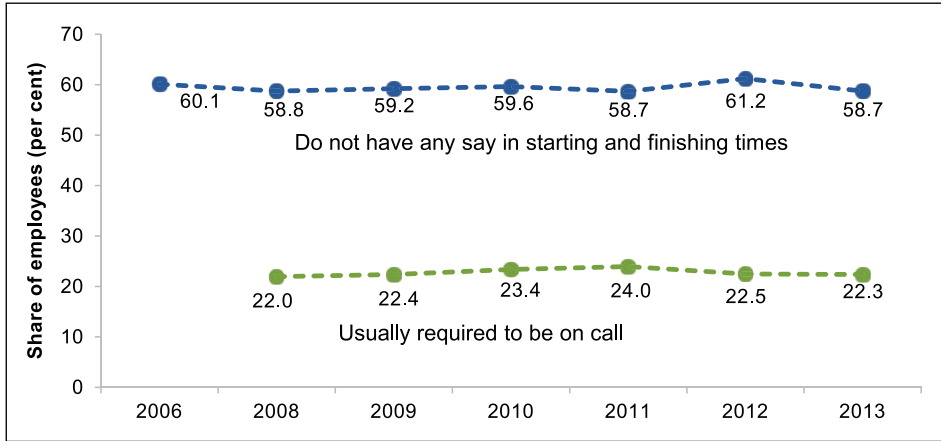
### *Flexibility*

A second issue that is vital to working women is flexibility at work. Once again, I want to take the way the PC has dealt with this issue in its draft report to illustrate the persistent morphing but steadily refreshed war on women at work (Figure 1).

Every person who becomes a working carer knows two things are vital: a decent period of PPL and the chance to have some say over where and when you work. This issue is of increasing importance to men with serious parenting responsibilities and the growing number of men and women who will have responsibility for caring for older people and those with disabilities.

A very basic form of flexibility is the ability to influence start and finish times at work. Once again, let’s focus on the PC approach which provides a good opportunity to assess whether we are going forward and what might be in the way.

The PC includes this table in their analysis, concluding that there has been ‘little change [in flexibilities] for employees over the past decade’. Sadly, this does not mean they recommend *any* change in this aspect of work regulation in Australia – for example, actually giving some teeth to the National Employment Standard (NES) that enables workers with caring responsibilities to request changes in their working arrangements. In Australia after 1 January 2010, the Fair Work Act 2009 introduced an NES granting Australian working parents of pre-schoolers or children aged under 18 years with a



**Figure 1.** Flexibility for employees.

Sources: ABS (various issues), *Forms of employment*, Cat. No. 6359.0; and ABS (various issues), *Working Time Arrangements*. Cat. No. 6342.0; Based on Productivity Commission (2015a) *Workplace Relations Framework, Draft Report*. Figure 2.13, p. 107.

ABS: Australian Bureau of Statistics.

<sup>a</sup>The figure for the share of people required to be on call in 2006 was not available from the *Forms of Employment* publication for that year.

disability, a Right to Request (RTR) flexible work arrangements. But there is no redress available if the request is refused.<sup>5</sup>

There are two very strange – if revealing – things about the PC’s take on this. First, the Commission ignores robust evidence about the fact that this provision has had absolutely *no* discernible effect on flexibility request-making by Australian workers: basically those who feel secure about asking, ask – and mostly get what they ask for. They have reciprocal respectful arrangements with their supervisors/employers – and they ask from a place of relative power. Those who do not, do not ask.

Furthermore, it is clear that many workers – around a third in successive AWALI surveys – want more flexibility and do not ask. We call them ‘discontented non-requesters’ (Skinner and Pocock, 2014).<sup>6</sup> When we ask these people why they don’t ask, they say it is because they feel insecure at work or work in places where they know they will be refused and may well suffer for having made a request. We conclude from our analysis of the RTR over the past 5 years:

... the existing RTR is not enlarging the proportion of workers who request flexibility beyond those who felt comfortable ‘just asking’ before the legal RTR was introduced. Ensuring that less confident, less powerful workers, and more fathers and men, can also make effective use of this right will require wider knowledge about the RTR and firmer legal protection around it – such as the right to contest a refusal that seems unreasonable and confidence that requesters will not negative outcomes in the workplace. (Skinner and Pocock, 2014: 5)

It is odd that an inquiry that begs for ‘clearer analytical frameworks’ and high-quality empirical research as a basis for decisions – rather than the ‘heavy weight of history’ and

the self-interested arguments of industrial parties (PC, 2015a: 11) – makes so little use of evidence that is so readily accessible on such issues.

Instead, the PC rejects intervening further on the issue of flexibility. They say this is because

... any obligations perceived to be costly by employers and that predominantly affect *only one group* of employees [eg women], may unwittingly lead to employment discrimination ... There is therefore a risk that women may find their career and hiring prospects reduced by some employers without any real capacity to detect this. Moreover, to the extent that the provisions are seen as largely oriented to women, men may be reticent about even requesting to use such provisions. (PC, 2015a: 171–172)

This paragraph tells us much. Clearly anti-discrimination legislation which outlaws such behaviour in most states carries no weight with the PC. Perhaps they either don't believe it matters or don't believe it works. Furthermore, in their conception, we cannot adapt our labour standards for specific 'groups' of workers – like women – because such adaptations will be used against these groups. The ideal male worker squats squarely at the centre of this paragraph. In this conception, the category 'women' – who now make up almost one in two of all Australian workers and are far from exceptional or special or a small group – are still seen as strangers to the norm and their 'difference-from-men/male norms' cannot be recognised in regulation because it will be used to (illegally) discriminate against them.

Or – horrors! – if men are so foolish as to act like women (and seek flexibility), they risk being contaminating by looking like women – the non-normal. There is so much wrong in this thinking. Someone has missed the memo that working women are the new normal: we hold up half the labour market sky – and no we are not men, we are *workers*.

Fortunately, years ago, we realised that working men and women are not the same and must be dealt with differently. For example, we recognised in 1979 that many workers who are women have babies – and they have had unpaid parental leave in Australia since then and paid leave – for most – since 2011 when a PPL scheme was introduced. It was based on recommendations made in the 2009 PC Inquiry Report into PPL (PC, 2009). It provides 18 weeks of Parental Leave Pay at the rate of the national minimum wage for the primary carer, usually the birth mother.<sup>7</sup>

Conventional workplace institutions, and the minds that inhabit them, privilege male norms without any awareness that they are doing so. They ignore evidence about the ineffectiveness of modest regulatory change like the Australian NES establishing a RTR flexibility and condemn almost half our workers – who happen to be women – to behaving like childless, careless 'ideal' men if they are to work. This means pretending that you are a man, without caring responsibilities or a female body, despite the fact that the demands of caring are so different from men's – and that men cannot *exist* without this reproductive work of women beyond the workplace.

### ***Sexual harassment: men still patrol the boundaries***

Before I finish, let's go back to the shearing shed and that fragile plywood door. Surely we have left the primitive practices of sexual harassment behind by now. Unfortunately

not. But we do have much better information about this than in 1973 – when we did not even have a name for male colleagues bashing the door down for sexual access. Like many of you in this room, I've had an experience like this more than once: the hand-on-knee and proposition from my boss when I was Equal opportunity officer in the Hunter Valley and door bashing once again by my well-lubricated-by-alcohol male fellow-unionists at Clyde Cameron College! Sadly, harassment knows no political boundaries.

Sara Charlesworth and Paula McDonald have been methodically studying sexual harassment in Australia in recent years (e.g. McDonald and Charlesworth, 2016; McDonald et al., 2015). They cite the Australian Human Rights Commission's (2012) survey research findings that one-third of women have been sexually harassed since the age of 15 years, compared to fewer than one in 10 (9%) men and a quarter of women and one in 6 men (16%) aged 15 years and older had experienced sexual harassment in the workplace in the past 5 years. We might hold up half the sky at work, but we sure don't exercise the same freedom from violence, sexual comments and rigid gender and sexuality norms, as mainstream men.

### **Conclusion: come to work, go to work, stay at work**

We cannot keep making workplace relations changes that disadvantage women and be surprised that there is no narrowing of the gender pay gap, no increase in flexibility at work for many women and men, no respite from relentless time pressures for working women and no relief from sexual harassment. We cannot lament the unchanging ratios of women in every form of leadership in Australia and in the same breath refuse to take action – like set targets or quotas (and most importantly *plans* to achieve them) to address these in any kind of meaningful way.

We know that work is good for women – for our independence, sense of contribution, use of competence and skill, health and social connection – and Kathleen McGinn's recently released Harvard study of 50,000 adults in 25 countries even tells us that our work is good for our children: that daughters of working mothers are more likely to be employed in supervisory roles and earn higher incomes, while sons are more likely to spend more time on childcare and housework (Nobel, 2015).

But those of us – especially politicians and leaders – who exhort women to increase their participation in paid work, to invest in their skills and experience and to work for longer into old age have a responsibility to illuminate and change the disadvantages that continue to affect women so negatively and disproportionately – and which are flat-lining or getting worse not better. The AUD1.5 million dollar lifetime earnings loss for Australian women with degrees relative to their male peers is not acceptable, nor is the growing proportion of women in a labour market where less than half have meaningful flexibility, or the shameful political football that our PPL scheme has become: these are all signals that we are being 'taken for mugs'. But we are not so gullible.

I suggest that we try and do more of three things. The first is research. Quality research on key issues still matters – on sexual harassment, pay, conditions, leave, flexibility, all forms of care work, the retirement system and the issues that particularly affect those who challenge conventional norms of sexuality and constructions of gender. But the second action of organising and creative campaigning matter more – much more. Research is a

necessary but far from sufficient solution. We need to name, shame, organise – and demand practical plans for action and change – rather than a fake and frequently semantic debate about quotas or targets, for example. Third, political organising among women is also essential, given that both major political parties currently let women down. In doing this, we need to make much better use of social media, recognising the power of humour, ridicule and mobilising people including as consumers. Examples are the ‘#ILookLikeAnEngineer’ campaign – images of a diversity of women holding this sign and the campaign by the young Melbourne hospitality worker Kahlani Pyrah, resulting in her reinstatement after allegedly being sacked for complaining about being paid AUD10 an hour on Sundays, without penalty rates and underpaid AUD4000 a year (Toscano, 2015).

One thing is clear to me: nothing will change because it is the right thing to do – alone; because the evidence is strong; because gender disadvantage is getting worse; or because the gender bias and wilful blindness of our workplace institutions is diminishing. I am alarmed to find – on the small terrain I’ve looked at tonight – that things are not improving on so many fronts. A long-term guerrilla war is still being waged against fairness at work for women in institutions and analysis that hold women ‘strange’ and continue to expect them to meet archetypal male norms – norms that many men now cannot or do not want to meet. This continued and expanded inequality is being remade in significant ways around us.

If we are going to continue to hold up half the sky, we need a lot more institutional support and change to get near anything like gender equality. If the young people in this room are to look back in the middle of this century to their own 42 years at work and observe real change in gender equality, we will need a much stronger and more effective political effort than my own generation has been able to muster, stimulate or execute – and take it from me, we worked hard at it!

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### **Notes**

1. Graham reminded me that in the middle of the dispute he took a call from Bob Hawke, then President of the Australian Council of Trade Unions (ACTU), who told him he should go back to New Zealand as Bob couldn’t guarantee his safety. Graham told Bob he had a long list of sheds lined up (he didn’t) and intended to hang about. Years later they met again at Bob’s request, and Bob apologised according to Graham.
2. There is sweat in Parliament House – but most of it is literally underground and out of sight.
3. This was true of shearers in 1973 but probably less so in 2015 when it is hard to find skilled shearers in many parts of Australia.

4. In the United Kingdom, carers can apply for credits towards benefit eligibility where caring responsibilities impede their capacity to earn and thus make national insurance contributions.
5. Eligibility was broadened in mid-2013 to all carers of school-aged or younger children, those with a disability, those 55 years or older, those experiencing family or domestic violence, or caring for someone experiencing such violence, but again with no redress for employer refusal (Fair Work Ombudsman, 2013).
6. Dr Abby Cathcart, Professor Paula McDonald, Suzanne Pritchard and Dr Natalie Skinner all contributed to this work.
7. Dad and Partner Pay, also based on recommendations in the Productivity Commission (PC) Inquiry Report (PC, 2009), was introduced on 1 January 2013. This statutory entitlement consists of a 2-week payment at the rate of the national minimum wage for eligible working fathers and partners. It complements the provision of unpaid parental leave under Australia's National Employment Standards.

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**Author biography**

Barbara Pocock has been researching work, employment and industrial relations for over 30 years. She established the Centre for Work + Life, at the University of South Australia and was its Director between 2006 and 2014. She was elected as Fellow of ASSA in 2009 and made a member of the Order of Australia (AM) in 2010 for services to industrial relations research and advocacy of social justice. Her main areas of study have been work, employment relations, unions, inequality and vocational education.