



Government of South Australia
Premier's Council for Women

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The Premier's Council for Women South Australia welcomes the opportunity to provide comments on the Australian Law Reform Commission (ALRC) Issues Paper: *Grey Areas – Age Barriers to Work in Commonwealth Laws*.

The Premier's Council for Women (PCW) is a high level advisory body which advises the Premier of South Australia and the Minister for the Status of Women. The PCW provides quality, independent advice to the South Australian Government on issues relating to women to facilitate a whole of government approach to meeting the needs of women. The views expressed in this submission are those of PCW and do not necessarily reflect those of the South Australian Government.

The ALRC is reviewing the Commonwealth legal barriers to older persons (aged 45+ years) participating in the workforce or other productive work. Under the Terms of Reference the ALRC is to identify these barriers and consider reforms to address them in Commonwealth laws, including: age pension, income tax, social security, superannuation, insurance, compensation, child care, migration and employment.

While the PCW has not undertaken an investigation into the current issues facing women in the 45plus age group with respect to paid employment, in 2008 the PCW commissioned a major report from Professor Barbara Pocock, the leading Australian researcher in work-life issues and Director of the Centre for Work + Life at the University of South Australia. The report, entitled *Working Women in South Australia: Progress, Prospects and Challenges* and released in 2009, provided a detailed analysis of women's position in the workforce compared with that of men, based on national and South Australian data, and identified key factors that still constitute barriers to equal participation. A copy of this report is attached for your information.

Professor Pocock's report considered aspects of:

- Participation and hours of work
- Skill and education
- Wages
- Sex segregation
- Working conditions, carers and flexibility
- Unpaid work and care
- Work-life balance

Professor Pocock's report showed that women remain under-represented in higher paid and higher status jobs, under-employed and with much lower workforce participation rates than their male counterparts.

Whilst Professor Pocock's report did not focus on particular age-groups, she found that women aged 40+ years have increased their share of employees relative to other groups (with a similar shift amongst men but to a lesser extent), a trend which has continued.

She also identified a number of gender-differentiated aspects of participation in work which have been highlighted in the scope of the ALRC review. These include lower rates of employment compared with men, higher rates of casual and part-time employment, lower average rates of pay, and superannuation entitlement, and caring responsibilities.

From these findings, it is clear that women continue to face significant barriers to full and equitable workforce participation.

The PCW draws the conclusion from this and other research that there are long-established and persistent gender differences and related inequalities that continue to influence women's access to and experience of paid employment.

The PCW supports the Government's overarching objective to "keep people in work, and paying taxes, longer—rather than being in receipt of old age pensions—and to support people into self-funded retirement"¹.

The ALRC was asked to consider all relevant Commonwealth legislation and related legal frameworks that directly, or indirectly, impose limitations or barriers that could discourage older persons from participating, or continuing to participate, in the workforce or other productive work. The sex-segregated labour market, the gender pay gap and women's lower earnings in general have a significant impact on the financial security of women in retirement, resulting in women being heavily reliant on the Age Pension and other benefits from the Government².

However, the Council notes the lack of a gendered approach in the Inquiry and would urge that a systematic gender analysis be applied to consideration of all the issues that are to be covered. Such an approach not only provides a more complete understanding of the issues to be addressed. Importantly, it also points to potential solutions which will be more effective because they can have greater positive effects for particular groups, such as older women.

The Australian Human Rights Commission has noted that older women face double discrimination based upon both their gender and age³.

Women typically face particular assumptions about their skills and commitment to employment which will have a significant impact on the opportunities of older women to retain their jobs, to be recruited into new positions or to be considered for further training and promotion.

Additionally reconciling work and care commitments has become an increasing focus of public policy and ABS data (2008) suggests that a higher proportion of women than men provide care

¹ Presentation at the COTA national meeting, Wednesday 16 May 2012. Professor Rosalind Croucher, President, Australian Law Reform Commission <http://www.alrc.gov.au>

² The Australian Institute for Social Research, The University of Adelaide, 2009 *Experience Works: The mature Age Employment Challenge: Discussion Paper prepared for National Seniors Australia*

³ Australian Human Rights Commission, 2009 *Accumulating poverty? Women's experiences of inequality over the lifecycle. An issues paper examining the gender gap in retirement savings*

(43% and 34% respectively) and that employed women who provide care are more likely to work less than five days per week (44%) compared with employed women who did not provide care (30%)⁴.

The long-term impacts are demonstrated by the same ABS data which indicated that 20% of women, compared to 10% of men, who intend to retire from the labour force did not expect to have any personal income when they retire.

The PCW believes there is sufficient evidence to support a gendered approach to the Inquiry and notes the following examples in the Issues Paper where gender is recognised.

In the Terms of Reference it states:

(p.17) "15. The ALRC acknowledges that providing informal care can have a significant impact on a person's ability to enter and maintain employment in the workforce. There is also evidence that this impact disproportionately affects women. However, in defining the scope of 'productive work' in this Inquiry, the ALRC is focusing on barriers to more formal working arrangements, in addition to paid employment, such as volunteering and civic duties."

And under further sections it states:

(p.21) Age Pension "37. In 2009, fewer than 5% of Age Pensioners had earnings from employment. In particular, the Age Pension is likely to provide the majority of retirement incomes for individuals with broken work patterns – such as women (who are more likely to have career interruptions because of caring responsibilities), intermittent workers, carers and people with disability.

(p.30) Superannuation "74....Lower income earners may receive comparatively little benefit – including those who spend time out of the workforce, or work part-time, to care for others. This particularly affects women, who overall 'benefit much less from superannuation'."

(pp 46-7) Activity-test income support "153. The Job Seeker Classification Instrument collects 18 categories of information, including age and gender. Job seekers are assigned 'points' according to their answers to specific questions: a higher score reflect a greater level of disadvantage. The table below illustrates the points assigned to a person according to his or her age and gender. Generally, older job seekers attract more points than young job seekers."

We also note that females score higher, or have greater disadvantage, across all age groups except for 35-44 year olds and 45-49 year olds.

(p.52) Carer Payment "177. Carer Payment provides income support to people who, because of the demands of their caring role, are unable to support themselves through substantial paid employment. Although Carers Payment is available to young carers as well as older carers, the majority of carers are aged 35 to 64 years, many of whom are females aged 45 years and over. According to the Australian Bureau of Statistics, 'the likelihood of a person providing care to someone else increases with age, peaking for women between the ages of 55 years and 64 years and for men aged over 75'."

We note that informal barriers as defined in this study are excluded from this Inquiry, and suggest it would be valuable if the ALRC could recommend that informal barriers, such as informal care,

⁴ ABS Employment Arrangements, Retirement and Superannuation 2007 ABS Catalogue 6361.0

should be addressed in some other context. Experiences of older women as carers not only affects their ability to enter the workforce, but also to volunteer, and certainly to undertake civic duties. Civic duties are matters in which traditionally men have been more represented than women.

Women's lives are still different to those of men in many significant respects and this is well documented. The gendered nature of expectations, experiences and opportunities has a profound effect on people's lives (in combination with the other social-demographic factors).

The PCW suggests the Issues Paper could have given more prominence to this critical gender dimension. It could have explicitly invited responses to address particular issues along gender lines.

The PCW commends the ALRC for conducting this Inquiry and looks forward to seeing systematic attention being given to gender in the Discussion Paper which will have the important task of setting directions for planning, implementation and monitoring of future policy.



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