



# Response to Consultation

## *Gender Equality Bill*

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*COTA Victoria is supported by financial assistance from the Commonwealth and Victorian Governments*



## COTA Vic

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4<sup>th</sup> Floor  
533 Lt Lonsdale Street  
Melbourne 3000  
(03) 9652100  
[www.cotavic.org.au](http://www.cotavic.org.au)

Authorised by: COTA Victoria Policy Development Committee  
Name: Donna Swan  
Title: Senior Policy Officer  
Email address: [dswan@cotavic.org.au](mailto:dswan@cotavic.org.au)  
(03) 9655 2100

Prepared by: COTA Victoria Policy Development Committee  
Name: Rhonda Day

## COUNCIL ON THE AGEING (COTA)

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COTA Victoria is the leading not-for-profit organisation representing the interests and rights of people aged over 50 in Victoria. For 70 years in Victoria, we have led government, corporate and community thinking about the positive aspects of ageing. Today our focus is on promoting opportunities for and protecting the rights of people 50+.

We see an ageing population as a time of opportunities for personal growth, contribution and self-expression. We believe there are obvious National, State, community, family and individual benefits from this approach. We are also focussed on the protection of the rights of people 50+.

COTA Victoria is a not-for-profit member based organisation run by, for and with Victorians 50+. We fund our activities and services through the support of government, members, philanthropic trusts, businesses and the public. We have an experienced Board, highly qualified, permanent staff located in a central Melbourne office location and a broad State membership. We also have over 130 community volunteers throughout Victoria with skills in training, group facilitation, policy development and advocacy, including volunteers bi-lingual in a number of languages.

We work with local government, senior citizen centres, community houses and a broad range of community and service organisations.

## EXECUTIVE SUMMARY

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COTA Victoria wishes to highlight the impact of gender inequality on older women. The inequities created for older women by the legacy of a lifetime of inequality need to be addressed in the Victorian Gender Equality Bill. Older Victorians make up a very significant and growing proportion of Victorian citizens, more than 20% of the population, and should not remain invisible.

Further COTA wishes to draw attention to the fact that sexism and ageism cannot be separated as barriers to education, employment and career opportunities for women over the age of 50. Age discrimination is experienced in the workforce and in access to housing and services. The Australian Human Rights Commission reported that 35% of Australians aged 55-63 years and 43% of Australians aged 65+ years have experienced age discrimination.

We believe the Guiding Principles should include reference to age and the prevention of age discrimination within organisations. It should be a target in the Action Plans and measured.

COTA accepts the Guiding Principles for the legislation, with the addition recommended, and notes that these are sufficiently broad to cover all Victorians including those not within the workforce. As stated in its earlier submission to the Gender Equality Strategy, COTA believes that gender equality is a fundamental human right. A human rights approach to gender equality will also consider related human rights such as rights to housing and services, which underpin equality.

COTA supports the achievement of gender equality by legislation and believes that this will bring Victoria into line with other countries that value human rights. It will give the ability to demand accountability, measure impacts and outcomes and demonstrate the positive economic and social impacts of gender equality for all Victorians.

A prerequisite for acceptance of the legislation within the community will be a strong public education program which challenges stereotypes of gender, age and difference and clearly explains the reasons for the legislation.

The public education program should focus on the benefits to all the community. COTA experience indicates that is important to take community education to the community centres and utilise existing networks and organisations to conduct education.

We note that it is envisaged that the Gender Equality Strategy will become the first State Gender Equality Action Plan under the Gender Equality Bill. The proposed legislation for women entering or within the public sector workforce is strong but there is presently insufficient visibility of older women.

COTA would like to see greater emphasis on policies, programs and services specific to older women within the Action Plan. Legislation will only drive lasting social change if it can be seen to apply to all Victorians particularly those most in need of support. It has to be demonstrated to be fair and inclusive.

**1 What do you think are the critical actions necessary for the success of gender equality legislation?**

The community needs to be convinced that legislation to promote gender equality will have benefits for all Victorians, and by example for all Australians. The public needs to accept the link between gender equality and family violence including elder abuse and to be convinced that this legislation will achieve fair outcomes. More than 20% of Victorians are aged 60 years or over. They need to see that this legislation will help them to live in a safe and equal society and will bring significant economic, social and health benefits for all Victorians.

This requires a strong and vibrant public education program. COTA experience indicates that programs conducted through local networks and organisations such as the COTA Listening Post consultations are the most effective way of communicating with older people, particularly those in regional and rural Victoria. Funding will be required to ensure broad access to public education programs.

**Recommendation:** Provide funding for relevant organisations including COTA to provide education to their stakeholders on the principles and actions of the Victorian Gender Equality Legislation.

**2 What other activities should the government undertake to support this legislation**

Further targeted research is required to ensure that policy and programs address the complex disadvantage faced by older women.

**Recommendation:** Victorian Government-funded research should mandate a breakdown in older age cohorts to ensure **data collection** is meaningful and supports policy and service responses which are effective and targeted. Capturing the missing data is essential, as it is data that both drives and measures change.

**3 What do you think is best practice in measures to support implementation of legislation that drives lasting social change?**

This is covered in question 1. Best practice includes transparency, input from the community and a recognition that achieving significant cultural change takes time.

#### **4 Do you agree that these are the critical principles and actions that should underpin the legislation? What should be added or needs to be changed.**

COTA supports the gender equality principles but would add reference to “age” – “Gender equality benefits all Victorians regardless of age or gender.” Unless there is clear reference to age this factor tends to be overlooked.

COTA’s experience from consultations is that women suffer from age discrimination more frequently than men and that this is a major barrier to gender equality in the workplace.

Older women in consultations emphasised the importance of giving younger women and girls much better opportunities to access equally paid work across the life course, but particularly in the decades directly preceding retirement.

For women 45+, both in seeking and continuing in paid employment, age and sex discrimination becomes amplified.

Research has found that, with gender ‘deeply inscribed upon the female body’<sup>1</sup>, women are ‘harshly judged on the basis of their ability to achieve and maintain the cultural ideal of female beauty’ within the workplace.<sup>2</sup> The ageism that men experience, by contrast, is rarely bound up with their embodiment.<sup>i</sup> This means that women experience ageism in the workplace earlier than men and are ‘stereotyped as suffering an age-related decline in performance from a younger age than their same-aged male colleagues.’<sup>3</sup> One study found that managers see women’s careers peaking ‘a full ten years earlier than men’s.’<sup>4</sup>

Notably, women in their 50s experience the highest gender pay gap of any age group.<sup>5</sup>

In regard to actions COTA supports setting workplace targets in Victorian government departments for women employed in management positions and targets as a prerequisite for State Government procurement and funding to external agencies. Funded agencies need to be required to have undertaken gender impact assessments in relation to human resources.

COTA supports regular and transparent reporting against gender equality indicators as essential to driving change. It is critical that Victoria’s Gender Equality Strategy has key performance indicators built into it if it is to be meaningful including key performance indicators and targets for policies and programs for the achievement of gender equality in the community.

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<sup>1</sup> Lois McNay (1999: 98) *Gender, Habitus and the Field: Pierre Bourdieu and the Limits of Reflexivity*

<sup>2</sup> Clarke & Griffin (2008: 655) *Gendered ageism in older Australians’ experiences of labour market exclusion.*

<sup>3</sup> (Duncan & Loretto 2004)

<sup>4</sup> (Itzin & Phillipson 1995)

<sup>5</sup> [http://www.ageuk.org.uk/Documents/EN-GB/For-professionals/Policy/work-andlearning/Gender\\_pay\\_gap\\_consultation\\_September\\_2015.pdf?dtrk=true](http://www.ageuk.org.uk/Documents/EN-GB/For-professionals/Policy/work-andlearning/Gender_pay_gap_consultation_September_2015.pdf?dtrk=true)

**Recommendation:** Gender-related policies need to be viewed through the lens of ageing. We need to map and effectively respond to the cumulative vulnerabilities that gender bias confers and the disadvantages that may result as women age. Sexism intensifies the ageism experienced by older women.

**Recommendation:** Action Plans should include targets for the recruitment and retention of older workers and for programs for transition to retirement.

**Recommendation:** Fund a free financial advisory service specifically targeted to meet the needs of pre- and post-retirement (50+) women.

**Recommendation:** Ensure TAFE courses support the ‘reskilling’ of older women to maximise job readiness and improve their chances of workforce participation. The Victorian Government should fund women-specific job-ready employment programs targeting particular cohorts e.g. women with experience of family violence, women over 45 years, women with an ATSI background, women with a CALD background, carers and women with a disability.

## **5 What else should be included in Gender Equality action plans to support demonstrating compliance to the principles. ?**

To demonstrate compliance to the principle that affirms that gender equality is a human right and a precondition to social justice, targets are required for programs and policies that specifically address the disadvantage of the most disadvantaged women in our community. One in three older Australian women live below the poverty line due to the cumulative impacts of gender inequality.

The long term impacts of gender inequality are clearly evidenced in statistics. Women accumulate roughly half the superannuation of male retirees<sup>6</sup> and are more likely to be in receipt of a full aged pension. Older women are the largest growing demographic at risk of homelessness and, despite living longer on average than men, emerging research shows they are disproportionately affected by long-term and chronic illnesses which significantly affect their quality of life.<sup>7</sup>

We note that the rationale for the principles (page 12) makes no reference to the social and economic benefits of addressing gender inequality for this group of women. This group needs to be visible.

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<sup>6</sup> In fact the accurate figure is closer to 1/3

<sup>7</sup> <http://www.cwhn.ca/en/resources/primers/chronicdisease>

Further, the Strategy focuses mainly on the need to address gender inequality for younger women and girls through the creation of education and employment activities to promote pay equality. This action is essential and fully supported. In future it will affect the culture which has led to the situation of economic inequality of many older women and may lead to fewer women coping with poverty and insecurity.

But it is not enough. Currently action also needs to be taken to specifically address the inequality faced by older women in Victoria. Poverty is seriously affecting the ability of women to age well in Victoria and key structural changes to retirement income need to be addressed. Gaps need to be closed. COTA Australia has been advocating a comprehensive review of retirement incomes to the Australian government and the Victorian government can help to strengthen this campaign.

Action Plans could include targets for outcomes from programs that address housing insecurity and reduction in the risk of homelessness; programs that address the digital divide which is reducing the access of many older women to services, including government services, and to social interaction and education; programs that support community centres and Neighbourhood Houses as means of overcoming social isolation and providing education in subjects such as health and financial literacy; advocacy programs.

The following recommendations made in COTA's submission to the Gender Equality Strategy provide examples of the types of programs which could form part of department's Action Plans.

- **Fund a COTA project** which specifically supports the voices of older women on policy matters through a network of ongoing, place-based groups. These could be modelled on Men's Sheds or the OM:NI Model, but need to move away from traditional activity based groups to focus on 'change-making' and empowerment in the decision-making processes of civil society.
- **Housing support** for older people, and women in particular, needs to take a strategic approach in the longer-term. COTA, with a coalition of NGOs, is developing recommendations on what an integrated 'older person's housing strategy' might look like.<sup>8</sup> Services need to be responsive to the specific needs of older women, with increased public, social and long-term tenure rental housing options made available.
- **Support older unpaid carers** through improved funding for respite and close involvement in NDIS planning for adult children and partners.
- **Advocate** on behalf of older Victorian women on the following matters falling under the jurisdiction of the Australian Government

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<sup>8</sup> Housing Engagement Forum, April 18<sup>th</sup> 2016, COTA in partnership with Housing for the Aged Action Group

- The superannuation gap needs to be addressed in to the future, particularly for women 45+ who are currently in the paid workforce, or who have accumulated insufficient retirement income. The needs of older women from non-English speaking backgrounds need particular consideration.
- Improve carer payments for all primary carers, including grandparent carers and older women looking after adult children with mental and physical disabilities. As Women’s Information and Referral Exchange (WIRE) point out, ‘many OECD countries explicitly recognise the years spent providing unpaid care for others through a system of ‘carer credits’ within their pension process.’<sup>9</sup>
- Remove the monthly earning threshold to ensure all workers - including those in part-time or casual roles - are paid employer superannuation. The current threshold may support employer and business interests, but has a direct and indefensible impact on women’s income in retirement.

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**6 What preparation, guidance materials or training is needed to support organisations to develop Gender Equality Action Plans?**

This legislation is proposing a very significant cultural change which will first impact all employees of Victorian Government departments, public sector entities with over 100 full time employees and local government and later all organisations affected by procurement guidelines including not-for-profit and private organisations. Many of these employees will be unaware of the issues and/or opposed to the concept or will fear they will suffer personal loss. It will require a very significant and long term training program.

**7 What kinds of public sector targets should be included in the regulations of the Gender Equity Bill?**

COTA support the Outcomes Framework in Safe and Strong with the proviso that the major focus is on education, training and employment including board appointments. Other targets are by necessity very broad. There is no specific reference to older Victorians who make up 20% of the society. They are included under “all Victorians” but there is a danger that this group which has suffered long term inequality will be invisible.

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<sup>9</sup> [http://www.wire.org.au/mediarelease\\_womenstillfightingforafairgo/](http://www.wire.org.au/mediarelease_womenstillfightingforafairgo/)

COTA would also recommend an age lens on targets. As an example, older women face considerable disadvantage in the media area. This is referred to indirectly by reference to stereotypes in the industry but age is not mentioned. Until older women in the industry are given the same opportunities as older men there is not gender equality. The targets cited in the exposure draft relate to appointment of Public sector executives and to paid public boards. It may be more difficult to set and monitor targets for the community.

Public sector targets for the community could include targets related to programs for gender equality in the community including targets related to reduction of homelessness among older women; targets related to education including an increase in the number of older women engaging in ongoing education particularly in digital technology; targets related to reduction of social isolation and connectedness by attendance at programs at community centres. These targets would give the ability to measure actions being taken to increase gender equality in the community.

## **8 What is needed to ensure representation of women from diverse backgrounds?**

There is no specific mention of this cohort in the Outcomes Framework. There would need to be targets to increase the representation of women from diverse backgrounds under the various domains. The same is true for representation of older women.

## **9 What frequency or volume of reporting would strike a balance between transparency and accountability whilst minimising regulatory burden?**

Reporting for Public Service organisations should be at least annually, preferably as part of ongoing reporting requirements such as the Annual Report which is available to the public. This reporting needs to be transparent to the public. Guidance may be found in overseas practices for other bodies that need to report.

## **10 How can the Victorian Government leverage procurement and funding practices to promote gender equality in the wider community?**

COTA supports the development of guidelines to set workplace targets for gender equality for external agencies for procurement and funding purposes. Funded agencies need to be required to have undertaken gender impact assessments in relation to human resources.

COTA supports the proposal to provide increased support to suppliers through advice and online tools and recommends this apply also to funded organisations

**11 Do you think that the proposal for monitoring and compliance of the Bill is fair and balanced?**

COTA supports the proposal for monitoring implementation of the legislation by the Department of Health and Human Services, primarily through the Office for Women, which already has responsibility for whole of government implementation and monitoring under the Safe and Strong and Free from Violence strategies. This is accepted as more effective than self-monitoring.

Further, the Minister's discretion to name public sector organisations that do not comply, within the provisions proposed for procedural fairness, is necessary to achieve targets. The proposal is fair and balanced.

**12 It is clear that the impact of gender equality is compounded by the way that gendered barriers interact with other forms of disadvantage and discrimination. What is needed to ensure that the advice of the Ministerial Council is considered in other policy areas that may compound or contribute to gender inequality?**

COTA supports the establishment of a Ministerial Council on Women's Equality and the intention to reflect the diversity of the Victorian community and the representation of Aboriginal Victorians.

It is important that older women are represented on the Council. This is a large group which has suffered significant disadvantage because of lifelong gender inequality compounded by other forms of disadvantage and discrimination.

COTA's recommendation that it be funded to gather the voices of older women on policy matters would ensure that policy advice on issues relevant to older women, including housing, health and financial security, was truly representative.

To ensure that the advice of the Council is considered in other policy areas the gender equality targets for all government departments should include effective liaison with the Council and positive response to Council advice and there should be the capacity to name organisations which do not comply.

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<sup>i</sup> <https://www.tasa.org.au/wp-content/uploads/2014/12/McGann.pdf>