

## INQUIRY INTO GENDER RESPONSIVE BUDGETING

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#### **FAST FACTS**



72% of Australians over 15 have experienced sexual harassment in their lifetimes.



Domestic and family violence is the number one cause of homelessness in the country, where almost 50 percent of those experiencing homelessness are women, often accompanied by children.



From May through to November 2021, casual jobs made up over 60% of new jobs and women filled 62% of those jobs.

HACSU is the only specialist union for mental health and disability professionals in Victoria and has long campaigned for gender equality to improve the working lives of women. We are uniquely placed to lead the way with achieving progressive change, as the industries we cover are largely dominated by women, with more than 64% of our membership identifying as female and 72% being under 35. It is also our members that provide care and assistance to women from all other workforces.

All women and girls are entitled to respect, dignity and a belief in the integrity and autonomy of their bodies. We have made some progress in seeking that recognition through parental leave (primary carer), and sick and carers leave. However these entitlements still imply that a woman's primary role is looking after children and/or aging parents - that our role is predominantly a caring role. Whilst that may be true to a certain extent, there is more to women. We have huge potential to make change in the workplace, to legislation, to the way people live.

With a stronger legislative and industrial framework, women would have more capacity to lead organisations and corporations and to inspire change. People work during the day as that is when human bodies function best. We have lunch breaks to refuel at a particular time, because that is what the body needs. We have toilets available, because they are essential to how the body works - the workplace is modelled around the human body, but it does not take into consideration the specific needs of the female body, and the participation of women in the workforce. Women have worked the best we can with the system we have, but we can do more to keep women employed for longer, while looking after their health and wellbeing and with the same economic advantages as their male counterparts.

Attempting to rectify structural, generational change for working women is multifaceted, arduous and oftentimes contradictory. It is our view that gender equality must begin in the workplace to ensure as much as possible that women are afforded complete financial equity, support to report bullying and harassment and are granted the flexibility to take care of their children and their reproductive health and wellbeing. We believe that such changes will encourage women to not only remain in the workforce, but to reach higher levels of leadership and to engender a deeper sense of solidarity between working women.

Meaningful change for working women begins in the workplace and is amplified by courageous policy makers. These changes are more important than ever, particularly as we as a community grapple with the Covid-19 pandemic and the challenges this crisis brings. More than ever, we are leaning on healthcare workers and the caring industries and given that these sectors are largely dominated by women, it is imperative that industrial change and economic equity is encouraged, celebrated and implemented.



State Secretary
Health and Community Services Union







### REPRODUCTIVE HEALTH AND WELLBEING LEAVE





#### Reproductive Health and Wellbeing

Our claim

- · 5 days paid leave for employees experiencing reproductive health matters for the purpose of attending and recovering from specialty appointments and treatments; and
- · The availability of flexible work arrangements for those experiencing reproductive health matters.

In this clause Reproductive Health matters include In Vitro Fertilisation (IVF) and other forms of assisted reproductive health services (for example, IUI or hormone injections/replacements), or specialty treatment for conditions that cause excessive pain or excessive bleeding.

Reproductive issues, whilst not exclusively experienced by women, impact significantly on women in the workforce and contribute to the superannuation gender gap at retirement. Women are often forced to utilise paid and unpaid personal leave because of reproductive health issues. Access to paid reproductive health leave for all employees experiencing reproductive health issues increases workforce participation, reduce the gender pay gap and reduce the superannuation gender pay gap at retirement.

For many women, small adjustments to working arrangements that assist in accessing treatment or alleviating symptoms associated with reproductive issues can improve the working lives of women without the need for employees to take extra leave. For example, implementing a reasonable flexible start time could allow persons undertaking hormone or IVF treatment to manage nausea/vomiting without losing an entire day to personal leave.

These measures enhance gender equality by removing the all too prevalent stigma associated with reproductive health issues while also increasing female participation in the workplace.

This is inclusive of Pregnancy Loss for Employees who experience pregnancy loss to allow a period of paid leave prior to 20 weeks gestation. Currently, most women in the public sector have access to the full provision of parental leave when they lose a pregnancy after 20 weeks. We are grateful that such provisions are in place. However, an estimated one in five women lose a pregnancy in the first 20 weeks of their pregnancy, and the trauma and impact of such a loss can have debilitating effects.

This clause was agreed to in the Area Mental Health EBA when the government implemented this as policy. It is our view that this should be implemented as policy in the public sector to set the example for the entire Victorian workforce across all sectors.

This will encourage women to participate in the workforce in a more meaningful way and for a longer period of time. This clause covers transgender leave, all matters related to reproductive health such as ovarian and testicular cancer checks, pregnancy loss inclusive of miscarriage, endometriosis, erectile disfunction, sperm counts, heavy bleeding and pain and many more.



#### Our claim

- · Employees who experience pregnancy loss after 20 weeks are entitled to access paid parental leave entitlements under their applicable enterprise agreement.
- $\cdot$  Employees are entitled to a period of paid pregnancy loss leave if the pregnancy comes to an end before 20 weeks' gestation.
- o An employee, and their partner, are entitled to 5 days of paid pregnancy loss leave if the pregnancy ends between 1 and 10 weeks
- o An employee, and their partner, are entitled to 10 days of paid pregnancy loss leave if the pregnancy ends between 10 weeks and 19 weeks and 6 days

Currently, most women in the public sector have access to the full provision of parental leave when they lose a pregnancy after 20 weeks. We are grateful that such provisions are in place. However, an estimated one in five women lose a pregnancy in the first 20 weeks of their pregnancy, and the trauma and impact of such a loss can have debilitating effects.

Losing a pregnancy before 10 weeks can have a massive effect on a person's mental health, as well as the physical trauma of the loss. Accordingly, our claim is 5 days of paid leave to ensure that both the person who has lost the pregnancy, and their partner, are able to support each other through that trauma.

Losing a pregnancy after 10 weeks also has effects on mental health, however the physical trauma may be more significant as surgeries may be required, meaning more recovery time and potentially more financially stressful for the person/s experiencing the loss.

Pregnancy loss leave, like reproductive leave, prevents employees going to work without having the proper time to grieve and/or process their loss. It is also allows women to attend any medical appointments and procedures following the miscarriage. Without these leave entitlements, individuals are forced to inappropriately use up their personal leave entitlements in instances that shouldn't be considered as "illness or injury".

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"So what is our aspiration and what do we want it to look like? Well, we want it to be fair. We want a working environment for all women that fosters and rewards application, ability, integrity, and that is shielded from discriminatory pay and practices. We need to pay attention to our whole needs, including our health and well-being and we need recruitment, promotion and the procurement of contracts that is free from bias. We need to chip away at the underlying bias in our culture that reinforces our perception that women are in fact less capable of most things."

Fiona McLeod AO SC



### SUPERANNUATION REFORM



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#### **Superannuation Reform**

Our claim

- · Superannuation to be paid into superannuation funds on the day workers earn it; and
- · Superannuation to be paid on both employer and government parental leave payments, as well as unpaid parental leave.

Women face a greater risk of experiencing poverty in their old age due to low superannuation accumulation during their working life. This is partially attributable to the traditional role of women as carers and the impact of parental leave and part time working arrangements impeding superannuation growth. Our claim seeks to enhance the superannuation balance of employees through expanding the categories of leave that attract superannuation payments, and by simply changing the frequency that superannuation is paid. We estimate that changing the superannuation payments from quarterly to fortnightly could result in individuals having up to \$8,000 more in their accounts come retirement.

### PARENTAL LEAVE REFORM

THE HELLY LINE





#### Our current claim

· More parental leave for both primary and secondary caregivers.

Our claim seeks to ensure that parents are able to have more time at home with their child/ren. HACSU have secured 4 extra weeks for primary caregiver and 1 extra week for secondary caregivers in Public Sector Mental Health – meaning that primary caregivers have 14 weeks, whilst secondary have 2 weeks.

Our next campaign will seek to amalgamate the primary and secondary streams of parental leave. This will ensure both men and women have access to the same amount of parental leave and eradicate the notion of the "secondary carer". Such change is important to enhance gender equality by providing opportunities for men to play an equal part in parenting responsibilities. It will also remove any hesitations associated with hiring or promoting women, whilst facilitating greater female workforce participation.

Workplaces such as Maurice Blackburn and KPMG have already had some success in adopting these clauses in their own agreements. We are eager to see this change adopted in the mental health and disability sectors and across all public sector agreements in the future.

# LACTATION AND EXPRESS BREAKS

#### Our Claim

- 1. Employees cannot be discriminated against for breastfeeding or chestfeeding or expressing milk in the workplace.
- 2. An Employee who wishes to continue breastfeeding or chestfeeding after returning to work from a period of parental leave or keeping in touch days, may take reasonable time during working hours without loss of pay to express breast milk for a nursing child each time such Employee has need to express the milk, or breastfeed the child within the workplace.
- 3. Paid lactation breaks are in addition to normal meal and rest breaks provided for in this Agreement.
- 4. Employers will provide a comfortable place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, which may be used by an Employee to express breast milk or breastfeed a child in privacy.
- 5. Appropriate refrigeration will be available in proximity to the area for breast milk storage. Responsibility for labelling, storage and use is with the Employee.

#### **Motivation:**

Lactation breaks are critical to ensure women can participate in the workplace following the birth of their child/ren. It is important that women are provided the opportunity to express milk during work hours to ensure that babies are fed, and also to assist with milk supply and avoid breast engorgement. Workplaces should therefore ensure that women have a safe, comfortable and private place to breastfeed or express milk, and that this is considered as paid time.

Such measures ensure that women dot not suffer further disadvantage as a result of their predominant role as carers and are also consistent with the prohibition under the Sex Discrimination Act 1984 (Cth) against discrimination on the grounds of breastfeeding.





#### Our claim

- · Commitment that the Employer will work collaboratively and consult with Employees and HACSU to identify, support and implement strategies designed to eradicate the gender pay gap, gender inequality, gendered violence and discrimination.
- . Commitment that the Employer will support a dedicated HR role and elected Health and Safety Representative to deliver workplace health and safety with a gendered lens inclusive of education, training and designing responsive and flexible workplace health and safety arrangements.
- · Claim process regarding systemic gender equality issues.

Our claim seeks to enhance gender equality while simultaneously ensuring compliance with the principles espoused in the Gender Equality Act 2020 (Vic) or Workplace Gender Equality Act 2012 (Vic). Including a claims process to address issues of gender inequality provides a direct mechanism for employees and unions to improve the working conditions for women.

This role should be in all workplaces and should be tasked with implementing all workplace health and safety and workplace policy with a gendered lens. This should include making recommendations on workplace design, flexible working arrangements, issues pertaining to workplace health and safety to employees, issues relating to menstruation and menopause and investigating instances of bullying, harassment and sexual harassment. A key part of this job should be an obligation to report to the CEO and their commitment to report the incident, investigation proceedings and outcome to the board.

This should also include training and education for workplaces to assist working women of all ages to continue to thrive when issues relating to menstruation, menopause and reproductive issues occur. Recently reported in Circle In's report 'Driving the Change', when asked to define what was most challenging about their experience while working in menopause, almost half of the women surveyed reported a drop in confidence and 83% said that the stress of juggling work during menopause had a negative impact on their work.

## GENDER EQUITY AND WHS PORTFOLIO WITH A GENDERED + LENS





Almost half of the respondents considered retiring due to severe menopausal symptoms with 28% surveyed going through with it. 42% did not due to financial reasons.

1 in 8 women surveyed left the workforce due to their symptoms.

167

2 in 8 would have left the workforce if they were not hampered by financial reasons.

A recent survey by The Victorian Women's Trust found that 86% of respondents wished they had better access to flexible working arrangements to cope with menopause.

The development of a framework of flexibility for all Victorian workplaces and a robust education program for employees is urgent and would go a long way to ensuring that working women are not isolated, embarrassed or forced to leave the workforce earlier than they should.

#### SEXUAL HARRASSMENT LEAVE





The Respect@Work Report prepared by Sex Discrimination Commissioner Kate Jenkins shed light on the prevalent and pervasive nature of workplace sexual harassment. It demonstrated what women have known for decades: that in every workplace, at every level and in every industry, reform in this space is urgent and necessary.

12 of the 55 recommendations require legislative change and while we are disappointed to see that the Federal government only enacted 6, we are pleased to see that the Fair Work Commission now has new powers to stop sexual harassment in the workplace. The Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 amends the Fair Work Act 2009 to include:

- · To allow a worker who is sexually harassed at work to apply for a Fair Work Commission order to stop the sexual harassment.
- · The ability to give the Fair Work Commission the power to stop sexual harassment following a single instance of harassment
- · Making sexual harassment in connection with an employee's employment a valid reason for dismissal.







While these changes are welcome and far overdue, we are still deeply concerned about the efficacy of these laws, particularly for women working in casual employment, labour hire and within the gig economy.

It is not surprising that poor working conditions, low union density workplaces and sectors with casualised workforces fair far worse when it comes to sexual harassment. For decades women have been overrepresented in these industries, thus exacerbating dangerous working conditions and an ingrained fear of speaking up. It is our view that economic insecurity should never prevent a person from speaking up about sexual harassment.

A recent survey by The Australian Council of Trade Unions of 9,600 people found that 54.8% of the respondents had experienced sexual harassment at work. 68% of the respondents were women. The harassment came from customers, clients, co-workers and worryingly, 38% of respondents had been harassed by a superior.

Only 27% of those who experienced sexual harassment made a formal complaint. 40% told no one.

Of grave concern is the high levels of gender inequity within the Australia labour market. Although bold moves have been made by certain state governments - such as Victoria's by way of the introduction of Gender Equity laws - the point remains that unless women are afforded economic equity in the form full or part-time employment with a range of leave provisions and entitlements, the fear of speaking up and reporting will continue. 61.8% of the 2.3 million Australia workers reliant on minimum wages are women.

#### Real change begins with industrial and economic equality.

To address the fears of negative consequences and a lack of faith in the complaint processes, we believe that a special leave entitlement must be enshrined in policy, enterprise agreements and awards for sexual harassment leave. Of course, addressing the high instances of insecure work and stamping out the gig economy are of great importance across our movement but in the meantime, it is our view that a leave entitlement must be enacted to assist our most marginalised workforces when they have experienced sexual harassment.

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it is extraordinary that in 2021 that we are still campaigning for women's reproductive health to be recognised in the workplace. I can't help thinking if men got pregnant we not be having this conversation"

Fiona Pattern MP, Leader of the Reason Party

#### SEXUAL HARRASSMENT LEAVE





Far too often, we are told by members that they are unable or unwilling to report harassment because they are casual. As a union, we've had multiple occurrences of casuals forcing themselves to return to a workplace after a sexual harassment incident due to fear or an inability to lose out financially.

To put workers through this trauma, particularly when most workers won't report harassment because:

- · There is no confidence that the complaints process would be confidential
- · There is no faith in the complaint process
- · There was a fear of the negative consequences for the complainant

is unfair and will leave these workers in precarious circumstances especially when it comes to their mental health. We acknowledge that fundamental changes to workplace reporting and legislative amendments will take considerable time to filter down to shop floors across the country. In the first instance, we believe that 5-day leave provision must be enshrined in all workplace agreements and awards.

This will not only give employees the space to look after their mental health after reporting an instance of harassment, but will allow employers adequate time to mitigate any further risks to the complainant and to address the incident without further harm to the victim. Much like our Reproductive Health and Wellbeing clause and Family Violence clause, these industrial measures will assist working women in feeling more empowered to report assault without fear of negative consequences or economic disadvantage.

At present the Victorian State government are currently conducting a of trial of paid sick leave for casual employees in response to the spread of Coronavirus in insecure workplaces. This trial will provide up to 5 days sick leave or carer's leave, at minimum wage rates.

It is our view that should this trial be successful, it should be legislated to assist our gig economy, labour hire and casual workforces to be empowered to report sexual harassment.

Women working in these highly casualised workforces have no industrial power to address or report sexual harassment.

The Victorian Government Inquiry into the Labour Hire Industry and Insecure Work demonstrated that far too often, workers are routinely denied basic employment rights and evidence of abuse, violence, sexual harassment and excessive working hours are rampant. To assist these workers, leave provisions that protect women and do not subject them to economic disadvantage, is urgent and necessary reform.

#### GENDERED + FAMILY VIOLENCE LEAVE AS STANDARD





#### Our Claim

- Commitment that the employer recognises that employees sometimes face situations of violence or abuse in their personal life that may affect their attendance or performance at work.

Community Services U

- The employer is committed to providing support to those employees and will provide leave to those who are experiencing, or being threatened with violence due to physical and/or psychological injury, as well as to attend counselling appointments, legal appointments or proceedings and all other activities related to, and as consequence of, family violence.
- The employer is not to provide any personal information, including but limited to, personal address, phone numbers, email address, working hours etc to anyone unless pivotal to the working engaged in by the employee.

This clause is available to all employees including full-time, part-time and casual and includes a commitment from the employer to implement temporary or ongoing changes to assist in the employees working life including and not limited to:

(i)temporary or ongoing changes to their span of hours or pattern or hours and/or shift patterns;

- (ii) temporary or ongoing job redesign or changes to duties;
- (iii) temporary or ongoing relocation to suitable employment at a suitable location;
- (iv) a change to their telephone number/s and/or email address to avoid harassing contact;
- (v) any other appropriate measure including those available under existing provisions for family friendly and flexible work arrangements
- Employees are also eligible to utilise this clause in conjunction with existing leave provisions to assist a person experiencing family violence.
- An Employee experiencing family violence will have **access to 20 days per year** of paid special leave for medical appointments, legal proceedings and all other activities related to family violence (this leave is not cumulative but if the leave is exhausted reasonable consideration will be given to providing additional leave and will not be unreasonably refused).

This leave will be in addition to all existing leave entitlements and may be taken as consecutive or single days or as a fraction of a day and can be taken without prior approval.

"We know that safe and secure housing is one the key social determinants to wellness, particularly mental health and a key factor that aids people in recovering from whatever issues they are facing in their life"

Kate Marshall, Assistant State Secretary Health Community Services Union



#### GENDERED + FAMILY VIOLENCE LEAVE AS STANDARD





Prior to the Royal Commission into Family Violence in Victoria, it was estimated that the total cost to the Victorian community and broader economy was \$918 million, with the cost to individuals and their families being \$2.6 billion and the total cost to the State at \$5.3 billion. Far too often, women experiencing domestic violence are excluded from the workforce due to the ongoing and associated effects of family violence.

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This clause centres on a commitment from HACSU and our Employers that we will do everything possible to ensure that women can continue to thrive in the workplace, even in the face of family violence. It is our belief that issues of flexibility, leave and financial status should never preclude a woman from fleeing violence.



In the 2018-19 period, 1 in 57 Victorians accessed a government funded homeless service.

A devastating number but one that is highly likely to underestimate the extent of the issue. Approximately 24,000 Victorians and 116,000 Australians will be homeless tonight.

These Australians cover a wide array of demographics including young people, mothers and children escaping domestic violence, older people, people with a disability and community members grappling with mental health and risky substance use issues.

According to the Victorian Inquiry into Homelessness, the demand for services exceeds the availability of support with 112,919 Victorians seeking assistance from homelessness services in the 2018-19 period. Of those who sought assistance for short, medium, or long term accommodation most could not be assisted by government or not-for-profit services due to overcapacity.

#### HOUSING, HOMELESSNESS AND OVERCROWDING





The Victorian Inquiry into Homeless noted:

- 76% could not be provided long-term housing
- 62% could not be provided transitional accommodation
- 32% could not be provided crisis accommodation.

The trade union movement applaud the Andrews' Labor Government's record \$5.3 billion investment to build more than 12,000 public housing dwellings with projected job creation at 43,000. This will represent a 10% increase in the overall Victorian social housing stock.

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However, despite this landmark investment, this will not ensure that the State will meet the national average of social housing as a percentage of total dwellings. For Victoria to reach the social housing average, it is estimated that the State would need to build at least 3,400 dwellings each year until 2036. As a movement we know that the housing crisis has become more urgent due to direct and indirect economic impacts of the CovidCOVID-19 pandemic and most worryingly, it is clear that women are the most disproportionately affected due to insecure work, family violence and a lack of superannuation in retirement.

#### Worryingly, women over 55 years old are the fastest growing demographic of homelessness in Australia.

We need viable ways forward to ensure that those who are seeking housing are also afforded the opportunity to seek employment, engage in study or commence an apprenticeship while also receiving mental health support. provides solutions highlighted in the Victorian Inquiry into Homelessness, specifically in providing housing for women and housing that has employment opportunities attached.

\$3 billion has been committed by the Victorian state government to tackle domestic violence. However, 5 years after the Royal Commission into Family Violence 26,000 women and children are being turned away from housing services each year and police reports are at an all time high. There are serious shortages in emergency and long-term housing options for victims of family violence with some waiting times up to eight weeks. In the year leading up to December 2020, police attended 92,521 family violence incidents and each night 66 women and 55 children are spending the night in motels due to a lack of available housing. 51,000 Victorians became homeless in the 2019-20 period due to family violence and it is our belief that as a matter of urgency this must be addressed collaboratively with government, business, NGOs and trade unions.

Collaborative partnerships between trade unions, business, NGOs and government to provide affordable housing with job training attached are crucial to filling this gap. Women deserve the dignity of housing with employment opportunities attached in a supportive setting.

#### ACCESS TO REHABILITATION SERVICES AND LEAVE





It is estimated that approximately 500,000 Australians each year seek assistance with addiction to illicit drugs, alcohol and gambling but cannot access it. Our current policy settings negatively impact working people as services either have long rehabilitation times (up to 12 months) or are simply too expensive for the average person to utilise. This forces people to choose between retaining their employment, mortgaging their house, taking out loans, withdrawing their superannuation on compassionate grounds or simply not getting the healthcare that they need. Even more concerning is the lack of rehabilitation options for mothers.

Across the country, there is a shortage of drug rehabilitation beds and few facilities that also accept children. As women are more likely to be the primary caregiver, this forces mothers to sit on extremely long waiting lists while waiting to be accepted in the very few services that take children.

It is much more difficult for women to access these services than men. According to Professor Nicole Lee, women have often had a history of trauma and have a high prevalence of common mental health problems like anxiety and depression and have economic barriers to accessing treatment. Many professionals have highlighted that women-only services with the capacity to also accept children are of great benefit to women seeking assistance with addiction, by tackling the addiction as a family unit. There is a huge gap in services that cater to women. For example, in Western Australia of the 16 state run rehabilitation services, only 3 have the capacity to take children.

The Victorian Trade Union movement has been working towards opening a worker-led rehabilitation, outpatient and outreach service in partnership with publicly funded rehabilitation services and the government based on the successful trade union initiated rehabilitation service Foundation House in Sydney.

We believe that offering a service that has a 28-day in-patient program with extensive and ongoing outpatient support will ensure that working people are able to retain their employment, build community and still receive life-changing support for addiction. We see this as a key workplace intervention for working women.

A key barrier to women accessing treatment for addiction treatment is a lack of leave entitlements. As women are usually the primary caregivers to children and the elderly and often have to use their sick leave for their reproductive health and wellbeing, it is essential for specific leave provisions to be added to enterprise agreements and awards as standards to assist women in seeking addiction treatment.

Modelled on the Leave to Attend Rehabilitation clause in the Victorian Public Sector Enterprise Agreement, we believe that a leave provision must be added and available for all working people after passing probation to attend rehabilitation. This clause should be a 28-day minimum and should accrue further leave with years of service. We see this as a harm-reduction measure that makes economic sense for business, community and family.

At present the current policy settings cost the Australian community approximately \$55 billion annually due to the knock-on effects of addiction. It is economically responsible to invest in addiction leave, equitable rehabilitation and harm reduction measures as for every \$1 invested saves the community \$27.

#### **REFERENCES TO GOVERNMENT INQUIRIES**



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#### **Inquiry into Homelessness**

- Recommendation 14
- Finding 21
- Recommendation 18
- Recommendation 20
- Recommendation 21

#### Royal Commission into Victoria's Mental Health System

- Recommendation 25
- Recommendation 16
- Recommendation 27
- Recommendation 41

#### **Inquiry into Drug Law Reform**

• Recommendation 29

#### **Royal Commission into Family Violence**

- Recommendation 18
- Recommendation 99

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