

# Gender equality in Australia: Looking for the silver bullets in the short and long term

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## Abstract:

With the goal of gender equality far from reached in Australia, many are looking for alternative solutions to address gendered disparities between men and women. Along with more equal representation in politics, Australia needs leaders who lead with women in mind and legislators who actively seek to achieve gender-responsive legislative outcomes. Leadership decisions about law and policy reform need to be based on data, requiring disaggregation along, first, gender lines, but also race and income, allowing a leader to be more conscious of the implications of their decisions on the lives of the people they lead.

## Introduction

The goal of gender equality is far from reached in Australia. At a time of global crisis – with the COVID-19 pandemic raging on in many parts of the world – and national crisis – with widespread allegations of impunity for various forms of gender-based violence – many in Australia are looking for alternative solutions to address gendered disparities between Australian men and women.

Globally, progress has been made on gender equality. While the World Economic Forum alarmed many advocates with the announcement that we are 100 years away from parity (World Economic Forum 2020, 15), there is much to celebrate. By 2015, women enjoyed the right to vote in every nation in the world, Saudi Arabia being the last to join as of December 2015 (Lane and Kenny 2018); gender gaps in education have been closing, with women surpassing men in tertiary enrolment (Hek, Kraaykamp, and Wolbers 2016); and in privileged, developed countries around the world, 70 per cent of women aged 15-49 years who are sexually active practice some form of contraception (de Vargas Nunes Coll et al. 2019). These figures, of course, belie stalled progress in other areas: 130 million girls worldwide fail to attend school every single year (Evans and Yuan 2019); women lag behind men in their rates of participation in the labour force (50.6 per cent against 76.7 per cent) (Nussbaum 2019, 232); and in Africa, only 28 per cent of women age 14-49 years who are sexually active have access to contraception (Cahill et al. 2018).

The situation in Australia is equally bleak. In 2021, Australia fell from a rank of 44<sup>th</sup> to 50<sup>th</sup> on the World Economic Forum's Global Gender Gap Index (World Economic Forum 2021, 10), continuing the steady decline from the 15<sup>th</sup> position we occupied in 2006 (Dawson, Kovac, and Lewis 2020, 5). Despite being the 10<sup>th</sup> richest country in the world according to the OECD, we rank behind almost all of the top 30 richest countries. This

effectively means Australia fares particularly badly on gender equality when compared to countries with the same levels of development as our own. There are many reasons for Australia's poor performance. Highlighting the contrast with the positive global figures presented above, Australia suffers from a notable lack of women's participation in politics (World Economic Forum 2021, 19). The Australian Bureau of Statistics reported in 2017 that 1 in 5 Australian women experience sexual violence after the age of 15 (Australian Institute of Health and Welfare 2020, 1) and only hopeful souls - or outright denialists - would be surprised to read that the Women's Gender Equality Agency have found that Australian women suffer from a full-time total remuneration gender pay gap of 20.1% (Women's Gender Equality Agency 2021), meaning that Australian women have to work an extra 56 days a year to earn the same pay as men for doing the same work (Australian Human Rights Commission 2018).

The obvious question at this crucial point in Australia's declining record on gender equality is: What can we do about it?

### **Leading with women in mind**

Arguably Australia is facing a crisis of leadership. With some data suggesting that countries with women leaders are faring better during the global pandemic (Garikipati and Kambhampati 2021) – albeit difficult to prove, far too early to tell and at times disputed (Aldrich and Lotito 2020) – some might be tempted to suggest women might be better served in a country headed by a woman. However, women have never constituted more than 15 per cent of executive positions across the world's 195 sovereign states (Inter-Parliamentary Union 2019; 2018). Today only 23 women occupy the highest political office in their country, and many countries are doing better than Australia without ever having had a female leader.

Half of the world's nations should be led by women regardless of what a woman leader can achieve in that role. This is merely a question of gender parity. Yet, it is potentially more than a mere statistic, but rather a question of fairness and importantly, of representation. The impact of women leaders on the lives of women is the subject of my forthcoming book: *The Woman President*, which suggests, at the very least, that having a woman in a leadership role may create distinct and unique opportunities for the passage of women friendly outcomes in law. Important, too is the suggestion that women cannot be what they cannot see, so while the data on the 'role model' effect varies across countries (Liu 2018), future generations of women entering politics need to see women in these important leadership roles.

Yet a country's leadership, in democratic nations, lies in part in the hands of votes. It also requires fellow women in politics supporting other women to climb up the political ladder. The participation of women at all levels of politics is essential so that women can demonstrate that they have the capacities to lead in times of calm and times of crisis.

At the same time, it is quite obvious that just because a country has a women leader, women in that country will not necessarily be better off. In a world where there are so few women leaders, the 'undue expectations' on the shoulders of women Presidents and Prime Ministers to do more for women are often unfairly placed high (Honculada and

Pineda Ofreneo 2000, 11), particularly by women and women's organisations in those countries.

At the same time, women do make an important difference as leaders, in ways that are often not counted. My research is revealing how we often forget or dismiss the kind of fundamental changes women leaders bring about, in ways that really advance women's interests. So often these are not seen as 'women's issue's' such as President Aquino of the Philippines' fundamental role in laying the foundations for democracy, President Kumaratunga's pursuit of peace in Sri Lanka or President Megawati of Indonesia's efforts to tackle corruption, even if they had varying degrees of success.

Most importantly, it would be an unfair characterisation to suggest that all women lead differently from all men. What the world needs – and what, in my view, Australia definitely needs - is both male and female leaders who are willing to offer a different leadership model. Leading differently may have more to do with who you appoint as your cabinet, so it is unsurprising that President Biden has been acknowledged for his efforts to bring diverse representation to politics in the United States of America. Leading differently is about making evidence-based decisions drawing on data disaggregated by gender, race and income, allowing a leader to be more conscious of the implications of their decisions on the lives of the people they lead. Leading differently is finally, and crucially for the purpose of this piece, about decision-making that is conscious of the differences in the needs of men, women and other genders.

### **Legislating with women in mind**

Beyond shifts in leadership and decision-making, some of the answers to Australia's decline in gender equality has to do with the law. My own research (Vijayarasa 2021a) and my work in the development of the Gender Legislative Index (Vijayarasa 2019a) has shown that the law can correct historical discrimination if we legislate with women in mind.

Throughout the 1980s and 1990s, in many English-speaking countries, there was a real push for 'gender-neutral' laws as the answer to very male-centric legalese (Vijayarasa 2021a, 3–4). Gender-neutrality has a positive connotation. However, what resulted from this process, was legislation that ignored differences between men and women and risked perpetuation of gender stereotypes. Rarely would the law make an explicit effort to correct decades of discrimination against women and girls.

Yet we know that the law can play pivotal roles in shaping our society. It can help move society away from negative, stereotypical and discriminatory norms about the roles of men and women in our communities. Think about the shift decades ago making primary education compulsory, that helped to get girls into schools in numbers more equal to that of boys (Vijayarasa 2019b, 276). There is solid research outside of Australia showing that legislation that legalised marriage equality changed perceptions and acceptability for same-sex couples, and hence promoted equality well beyond the actual change of the law (Vijayarasa 2019b, 277; Hull 2006).

There are many examples of how we can legislate better for women. For example, when taxation laws favour families with two parents, they indirectly discriminate against single-parent households, which are more often led by women (Vijayarasa 2021b, 11–12). The couple tax unit subsidises the breadwinner-homemaker household by failing to recognise and tax non-market household production – especially care of children. At the same time, it taxes more highly dual-earner, or more egalitarian families, where partners might seek egalitarian sharing of work and care (Stewart 2021, 141). Australia may have an individual tax structure for income tax, but it excruciatingly uses family income to assess many other benefits. By acknowledging these gendered implications of taxation legislation, we can begin to use the law to correct inequality.

In more positive terms, laws that give mothers and fathers paid leave for care of children are good, but should be designed to encourage an equal sharing of household responsibility (Baird 2021). The GLI was inspired by a belief that identifying problematic aspects of the law – such as naming ‘mothers’ as primary carers in Australia’s *Paid Parental Leave Act (Cth)* 2010 (Widiss 2019) – is the first step towards amending the law in a way that might challenge stereotypes and norms and shift practice.

This is critical in Australia. Despite the introduction in 2013 of an (inadequate) ‘dad and partner pay’ scheme of 2 weeks of government-funded paid parental leave, only one in 20 men is likely to take primary parental leave (Walsh 2018, 1). With 95 per cent of primary carers in 2017 being women, it is unsurprising that Australia has hardly made headway in shifting the gendered, cultural norms in this country, which inhibit shared care. The problems in the drafting of the law are a big part of this stalemate.

### **Understanding law and policy from the perspectives of different women**

Leading and legislating with women in mind requires one key aspect: data disaggregated to best understand the experiences of those most marginalised and excluded. The law has obvious limits. There are far too many examples where the system has failed particular groups of Australian women. We are a country where the law allows the misidentification of an Aboriginal and Torres Strait Islander woman as a perpetrator of domestic violence due to a form of loophole in the law that has allowed perpetrators to file cross-applications against victims (Australian National Research Organisation for Women’s Safety (ANROWS) 2020). Despite the Equal Opportunity for Women in the Workplace Amendment Act 2012 and the important oversight role played by the Workplace Gender Equality Agency, culturally and linguistically diverse women are still 11.9 per cent less likely to be in employment than a white woman (Australian Government 2021).

There are clear international standards when it comes to monitoring the situation of women. The collection of statistical information on women was the subject of a standalone recommendation in 1989 by the UN Committee that oversees monitoring of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), which emphasised the need for governments to design national statistical data collection processes in a way ‘that data can be disaggregated according to gender, with regard to both absolute numbers and percentages, so that interested users can easily obtain information on the situation of women in the particular sector in which

they are interested' (CEDAW Committee 1989). This was the first of many instances in which the CEDAW Committee has called for comprehensive monitoring of the situation of women.

Australia's *Modern Slavery Act (Cth)* 2018 is illustrative (Vijayarasa 2020, 80) (Joint Standing Committee on Foreign Affairs, Defence and Trade 2017). The 2018 federal law mandated medium and large-scale businesses to undertake due diligence to identify the risks of exploitation in their supply chains. In the lead-up to the law's enactment, 225 submissions were made to the Australian Parliament's Joint Standing Committee on Foreign Affairs, Defence and Trade. While often well-intended and a pivotal part of any parliamentary democracy, my own research showed that only around 15 per cent of submissions actually considered the gendered implications of the law. This is surprising given the dominance of women in certain sectors of supply, namely, the garment sector and the evident gender-disaggregated nature of work in the supply chains.

Alarming, only two submissions out of the 225 offered concrete recommendations directly addressing the question of how women workers are at risk of exploitation in the supply chains of medium and large-scale businesses and how better regulation of business practises is needed. The end result was a gender-blind law that failed to call for either gender-sensitive due diligence or gender-disaggregated data collection to better understand the situation that was being regulated in the first place or the likely impact of the law differentially on men and women (Vijayarasa 2020, 85).

## **Conclusion**

The facts and figures speak for themselves. We need to keep collecting good data, with a reasonable disaggregation along, first, gender lines, but also ethnicity, wealth and place of origin and residence. We also need leaders who lead based on evidence, making decisions about law reform and policy based on what that data tells us about what both men and women need from the law.

The point was well-made in a personal communication I had with Former President of the Philippines Gloria Macapagal Arroyo, not recognised for her prioritisation of women's issues and yet accurate in her assessment of what is needed to advance equality globally:

To further policies that foster gender equality in politics and empowerment in the workplace, we legislators need not re-invent the wheel. The answers have been well-researched. What is needed is political will and political skill in the respective legislatures (Author, Personal Communication with Gloria Macapagal Arroyo 2021).

Law reform can only go so far. At the same time, gender-responsive legislation has the potential to make headway on some of the deeply ingrained systematic inequalities that are holding women back (Vijayarasa 2019b). Importantly, however, these solutions are as relevant to a country like Australia, as they are to Spain, Norway, Kenya or Indonesia.

In March 2022, when the World Economic Forum releases its updated data on the Global Gender Gap Index, let's hope the Australian picture looks a little better, although change

is unlikely to happen overnight. In a decade, let's hope we have even more gains to celebrate and that those gains are considerable. My real hope, however, is that we can finally close the gap in a generation, so I do not have to tell my daughters to wait 100 years.

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