

14. EMPLOYMENT

*Occupational segregation**Commonwealth*

Employment by industry for males and females who identify as
Indigenous, Other than Main English Speaking (OTMESC), or 55 years or older

	Indigenous		OTMESC		55+	
	Male	Female	Male	Female	Male	Female
Agriculture, Forestry and Fishing	3600	1000	16400	12200	68100	30700
Mining	5400	1300	12900	3600	22200	2800
Manufacturing	6600	1900	114800	53300	103500	36100
Electricity, Gas, Water and Waste Services	1600	400	11400	4700	18700	3600
Construction	14600	1600	100700	17000	125100	20700
Wholesale Trade	2100	800	43100	25500	42500	17700
Retail Trade	6500	9700	90000	90800	68500	87700
Accommodation and Food Services	4900	8500	114100	98900	34700	38900
Transport, Postal and Warehousing	5900	1800	93100	23100	103000	23900
Information Media and Telecommunications	1000	700	25100	13200	16100	8500
Financial and Insurance Services	800	1700	45500	47600	28600	24700
Rental, Hiring and Real Estate Services	800	1100	16600	14900	22900	17400
Professional, Scientific and Technical Services	2300	2800	105400	73600	83500	51500
Administrative and Support Services	3200	3800	46000	48800	37700	38900
Public Administration and Safety	10200	9800	49300	42600	81000	60900
Education and Training	4500	12700	46000	82500	70100	145900
Health Care and Social Assistance	5800	20400	82800	231100	73800	240800
Arts and Recreation Services	1900	1500	11900	9800	15700	12100
Other Services	4600	3700	38600	32800	45200	29300

Source: ABS, *Census of Population and Housing, 2016*

South Australia

INDUSTRY	WOMEN AS A PROPORTION
Accommodation and Food Services	57%
Administrative and Support Services	65%
Agriculture, Forestry and Fishing	24%
Arts and Recreation Services	41%
Construction	13%
Education and Training	68%
Electricity, Gas, Water and Waste Services	29%
Financial and Insurance Services	57%
Health Care and Social Assistance	76%
Information Media and Telecommunications	31%

Manufacturing	21%
Mining	13%
Other Services	46%
Professional, Scientific and Technical Services	47%
Public Administration and Safety	45%
Rental, Hiring and Real Estate Services	55%
Retail Trade	56%
Transport, Postal and Warehousing	18%
Wholesale Trade	27%

The most recent available data from the Workplace Gender Equality Agency shows that in 2016 the gender wage gap in South Australia was 11.2%, which is lower than the national figure of 16.2%.

Victoria

The *Victorian Gender Equality Strategy* (2016) lays out actions to address gender segregation and wage inequity: gender auditing pilot of the public service to examine equal remuneration and gender balance by industry, occupation and across levels; leveraging government purchasing power to influence change via gender ethical procurement policies; and targets for executive roles.

The *Victorian Inquiry into the Labour Hire Industry and Insecure Work Report* (2016) and *Response* (2017) highlighted groups vulnerable to insecure, largely low paid, work, particularly women and temporary migrant workers. Initiatives have been introduced to implement the recommendations.

Queensland

In Queensland, about 61% of working-age (aged 15 years and over) women participate in the labour force, compared with about 70% of working-age (aged 15 years and over) men.

Queensland women are most likely to work in the health care and education industries accounting for 76.7% of employees of the health care and social assistance industry, but remain underrepresented in mining, construction, science, engineering and technology fields, accounting for 12.8% of the mining industry. Queensland women account for about 80% of clerical and administrative workers, but about 11% of machinery operators and drivers.

Data on the employment rate and industry among women from marginalized groups

Commonwealth Government

- Indigenous women have a lower rate of workforce participation compared to Indigenous men (51.5% and 65% respectively).
- Culturally and linguistically diverse (CALD) women have a lower rate of workforce participation compared to CALD men (47.3% and 69.5% respectively).
- Mature age women have a lower rate of workforce participation compared to mature age men (58.8% and 71.9% respectively).
- Rural and regional women have a lower rate of workforce participation compared to rural and regional men (56.5% and 66.8% respectively).
- Women with disability have a lower rate of workforce participation compared to men with disability (49.4% and 57.8% respectively).
- The workforce participation rate of young women (15–24 years) is lower compared to young men (66.4 per cent and 67.4 per cent respectively).

South Australia

In 2015, 49.4% of South Australian women with a disability were employed. In 2014-15 44% of Aboriginal and Torres Strait Islander people were employed, 50% of males and 38% of females.

Victoria

The *Jobs Victoria Employment Network* (JVEN) is the Victorian Government's main employment program for disadvantaged and marginalised Victorians. Over \$50 million has been allocated to 51 services to provide flexible employment support that is tailored to the needs of jobseekers and employers in their local area, including a specialised service supporting women who have experienced domestic violence. Jobs Victoria offers a comprehensive approach to support which is delivered both pre- and post-employment.

Tasmania

Measures that support increased employment of women from marginalised groups in the public sector include the *Tasmanian State Service Diversity and Inclusion Policy* and Framework. The *Aboriginal Family Safety Initiative* under *Safe Homes, Safe Families* has a pre-employment training course designed to the build capacity of individuals to provide support to Indigenous families and communities affected by family violence.

Queensland

In 2011 about 59% of Indigenous women aged 15-64 years participated in the labour force. The unemployment rate was 19.6%.

In 2015, 50% of women aged 15-64 years with reported disability participated in the labour force. The unemployment rate was 11.6%.

The *Queensland Women's Strategy Community Implementation Plan* includes initiatives to increase the employment of women from marginalised groups, including delivering business workshops for Indigenous women business owners.

Sexual Harassment in the Workplace

Australian Capital Territory

The *ACT Government Respect, Equity and Diversity (RED) Framework* supports the ACT Public Service (ACTPS) to understand expectations of behaviour in the workplace and aligns with the ACTPS Code of Conduct (2013). *RED* Contact Officers have access to discrimination awareness courses and skilling.

South Australia

The South Australian Equal Opportunity Commission receives complaints about sexual harassment in the workplace.

Western Australia

Section 24 of the *Equal Opportunity Act 1984* (WA) proscribes sexual harassment in the area of employment. Sexual harassment provisions protect both men and women, although most complainants are women. Complaints of sexual harassment can be lodged with the Commissioner for Equal Opportunity for investigation.

The Commissioner for Equal Opportunity raises awareness with the community through the media and social media, and provides training to State Government agencies and private companies in respect of discrimination and sexual harassment in the workplace.

Victoria

The *Equal Opportunity Act 2010* prohibits sexual harassment in a range of areas, including the workplace. Under the strategies *Safe and Strong and Free from Violence*, the Government has launched a number of programs that address stereotypes about women's and men's work and roles in Victorian society. These programs also directly target harmful workplace cultures and practices that lead to sexual harassment in the workplace.

The Victorian Government is working with the Victorian Equal Opportunity and Human Rights Commission to pilot education and training that will challenge the gender stereotypes that drive workplace sexual harassment and is funding Our Watch (peak agency) to develop the Workplace Equality and Respect Standards to assist Victorian workplaces to prevent violence against women.

Tasmania

Section 9(3) of the *Tasmanian State Service Act 2000* states: ‘An employee, when acting in the course of State Service employment, must treat everyone with respect and without harassment, victimisation or discrimination’. Agencies also have specific programs around values and appropriate behaviours.

Section 17(2) of the *Anti-Discrimination Act 1998* (Tas) prohibits a person sexually harassing another person and provides for complaints about prohibited conduct to be made to the Anti-Discrimination Commissioner (Equal Opportunity Tasmania). In addition to investigating complaints, Equal Opportunity Tasmania delivers a range of training programs to workplaces, community organisations and educational bodies, which include information on sexual harassment.

Northern Territory

Public Sector Officers must comply with the *Principles of Human Resource Management, Equality of Employment Opportunity*, and the Performance and Conduct under Part 1A of the *Public Sector Employment and Management Act* (PSEM Act). These principles seek to promote working environments in which employees are treated fairly, reasonably and in a non-discriminatory way; and eliminate unlawful discrimination from human resource management.

Queensland

Sexual harassment is prohibited by the *Anti-Discrimination Act 1991*. Anti-Discrimination Commission Queensland’s website contains publicly accessible information on the responsibility of employers; tools for employers to create discrimination and harassment free workplaces, to manage complaints and to educate the workforce about rights and responsibilities; information on options for dealing with sexual harassment or lodging a complaint; and links to the Commission’s free state-wide telephone information and enquiry service.

15. HEALTH

Legality of Abortion

Queensland	
<i>Criminal Code 1899</i> (QLD) s 224, 225, 226 and 282.	The termination of a pregnancy in Queensland is currently a crime under the Criminal Code. However, s.282 of the Criminal Code provides a defence to a person performing a surgical operation or providing medical treatment. Pursuant to case law, s.282 will relieve a person from criminal responsibility where the termination of pregnancy is necessary to prevent serious danger to the woman's physical or mental health; and the termination of the pregnancy is not out of proportion to the danger intended to be averted.
New South Wales	
<i>Crimes Act 1900</i> (NSW) s 82, 83, 84	It is illegal to procure an abortion 'unlawfully'. In <i>R v Wald</i> (1971) 3 DCR (NSW) 25, the Court held that an abortion is legal if a doctor had an honest and reasonable belief that the abortion is necessary to preserve the woman from serious danger to her life, physical or mental health which the continuation of the pregnancy would entail.
Australian Capital Territory	
<i>Crimes (Abolition of Offence of Abortion) Act 2002</i> (ACT); <i>Health Act 1993</i> (ACT) Div 6	Abortions carried out by medical professionals are legal. There are declared protection zones around health facilities and it is an offence to engage in prohibited behaviours, ie publishing materials about the individual entering the facility.
Victoria	
<i>Abortion Law Reform Act 2008</i> (VIC); <i>Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015</i> (VIC)	Abortion is legal in Victoria, if a woman is less than 24 weeks pregnant. A woman more than 24 weeks pregnant will only be provided an abortion if two medical professional believe it is appropriate in the circumstances. Victoria has legal safe zones around reproductive health facilities.

South Australia	
<i>Criminal Law Consolidated Act 1935 (SA)</i> Pt 3, Div 17	Abortion is illegal, except if the pregnancy is terminated by a medical practitioner after forming the opinion that the pregnancy would risk the woman's life or mental health or the child would be handicapped.
Tasmania	
<i>Reproductive Health (Access to Terminations) Act 2013 (TAS)</i>	Termination of pregnancy is legal where the pregnancy is no more than 16 weeks. Terminations beyond 16 weeks gestation require agreement from two medical professionals. There are access zones of 150 metres at premises that perform terminations and penalties apply for prohibited behaviour ie. Harassing persons accessing the premises.
Western Australia	
<i>Criminal Code Act Compilation Act 1913 (WA)</i> s 199; <i>Health Act 1911 (WA)</i> s334, 335	It is unlawful to perform an abortion unless a medical practitioner performs the abortion and one of the following applies: informed consent is given; the woman will suffer serious personal or social consequences if the pregnancy is not terminated; or the woman will suffer physically or mentally if the pregnancy is not terminated.
Northern Territory	
<i>Termination of Pregnancy Law Reform Act 2017 (NT)</i>	Abortion is legal in the Northern Territory. A medical practitioner can perform a termination up to 14 weeks gestation after considering relevant medical circumstances and the woman's current and future physical, psychological and social circumstances. The law also establishes safe access zones around termination service premises and criminalises prohibited conduct in the access zone ie hindering access to the premises. A medical practitioner who holds a conscientious objection to termination of pregnancy is required to refer the patient to another medical practitioner who does not have a conscientious objection within two days.

16. RURAL WOMEN

Addressing rural women's safety

Northern Territory

In the Northern Territory, Critical Intervention Outreach services support women in rural and remote areas. In 2014, a centralised referral system to identify victims and intervene early was established. The Government currently funds 28 crisis accommodation shelters across the Territory. Sixteen of these safe houses are administered by non-government organisations and provide a secure location for women and children in regional and remote areas. Twelve crisis accommodation shelters are both funded and administered by the Government and provide services for women and children living in remote areas. All safe houses employ local Indigenous women.

Legal services

Northern Territory

The Australian Government has provided further investment of \$8.3 million over three years to the North Australian Aboriginal Family Legal Service in the Northern Territory to service nine additional remote communities. In the 2015-16 financial year, 4,174 instances of legal assistance were provided to Indigenous women and children experiencing family violence.

Tasmania

Tasmania's Magistrates Court ensures access to justice to women living in regional and remote areas by sitting in country locations at intervals through the year.

Queensland

In 2016-17, the Government provided additional funding of \$11 million over four years for Community Justice Groups (CJGs) in 18 discrete Indigenous communities to build their capacity to respond to Domestic and Family Violence (DFV) and develop local authority groups to respond to DFV, crime and violence.

In 2017-18, the Government committed \$69.5 million over four years for the establishment of specialist DFV courts in five locations, including regional locations, across Queensland. The investment includes enhancements to wrap around services and Magistrates Court registries, to prioritise the safety of victims of DFV and their children, and provide support for people involved in DFV proceedings.