

31 July 2008

Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Attention Committee Secretary,

Submission to the Senate Legal and Constitutional Affairs Committee on the review of the Sex Discrimination Act (1984)

I am writing to you on behalf of the South Australian Premier's Council for Women. The Premier's Council for Women welcomes the opportunity to provide comments on the review of the Sex Discrimination Act 1984.

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 South Australian Government on issues relating to women, to facilitate a whole of government approach to meeting the needs of South Australian Women.

The PCW has prioritised two areas to concentrate on as its focus over the next 18 months. These are:

- women's economic status and employment; and
- women's health, safety and wellbeing.

The first is particularly in response to PCW's concerns about the inequity and discrimination that occurs in the workforce - particularly for women.

PCW believes it is essential that the powers and capacity of the Human Rights and Equal Opportunity Commission and the Sex Discrimination Commissioner, particularly in initiating inquiries into systemic discrimination and to monitor progress towards equality are continued and strengthened. Without these powers, it is often the most vulnerable or those without a strong voice who could continue to be affected by discriminatory policies.

PCW is particularly concerned about the adequacy of legislative protections for workers with family responsibilities. It is mainly women who bear the burden of outdated laws in this respect.

In 2007 the PCW held Women's Voices Forums in Adelaide and Mount Gambier and an Adelaide-based Young Women's Forum. Over 220 women from more than 100 organisations attended.

The forums discussion focussed on many topics; however an overwhelming proportion of responses highlighted issues of employment, pregnancy and work, work-life balance and equity in the workplace – an indication of the importance of these issues to women in South Australia.

South Australian women are very aware that their position in the labour market is tentatively reliant on their ability to find employment that provides them with the flexibility they need to fulfil their other commitments. They recognise that their need to juggle work and life commitments makes them more vulnerable in the labour market and diminishes their opportunities.

Legislation that properly supports working carers to balance work and life commitments is crucial to the equitable participation of women in the workplace.

In South Australia, the *Equal Opportunity Act (1984)* only provides limited protection for workers based on discrimination involving caring responsibilities.

The current support for such workers under the *Sex Discrimination Act (1984)* is also inadequate in that they can only lodge a complaint if they were employed and were sacked from their job. This narrow protection is inadequate in that there are a range of other ways in which people with caring responsibilities are discriminated against that are not currently afforded legislative protection or sanctions.

Whilst PCW believes that the *Sex Discrimination Act (1984)* has provided significant protections, particularly for women and across a number of areas, now is certainly the time for review.

The PCW suggest that legislation at the State and Commonwealth level needs to be consistent and to work in harmony to provide greater protection and clearer pathways to address discrimination in all its forms, and supports moves to increase legislative harmonisation.

Yours Sincerely,

Emeritus Professor Anne Edwards AO
Acting Chair
Premier's Council for Women