

Cost of the proposed Agency

The Act established the Agency in its current form and provided for the appointment of a Chief Executive Officer (CEO) to manage the Agency. The Agency is charged with promoting and improving gender equality in Australian workplaces.

How much will it cost the taxpayer to support another CEO and her agency?

Discrimination Legality

Isn't it enough to make gender-based discrimination illegal?

There are differences between every individual person, and therefore there will be differences between groups of individuals. Men and women as a group make different choices, have different preferences, and therefore, different outcomes. This does not imply unjust discrimination is at play. Just as there are group differences between Catholics, Protestants and Jews, it would be incorrect to conclude that there is religious discrimination at play just because the outcomes of the various groups are not exactly the same.

Paternalism of the Bill

Currently gender-based discrimination is illegal in Australia. Individuals make slightly different decisions. Naturally, women as a group, will make slightly different decisions than men as a group.

The intent behind this bill seems to be quite paternalistic. Those in support of this bill would seem to be assuming that they know better than the women who have chosen to not pursue higher management positions, or to be employed full or part-time. The intent of the bill seems to be to socially engineer choice changes in women.

Why engage in social engineering to get women to make different decisions about their own lives than they currently do?

Importance of Gender Equality in the Workplace

Why is gender equality in workplaces important?

Will all-female spaces need gender-equality (as they are not gender-diverse)?

Objects of the Act

The principal objects of the Act are provided at section 2A. These include:

- to promote and improve gender equality (including equal remuneration between women and men) in employment and in the workplace; and*

Does “equal remuneration between women and men” refer to average remuneration, or equal-work-for-equal-pay?

Average remuneration between groups is not reflective of the many factors that contribute to remuneration, including supply and demand in the market, number of hours worked, danger and remoteness of the workplace, etc. As an example, the average male florist earns much less than the average female CEO, but it would be absurd to assume this is due to discrimination, or that such a statistic would require fixing.

- *to support employers to remove barriers to the full and equal participation of women in the workforce, in recognition of the disadvantaged position of women in relation to employment matters; and*

What are these barriers currently? Would their “being a woman” be one such barrier? If so, isn’t that quite a sexist statement to make, suggesting that being a woman is somehow a natural barrier in the workplace? What is it about “womanness” that is seen as “inferior” to “maleness”?

Why are women disadvantaged currently? Less education? Less drive? Less initiative? There are no legal barriers to women increasing their level of education, to being driven and taking initiative, therefore less education, drive or initiative must be a conscious and deliberate choice of the women. I think it is disrespectful to not respect the choices of these women.

I’m a man, and I do not want to be a CEO. I would not find it inconceivable that women in general would want to be a CEO less than men on average. There is nothing wrong with that, and to suggest otherwise is evidence of the paternalism mentioned above.

- *to promote, amongst employers, the elimination of discrimination on the basis of gender in relation to employment matters (including in relation to family and caring responsibilities); and*

Isn’t this already illegal?

- *to foster workplace consultation between employers and employees on issues concerning gender equality in employment and in the workplace; and*
- *to improve the productivity and competitiveness of Australian business through the advancement of gender equality in employment and in the workplace.*

What is the evidence that gender equality socially engineered increases productivity?

Is the impact on demographics considered in this conclusion? In general, higher education levels among women lead to lower fertility. Increasing women’s participation at higher levels in the workforce would also presumably have a negative impact on fertility. Is it considered a net benefit for society to be slightly more productive and not be able to replace its population in the next generation?

This is the problem with social engineering – it doesn't even pretend to take into account other important factors.

In accordance with the Workplace Gender Equality Procurement Principles, the consequence of non-compliance is that the employer will not be issued with a certificate of compliance. The existence of a certificate of compliance is considered as part of the employer's eligibility to contract with the Australian Government through procurement processes.

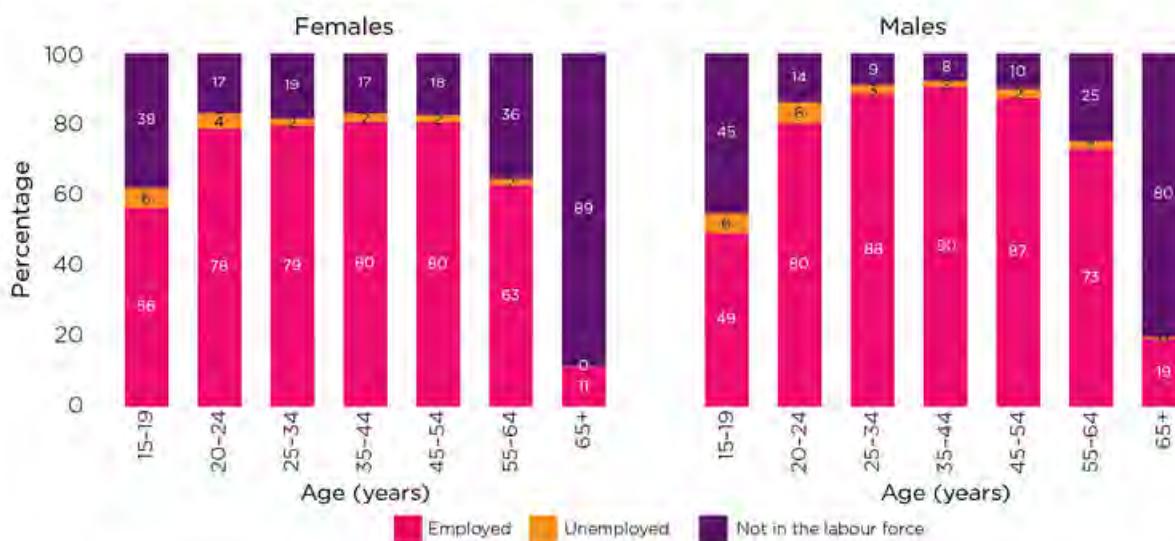
Doesn't this contradict the earlier claim of increased productivity? If you had a leading company that happened to be 100% female-led, which doesn't comply with the bill's gender diversity requirement, how is it in the interests of the government to reject the best company for the job only because it does not satisfy an arbitrary gender quota?

Differences in Labour Force

An artificial gender equality makes little sense in the workplace because men and women as groups are different. There are more stay-at-home mothers than there are stay-at-home fathers. More women decide not to work than men (Figure 1).

Figure 1: Labour force patterns vary by age and sex.

Labour force status of men and women by age, 2022



Source: June 2022, ABS, [Labour Force, Australia, Detailed, November 2022](#)

Figure 1

Unintended Consequences

Enforcing gender quotas in the workplace, effectively restricts men from promotion based on their merits.

This will actually result in hurting women who decide not to enter the workforce and rely on their husband's income for support. Increasing gender equality at higher levels of management will effectively subsidise double-income families while leaving single-income families behind.

As a simple example, consider five hypothetical families:

1. Female(employed) + Male(employed)
2. Female(employed) + Male(employed)
3. Female(employed) + Male(employed)
4. Female(employed) + Male(employed)
5. Female(stay-at-home / not employed) + Male(employed)
6. Female(stay-at-home / not employed) + Male(employed)

Three females and five males are employed in this hypothetical economy. To fill six upper-management positions, to achieve gender equality, all the females will be hired, but only 3 of the males will be.

Low Income

High Income

1. Female(employed) + Male(employed)
2. Female(employed) + Male(employed)
3. Female(employed) + Male(employed)
4. Female(employed) + Male(employed)
5. Female(stay-at-home / not employed) + Male(employed)
6. Female(stay-at-home / not employed) + Male(employed)

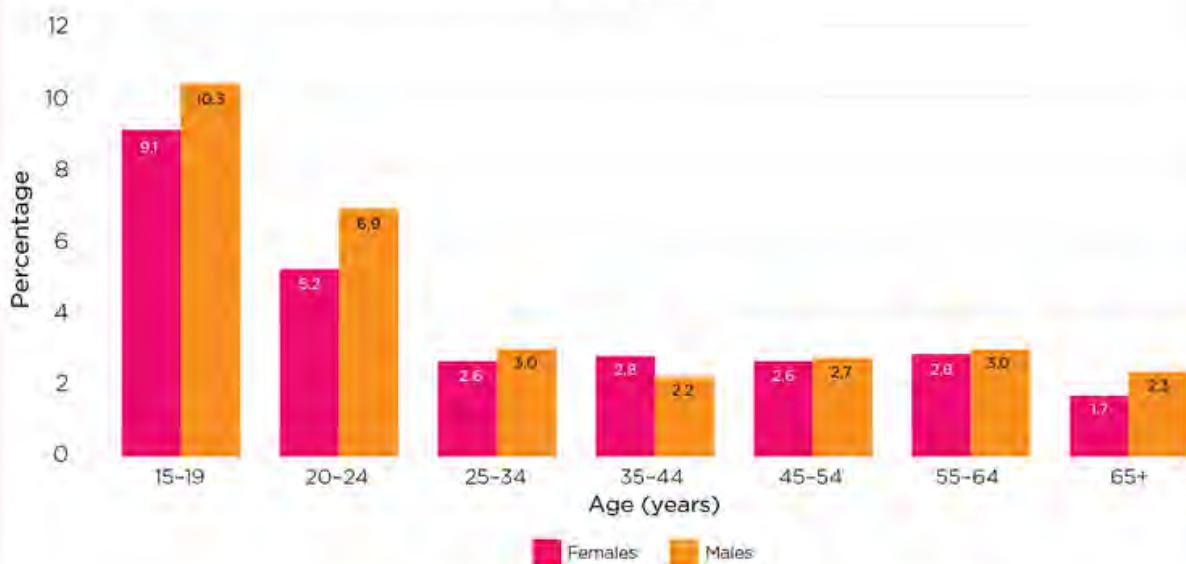
The hypothetical result is two families with single incomes, which harms the women in those families by depriving their husbands of a higher income. Treating people as atomized individuals rather than families will not capture this effect. In this scenario, absent a quota system, the husbands of the stay-at-home mothers would be promoted in lieu of the employed women. It's possible that absent a quota system, those women would be promoted over the men based on their merits, however if that were the case, there would be no need for a quota system, therefore I will accept the assumption of the proposers of the bill, that women require government support to compete with men in the workplace.

Discrimination

Unequal numbers do not imply discrimination. If that was the case, it would be reasonable to conclude that men are discriminated against in every age bracket except 25-44 (Figure 2).

Figure 2: Unemployment rates are highest for young people.

Unemployment rates of men and women by age, 2022



Source: June 2022, ABS, [Labour Force, Australia, Detailed, November 2022](#)

Figure 2

Women make different choices

Women work choose to work more part-time (Figure 3, Table 1). This will skew the gender equality statistics.

Figure 7: Female employment at all ages is more often part-time than full-time, while male employment at all but the youngest ages is more likely full-time.

Percentage working full-time and part-time by age and sex, 2022



Notes: The percentages in full-time and part-time work add to the total percentage employed. Part-time work is less than 35 hours per week, and full-time work is 35 hours or more per week.³

Source: June 2022, ABS, [Labour Force, Australia, Detailed, November 2022](#)

Figure 3

Table 1

According to the WGEA:

Women comprise 47.4% of all employed persons in Australia, 26.1% of all employed persons are women working full-time, and 21.3% working part-time.

Women constitute 38.0% of all full-time employees and 67.6% of all part-time employees.

Human Rights

The Bill engages the following human rights:

The right to equality and non-discrimination

Articles 2, 3 and 4 of CEDAW together oblige States Parties to condemn discrimination and take appropriate measures for the advancement of women. This includes special measures aimed at accelerating equality between women and men. In requiring DREs to take action in their workplaces to ensure gender equality, the Bill seeks to advance gender equality through appropriate legislative means so that all people can enjoy a discrimination free workplace.

Freedom from discrimination in employment

Article 11 of CEDAW obliges States Parties to take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the

same rights. The Bill will require DREs to take action to accelerate gender equality in workplaces by setting targets in relation to the GEIs set out in the Act. These GEIs were developed as evidence-based areas for action to improve gender equality in the workplace. The commitment to targets will drive action by larger employers to eliminate discrimination on matters such as remuneration, access to flexible working arrangements and workplace sexual harassment.

I find it reprehensible how this bill results in the infantilization of women.

I firmly believe that women can achieve equality in the workplace based on their own merits. I do not want to live in a world where my daughters are told they cannot succeed without having government step-in to force companies to promote them over men to meet an arbitrary quota.

Protection against discrimination on the ground of sex

Article 26 of the ICCPR obliges States parties to guarantee equal and effective protection against discrimination on a range of grounds including sex. By requiring employers to set targets to improve gender equality in their workplaces, the Bill encourages the removal of barriers to the full and equal participation of women and men in the workforce through actions the employer has committed to achieve their targets in their workplace.

It's ironic that Article 26 obliges States to guarantee equal protection against discrimination, and yet the bill instead of proposing blindness to sex, does the opposite.