



WGEA Review Team – Consultation  
Department of the Prime Minister and Cabinet  
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## **Submission to the *Review of the Workplace Gender Equality Act 2012***

### **About Us**

Harmony Alliance is one of the six National Women’s Alliances supported by the Australian Government to promote the views of all Australian women and to ensure their voices are heard in decision-making processes. Harmony Alliance’s purpose is to provide a national inclusive and informed voice on the multiplicity of issues impacting on experiences and outcomes of migrant and refugee women, and to enable opportunities for women from migrant and refugee backgrounds to directly engage in driving positive change.

We adopt an intersectional, feminist, and human rights-based approach in promoting the voice and participation of women from migrant and refugee backgrounds in Australian society. We acknowledge the diversity of experiences of women from migrant and refugee backgrounds and recognise the inherent value of each person, of all backgrounds, genders, ages, abilities, social standings, sexual orientations, or religions. We promote the principles of dignity, equity, autonomy, non-discrimination, and mutual respect.

In using the terms “women from migrant and refugee backgrounds” or “migrant and refugee women” we are referring to women who have themselves migrated temporarily or permanently to Australia, both through humanitarian and non-humanitarian pathways; and non-first-generation migrant women who frame their identity to a significant extent within this migration story.

The Harmony Alliance membership comprises over 140 organisations and individuals representing, and working for the advancement and inclusion of, migrant and refugee women.

Harmony Alliance welcomes the opportunity to provide feedback to this targeted review of the *Workplace Gender Equality Act 2012* (Workplace Gender Equality Act) and how this may lead to promoting and improving gender equality in Australian workplaces for migrant and refugee women.



## The benefits of diversity in the workforce

The Australian Bureau of Statistics estimates that there are over 3 million overseas-born women in Australia.<sup>1</sup> Women from migrant and refugee backgrounds are a significant and growing proportion of the Australian population and their multi-layered experiences must be captured by the Workplace Gender Equality Agency (WGEA) to ensure their full and equal participation in the workplace.

Improving equality in workplaces brings value to employers and to the economy. Women from migrant and refugee backgrounds have valuable skills to offer workplaces. These include different ways of looking at the world, flexible thinking, access to wider networks, and cultural and linguistic skills. Studies have shown that a diverse workforce leads to economic benefits and improved organisational performance.<sup>2</sup> Companies with a strong mix of ethnic diversity in their executive teams are 33 per cent more likely to outperform their peers on profitability.<sup>3</sup> Additionally, research over the last decade has demonstrated that companies benefit when they actively recruit, develop and advance women.<sup>4</sup>

At the same time, active participation in the workforce brings enormous benefits for women from migrant and refugee backgrounds including increased self-confidence, a sense of belonging and financial independence. It also provides an opportunity to practise English, develop an understanding of norms and cultural practices in Australia, build local networks, increase standing in the community and reduce isolation.<sup>5</sup>

## Women from migrant or refugee backgrounds face worse employment outcomes

Women from migrant or refugee backgrounds face lower employment outcomes than others in the Australian community. For example, in the 2016 Census, the unemployment rate for women who have migrated to Australia was 6.29 per cent compared to 5.40 per cent for all Australian women and migrant men. The unemployment rate was higher still among women who speak a language other than English at home or women born in non-main English-speaking countries.<sup>6</sup> Similarly, the labour force participation rate of women who have migrated to Australia was 66.95 per cent, compared to 68.53 per cent of all Australian women and 78.94 per cent of migrant men.<sup>7</sup> These figures highlight the additional barriers faced by

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<sup>1</sup> Australian Bureau of Statistics. *Migration, Australia*. 23 April 2021.

<https://www.abs.gov.au/statistics/people/population/migration-australia/latest-release>.

<sup>2</sup> Harmony Alliance (2019). A strategic approach to improving employment outcomes of women from migrant and refugee backgrounds in Australia. <http://harmonyalliance.org.au/wp-content/uploads/2019/11/Employment-Outcomes-of-Women-from-Migrant-and-Refugee-Backgrounds.pdf>.

<sup>3</sup> Hunt, V., Prince, S., Dixon-Fyle, S., & Yee, L. *Delivering through Diversity*. (McKinsey & Company, 2015).

<sup>4</sup> Anita Borg Institute Women Transforming Technology. (2019). *Innovation by design: The Case for Investing in Women*. <https://techwomen.nz/wp-content/uploads/sites/9/2019/02/The-Case-for-Investing-in-Women-314.pdf>.

<sup>5</sup> Harmony Alliance (2019). A strategic approach to improving employment outcomes of women from migrant and refugee backgrounds in Australia. <http://harmonyalliance.org.au/wp-content/uploads/2019/11/Employment-Outcomes-of-Women-from-Migrant-and-Refugee-Backgrounds.pdf>.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.



women from migrant and refugee backgrounds compared to female non-migrant and male peers.

### **The importance of applying an intersectional lens to the review of the Workplace Gender Equality Act**

In 2020, Harmony Alliance released its Position Statement on Intersectionality.<sup>8</sup> Intersectionality theory recognises that an intersection of multiple forms of systemic discrimination produces greater disadvantage for groups of people who are not dominant and do not have same access to power and privilege as the dominant groups. Even when the systems are not actively discriminatory, structural barriers, such as language, poverty, and migration status can render certain groups of people more disadvantaged than others. Women from migrant and refugee backgrounds in Australia are impacted by multiple forms of systemic and structural disadvantage and inequality.

In the context of this review of the Workplace Gender Equality Act, it is important to consider the diversity of women from migrant and refugee backgrounds, and the ways in which different aspects of a person's identity can affect their experience. Women from migrant and refugee backgrounds are not a homogenous group and their employment experiences differ depending on a range of aspects including gender, ethnicity and cultural background, language, socio-economic status, education and professional qualifications, disability, sexual orientation, religion, age, geographic location or visa status.

Examples of additional barriers to employment faced by women from migrant and refugee backgrounds include lower levels of English language proficiency, lower educational levels (particularly for humanitarian entrants who are more likely to have had limited or disrupted schooling prior to migration), challenges in gaining recognition of overseas experience and qualifications, and gaining professional accreditation.<sup>9</sup> Harmony Alliance's 2018 Migrant and Refugee Women's Voices Survey found that 40 per cent of respondents described the process of seeking recognition of overseas qualifications to be very hard.<sup>10</sup>

In addition to gender bias that can impact all women in Australia, women from migrant and refugee backgrounds can be subject to cultural bias and discrimination.<sup>11</sup> Bias towards women from migrant and refugee backgrounds held by hirers or managers may lead to equally qualified candidates being overlooked in the recruitment process.<sup>12</sup>

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<sup>8</sup> Harmony Alliance (2020). Position Statement on Intersectionality. <http://harmonyalliance.org.au/wp-content/uploads/2020/08/Intersectionality-Position-Statement-Final.pdf>.

<sup>9</sup> Harmony Alliance (2019). A strategic approach to improving employment outcomes of women from migrant and refugee backgrounds in Australia. <http://harmonyalliance.org.au/wp-content/uploads/2019/11/Empoyment-Outcomes-of-Women-from-Migrant-and-Refugee-Backgrounds.pdf> p 11.

<sup>10</sup> Harmony Alliance (2018). Migrant and refugee women's voices Survey Report. [https://www.harmonyalliance.org.au/wp-content/uploads/2018/11/HA05286\\_SurveyReport\\_web\\_181122-1745.pdf](https://www.harmonyalliance.org.au/wp-content/uploads/2018/11/HA05286_SurveyReport_web_181122-1745.pdf) p 29.

<sup>11</sup> Harmony Alliance (2019). A strategic approach to improving employment outcomes of women from migrant and refugee backgrounds in Australia. <http://harmonyalliance.org.au/wp-content/uploads/2019/11/Empoyment-Outcomes-of-Women-from-Migrant-and-Refugee-Backgrounds.pdf>.

<sup>12</sup> Ibid.



Experiences in the workplace also vary according to their migration pathways. For example, humanitarian migrants (including refugee women and women at risk) may require greater assistance to become job ready after arrival to Australia; however, they are offered a pathway for support on arrival through Australia's Humanitarian Settlement Program. In contrast, non-humanitarian migrants (including family, skilled and student pathways) are more likely to arrive better equipped to enter the workforce, but there are fewer support services offered and pathways to assistance are less formalised.<sup>13</sup> Further, Australia's increasingly temporary and restrictive migration system means many women from migrant and refugee backgrounds do not have work rights or are on rolling temporary visas that deter businesses from employing the visa-holder. This can push women from migrant and refugee backgrounds into casual employment, leaving them with few protections at work.<sup>14</sup>

### Data and research considerations in view of the Workplace Gender Equality Act

The intersectional barriers and experiences of migrant and refugee women—and opportunities to address those—are not presently captured by the data under the Workplace Gender Equality Act but are fundamental to gaining a full picture of the issues affecting gender equality in the workplace. Existing research has highlighted steps that can be taken to promote women at all levels of the workforce, including leadership on gender equality from the top, promoting flexible work arrangements for all genders, providing affordable and appropriate care support, monitoring workplace attrition and the pipeline of quality women candidates and ensuring pay equity.<sup>15</sup> These measures are important for women from migrant and refugee backgrounds. However, it is also necessary to conduct more research about how to overcome additional barriers created by cultural and linguistic considerations and migration pathways, including those outlined above, as well as to develop specific measures to overcome these barriers. Systematic collection and analysis of such data will help identify gaps and address the underlying issues.

Further, we note that many migrant and refugee women are employed in not-for-profit, retail, hospitality and care sectors. Given the disproportionate impact of the COVID-19 pandemic on the service and care industries, where migrant and refugee women are overrepresented,<sup>16</sup> this cohort was among the worst affected by the pandemic. These are often smaller organisations with fewer than 100 employees, which are therefore not covered by the Workplace Gender Equality Act. The effect of this is that many employers of migrant and refugee women are not required to report against the gender equality indicators and the experiences of migrant and refugee are not being adequately captured in WGEA's data.

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<sup>13</sup> Harmony Alliance (2019). A strategic approach to improving employment outcomes of women from migrant and refugee backgrounds in Australia. <http://harmonyalliance.org.au/wp-content/uploads/2019/11/Empoyment-Outcomes-of-Women-from-Migrant-and-Refugee-Backgrounds.pdf>.

<sup>14</sup> Ibid.

<sup>15</sup> See, e.g., <https://www.wgea.gov.au/topics/gender-strategy/diagnose-the-status-of-gender-equality-in-your-organisation>; AMES Australia. *Hidden Assets: Partner-migration, skilled women and the Australian workforce*. (Australia, 2016), p 41-42.

<sup>16</sup> Harmony Alliance (2020). Submission to Inquiry into the Australian Government's reponse to the COVID-19 pandemic. [http://harmonyalliance.org.au/wp-content/uploads/2020/08/Covid-19-Inquiry-Submission\\_Harmony-Alliance.pdf](http://harmonyalliance.org.au/wp-content/uploads/2020/08/Covid-19-Inquiry-Submission_Harmony-Alliance.pdf).



Consideration should be given to the capacity of WGEA's data to offer nuanced insights into the experiences of migrant and refugee women.

**Key considerations**

1. That WGEA adopt an intersectional approach to gender equality in the workplace
2. That areas of future focus for WGEA include:
  - a. research into the effect of intersectional barriers created by cultural and linguistic considerations and migration pathways
  - b. educational programs and initiatives to counteract unconscious bias and conscious discrimination
3. That WGEA collect and analyse additional data to offer a nuanced understanding of women's experiences (for example, cultural and linguistic diversity, migration pathways and visa status, disability, and age).