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Literature Review Report

Issues Facing Women Aged 45+ in the Workforce and Their Lack of Representation in Leadership Roles

in partnership with
Working Women Queensland

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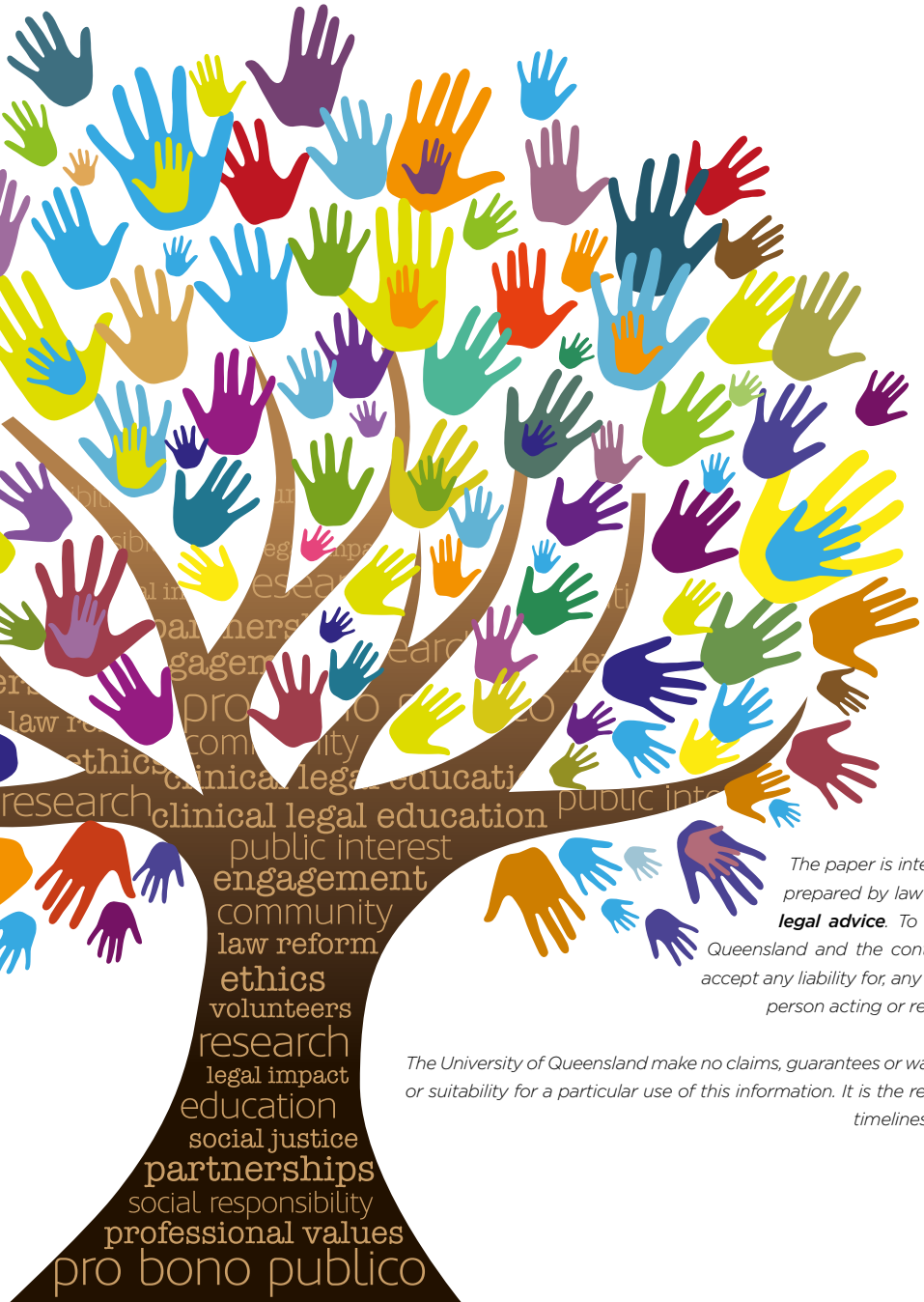

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Background and context

The Literature Review analysed and applied a critical feminist lens to existing literature relating to issues facing Australian women[1] aged 45+ in the workforce, in particular factors contributing to their lack of representation in leadership roles. Relevant areas of focus were identified by Working Women Queensland ('WWQ') as: Breaking the 'glass ceiling'; Cognitive and emotional overload i.e., the emotional labour of women and their avoidance of leadership roles; Women's dual caring responsibilities for children and aging parents; Menstruation, perimenopause, menopausal symptoms and impacts; and the Economic fallout resulting from the above dynamics.

Our aim is to provide WWQ with an overview of relevant material and a set of resources which may assist the organisation in its valuable work. We hope to provide a picture of the intersecting gendered issues embedded in the problem of the underrepresentation of women aged 45+ in leadership roles, and the consequences of this absence. We identified many sources which all told a similar story — there are deep flaws in society which frustrate the promotion of gender and age equality in employment, and which reflect the types of issues experienced by WWQ's clients. We hope that this material will help WWQ in its action toward meaningful change and reform in the sector, and we thank WWQ and the UQ Pro Bono Centre for the opportunity to undertake this research project.

Methodology

Keywords: Women; Leadership; Menopause/Perimenopause/Menstruation; Aging; Gender Pay Gap; Glass Ceiling; Care/Caring Responsibilities; Unpaid Care Work; Unpaid Work; Gender Equality; Work; Employment; Discrimination

We searched a range of databases using the keywords and combinations. Our method was integrative, allowing us to combine perspectives and synthesise information from a range of disciplines. Our inclusion criteria were not strict — we read widely to gain a broad understanding of the impact of the key issues identified by WWQ impacting women aged 45+ and leadership roles across sectors. Source material includes current Australian Government and Agency policy documents, reports, and statistics; local and international peak body publications; and peer-reviewed journal articles for academic interpretation and critique. We retained some content from dated reports and articles to allow us to compare their findings documenting women's experiences of these issues across time and identify their persistence and continued impact. We reviewed more than 100 documents and resources, most of which are included in our Annotated Bibliography. We produced notes and short summaries of key documents as part of the Literature Review. The Literature Review formed the basis for this Report and was then supplemented with additional supporting material and research as required.

1 "Women" is used throughout to refer to cisgender women. We regret that we were unable to canvas the experiences of transgender women, or members of the LGBTIQ+ community – this was beyond the scope of the current project. We acknowledge that the experiences of transgender women and members of the LGBTIQ+ community may be different to those we discuss here.

Literature Review Report – Overview of Key Themes and Findings

Our Literature Review identified numerous themes and sub-issues, leading to a variety of research conclusions and opportunities for further exploration. This Report of our key findings may be read alongside our Annotated Bibliography and Literature Review Notes. Both contain additional material eliminated for reasons of word-length but which may be of interest.

Examples from various industries provided diverse understandings of the numbers of women in leadership, their experiences in leadership roles, and their treatment within the workplace across a wide range of sectors. This provided a general overview of the Australian workforce, and demonstrated that gendered issues are persistent, albeit in varying degrees, in all the occupations we examined.

We noted how women are not only often overlooked when opportunities for leadership roles arise, but also how women may self-select away from these career advancements out of necessity or self-preservation due to various intersecting factors. These include: time constraints imposed on women resulting from disproportionate unpaid care work and domestic duties; hindrances on performance caused by health issues; and the continuing impact of the glass ceiling, unconscious biases, and both gender and age discrimination, all of which may discourage women aged 45+ from self-promoting.

Another core part of the Review was identifying economic consequences resulting from the exclusion of women from leadership roles for not only women themselves, but also workplaces, organisations, and the broader Australian economy. Current Australian government and OECD publications show how women's earning capacity greatly diminishes due to restricted access to senior positions, and equal pay. This has a significant impact on women's financial stability, superannuation, and often results in greater dependency on aged pensions and poverty in later life. Unequal workforce participation of women also causes an undeniable loss to Australia's GDP, representing the impact of the untapped qualities and skills of a growing cohort of women aged 45+.

A common thread in current research and data trends is the persistence of negative stereotyping surrounding both gender and age, and how this continues to fuel the nuanced discrimination faced by women aged 45+ in workplaces. This has a detrimental impact on efforts for gender equality because without structural change, all women are prevented from achieving their full potential. Ultimately, these issues are deeply embedded within the culture of the Australian workforce and are a systemic and institutionalised problem.

The "Glass Ceiling"

The 'glass ceiling' is emblematic of many women's experiences in workplaces but is particularly relevant to the issue of the underrepresentation of women aged 45+ in leadership roles. Despite progress in gender equality[2], many women in this age group still face gendered obstacles that limit their advancement to top positions. The 'glass ceiling' symbolises invisible barriers and systemic discrimination which prevent qualified women from reaching senior leadership roles, and from achieving equality with men.[3] For women aged 45+, these challenges are exacerbated by longstanding gender biases, stereotypes, and socioeconomic inequalities which restrict ascension into executive roles.[4]

The 'glass ceiling' is reinforced by the burden of care women shoulder.[5] Employed women are often unable to displace societal expectations that they also remain primarily responsible for parenting and other unpaid domestic responsibilities.[6] The OECD notes that 'reducing barriers to [women's] engagement in the labour market and encouraging more equal sharing of unpaid work responsibilities between genders' is needed.[7] This aspect of gender inequality could be reduced through reforms increasing 'the share of leave reserved specifically for fathers' which would 'support mothers staying in work and labour market re-entry after childbirth'.[8] Consequently, this would help shift employer perceptions about a mother's capacity to perform their duties and also to return to work.

Women's equality with men is impeded by their disproportionate experience with family, domestic, and sexual violence.[9] The prevalence of violence against women strengthens historical power imbalances which have entrenched ideas of women as subordinate.[10] The fear of sexual assault and harassment can restrict women's economic and workforce participation.[11] More recently, online platforms too have become a forum for disrespect and abuse targeted at women.[12] This has been shown to discourage women from engaging with and implementing digital spaces as a positive means to advance their career.[13] In addition, women's disproportionately high levels of poor health outcomes further marginalise and harm women with a flow-on effect.[14] The 'glass ceiling' is therefore fuelled by intersecting systemic issues, resulting in the persistent underrepresentation of women in leadership and decision-making roles.[15]

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2 Organisation for Economic Co-operation and Development, *OECD Economic Surveys: Australia 2023* (OECD Publishing, October 2023) 11, 66–7 ('*OECD Economic Survey: Australia 2023*') <https://doi.org/10.1787/1794a7c9-en>.
3 David A Cotter et al, 'The Glass Ceiling Effect' (2001) 80(2) *Social Forces* 655, 656–7.
4 Ibid 657.
5 *OECD Economic Survey: Australia 2023* (n 2) 12. See also Nannerl O Keohane, 'Women, Power and Leadership' (2020) 149(1) *Daedalus* 236, 242.
6 Department of Prime Minister and Cabinet, *National Strategy to Achieve Gender Equality: Discussion Paper* (Report, 2023) 10 ('*National Strategy to Achieve Gender Equality: Discussion Paper 2023*'); Keohane (n 5) 242–3.
7 *OECD Economic Survey: Australia 2023* (n 2) 11.
8 Ibid 11–12.
9 *National Strategy to Achieve Gender Equality: Discussion Paper 2023* (n 6) 13; Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032: Ending Gender-Based Violence in One Generation*, (Report, 2022) 33–34 ('*National Plan to End Violence Against Women and Children 2022–2032*').
10 *National Strategy to Achieve Gender Equality: Discussion Paper 2023* (n 6) 13.
11 *OECD Economic Survey: Australia 2023* (n 2) 68–9.
12 *National Plan to End Violence Against Women and Children 2022–2032* (n 9) 54.
13 *National Strategy to Achieve Gender Equality: Discussion Paper 2023* (n 6) 16.
14 Ibid 14–15.
15 See generally Keohane (n 5). See, eg, *National Strategy to Achieve Gender Equality: Discussion Paper 2023* (n 6) 16.

This is so despite research demonstrating a 'causal relationship between increasing gender diversity in senior leadership teams and an increase in key company productivity, profitability and performance metrics.'[16] Fewer women than men hold positions of seniority — recent estimates are that women only constitute 22.3% of CEOs, 35.1% of key management positions, 34% of board members, and 18% of board chairs.[17] There is evidently a need for change. Efforts to address workplace gender inequality are ongoing,[18] and must address the age- and life stage-related challenges facing women, to ensure that women of all ages have equal opportunities to contribute their skills and experience across industries and at the highest levels of the workforce.[19]

The Gender Pay Gap and the Economic Fallout

The gender pay gap is an aspect of the 'glass ceiling' which remains entrenched despite legislative and policy interventions.[20] Research shows that 'despite the introduction of the Sex Discrimination Act in 1984,...discrimination continues to be the single largest driver of this gap, and has increased over time.'[21] Australia's situation looks bleak, having fallen 'from 15th place in 2006 to 44th out of 153 countries in 2019 on the World Economic Forum's 2020 Global Gender Gap Index.'[22] According to the current OECD data, Australian women 'have lower employment rates, lower hours worked, lower earnings and a higher long-term unemployment rate' than men despite significant improvements over past decades.[23] Regardless of age, women's overall 'labour income is 40% lower than men on average.'[24] Women aged between '50–59... and in the age group with the highest fertility rate (30–39)' have lower labour force participation rates,[25] but parenting has the *opposite effect* on men's participation rates with 'fathers much more likely'[26] to be employed and 'little discernible impact on the earnings of men once they become fathers'.[27]

The consequences are significant — women are disadvantaged by lower pay rates and fewer hours worked, leading to less superannuation, and a lack of investments and savings — a much higher percentage of women are dependent on the age pension than men, and this number will increase,[28] with an obvious

16 Department of Prime Minister and Cabinet, *WGEA Review Report: Review of the Workplace Gender Equality Act 2012*, (Report, December 2021) 5 <WGEA Review Report (pmc.gov.au)> ('*WGEA Review Report 2021*').
17 *National Strategy to Achieve Gender Equality: Discussion Paper 2023* (n 5) 16.
18 *WGEA Review Report 2021* (n 15) 5–6.
19 See ibid.
20 Kathryn Evans and Jane F Maley, 'Barriers to Women in Senior Leadership: How Unconscious Bias is Holding Back Australia's Economy' (2021) 59(2) *Asia Pacific Journal of Human Resources* 204, 205. See also *Sex Discrimination Act 1984* (Cth), *Workplace Gender Equality Act 2012* (Cth) and other State and Territory instruments.
21 Evans and Maley (n 20) 205, citing the Diversity Council Australia and Workplace Gender Equality Agency 2019 Reports. The 2022 Report makes the same observation — '[g]ender discrimination remains the single most important driver of the pay gap contributing 36 per cent of the total gap': KPMG, Diversity Council Australia and the Workplace Gender Equality Agency, *She's Price(d)less: The Economics of the Gender Pay Gap* (Report, 13 July 2022) 38–9 ('*She's Price(d)less: The Economics of the Gender Pay Gap 2022*').
22 Evans and Maley (n 20) 207.
23 *OECD Economic Survey: Australia 2023* (n 2) 69.
24 Ibid 70–1.
25 Ibid 72.
26 Ibid.
27 Ibid 78.
28 See generally Veronica Sheen, 'The Implications of Australian Women's Precarious Employment for the Later Pension Age' 2017 28(1) *Economics and Labour Relations Review* 3; Workplace Gender Equality Agency, *The Gender Pay Gap by Age Group* (Factsheet, 27 June 2022) 2 ('*Gender Pay Gap by Age Group Factsheet 2022*') <https://www.wgea.gov.au>; Workplace Gender Equality Agency, 'Wages and Ages: Mapping the Gender Pay Gap by Age' (Media Release, 27 June

fiscal burden. Therefore, the economic fallout of the gender pay gap impacts women throughout their lives and has a negative cumulative effect,[29] not only on women and their families, but also on government and society. Estimates state that increasing women's workforce participation would lead to an increase in Australia's GDP of '$30.7 billion, or 8.7 per cent to $353 billion by 2050'.[30] While progress has been made in equality,[31] the gender pay gap is still (at the time of writing) 21.7%, in 'every industry and almost 3 in 4 employers…larger than 5% in favour of men.[32] Further, the gender pay gap exists 'even [in] female-dominated' industries.[33]

Multiple Challenges

Australian women aged 45+ face multiple challenges[34] which contribute to their experience of the gender pay gap and its consequences.[35] Gendered stereotypes and biases affect salary negotiations and promotions, leading to unequal pay — women face greater barriers to climbing the corporate ladder, and disparities in compensation for their work compared to their male counterparts.[36]

Career interruptions, due to motherhood, or other unpaid care responsibilities, lead to reduced work hours or shifts into part-time roles.[37] Further, women provide 'a large proportion of long-term care' in households[38] as a result of 'persisten[t] traditional gender norms [and] prevailing gender relations in the labor market'.[39] This hinders career progression and contributes to lower earning potential.[40] Significantly, studies show that even where women earn equal amounts to, or more than, their partners, their contribution to household work does not necessarily change.[41]

Occupational segregation is another manifestation of workplace gender inequality whereby women are disproportionately represented in lower-paying industries or roles, not only limiting their salaries,[42] but also their future employment prospects. For example, analysis of occupational and task-level data, and the gender implications of automation, shows that older women face 'a significantly higher risk [of] displacement

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2022) ('Wages and Ages: Mapping the Gender Pay Gap by Age: Media Release') <https://www.wgea.gov.au/publications/wages-and-ages>.

29 *National Strategy to Achieve Gender Equality: Discussion Paper* (n 6) 18.

30 Ibid 7.

31 Workplace Gender Equality Agency, *Australia's Gender Equality Scorecard: Key Results from the Workplace Gender Equality Agency's Employer Census 2022–23* (Report, November 2023) 5 ('*Australia's Gender Equality Scorecard 2023*'); Workplace Gender Equality Agency, 'Gender Pay Gap Falls 1.1 Percentage Points to New Low of 21.7%' (Media Release, 28 November 2023) ('Gender Pay Gap Falls to New Low in November 2023') <https://www.wgea.gov.au/newsroom>.

32 WGEA, *Australia's Gender Equality Scorecard 2023* (n 31) 5; WGEA, 'Gender Pay Gap Falls to New Low in November 2023' (n 31).

33 *WGEA Review Report 2021* (n 16) 5.

34 See, eg, Keohane (n 5).

35 *National Strategy to Achieve Gender Equality: Discussion Paper* (n 6) 18.

36 Ibid 20; WGEA, *Australia's Gender Equality Scorecard* (n 31) 6.

37 *National Strategy to Achieve Gender Equality: Discussion Paper* (n 6) 11; *WGEA Review Report 2021* (n 16) 5; WGEA, *Australia's Gender Equality Scorecard* (n 31) 6. See generally Ignacio Gonzalez, Bongsun Seo and Maria S Floro, *Gender Wage Gap, Gender Norms and Long-Term Care: A Theoretical Framework* (2022) 28(3) *Feminist Economics*, 84.

38 See, eg, Gonzalez, Seo and Floro (n 37) 85

39 Ibid 91.

40 *WGEA Review Report 2021* (n 16) 85. See also Gonzalez, Seo and Floro (n 37) 84, 87, 91.

41 See Gonzalez, Seo and Floro (n 37) 90–1.

42 Ibid; WGEA, *Australia's Gender Equality Scorecard* (n 31) 13; *She's Price(d)less: The Economics of the Gender Pay Gap 2022* (n 21) 42–3, 58, 60.

by automation than male workers…and younger cohorts of women'.[43] One reason for this is 'that women perform more routine or codifiable tasks than men across all sectors and occupations — tasks that are more prone to automation.[44] Significantly, the likelihood of job displacement due to automation is lower for managerial roles.[45]

Additionally, stereotypes regarding older women's lack of productivity,[46] adaptability,[47] or technological proficiency[48] unfairly impact how they are perceived in workplaces, hindering their recruitment,[49] career advancement, and salary negotiations, and informing their treatment by others.[50] Consequential limited access to training and ongoing skills development denies older workers opportunities to keep up with rapidly evolving job requirements.[51] These intersecting negative sexist and ageist stereotypes restrict women's opportunities for advancement and subsequently, their earning capacity.[52] Therefore, the underrepresentation of women aged 45+ in leadership roles directly contributes to the maintenance of the 'glass ceiling' and the gender pay gap.

A further challenge is the lack of awareness in the broader community of the significance of these differences. Under 40% of employees younger than 40 recognise that women and men are treated unequally within workplaces through imbalances in promotion, income disparities, and differences in how ideas are received.[53] This demonstrates the ongoing need for community education on these issues.

Addressing the consequences of the gender pay gap for women aged 45+ in Australia requires comprehensive policies which tackle the roots of inequality, including promoting flexible work arrangements, addressing occupational segregation, combating ageism, and ensuring equal access to professional development opportunities.[54] Leadership plays a crucial role in effecting these changes, because women need to observe other women in these positions to be empowered and encouraged to aim for progression if they so desire. The current 'lack of opportunity [and] scarcity of role models' are factors which add to women's disillusionment and avoidance of leadership roles.[55]

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43 Mariya Brussevich, Era Dabla-Norris and Salma Khalid, 'Is Technology Widening the Gender Gap? Automation and the Future of Female Employment' (Working Paper No 19/91, *International Monetary Fund*, May 2019) 2. We note however that this is from 2019.

44 Ibid 4.

45 Ibid 2, 12, 19–21.

46 See, eg, Gilfillan, Geoff and Les Andrews, *Labour Force Participation of Women Over 45* (Productivity Commission Staff Working Paper, December 2010) 35 for an example of the negative characterisation of mature aged women's productivity: '[t]here is a substantial group of mature aged women who have a strong attachment to *home duties or other non-work activities* and even relatively large changes in economic incentives are unlikely to alter their decision not to work' (emphasis added).

47 Employers rated older workers as significantly less adaptable to change than their younger counterparts: Australian HR Institute and Australian Human Rights Commission, *Employing and Retaining Older Workers* (Report, April 2021) 10 ('AHRC, *Employing and Retaining Older Workers*').

48 Brussevich et al (n 43) 2, 4.

49 AHRC, *Employing and Retaining Older Workers* (n 47) 17.

50 See, eg, Alyssia Blackham, 'Women, Age Discrimination and Work', Legal Affairs (online, 7 March 2020) <https://pursuit.unimelb.edu.au/articles/women-age-discrimination-and-work>.

51 Michael McGann et al, 'Gendered Ageism in Australia: Changing Perceptions of Age Discrimination among Older Men and Women' (2016) 35(4) *Economic Papers* 375, 376–7.

52 McGann et al, (n 51) 386: Ageing women experience 'the "double jeopardy" of ageism and sexism'.

53 *National Strategy to Achieve Gender Equality: Discussion Paper* (n 6) 7.

54 Gonzalez, Seo and Floro (n 37)101–3; McGann et al, (n 51) 386–7. See also *OECD Economic Survey: Australia 2023* (n 2).

55 Evans and Maley (n 20) 206.

Gender Biases and the Impact on Leadership

The gender discrimination inherent in the "glass ceiling" occurs across industries globally.[56] Evidence of male networks (the so-called '*old boys' club*') continuing to exclude women from promotion is well-documented in the literature.[57] So too is the persistence of the sexist attitudes informing these exclusionary practices, as discussed below. It is important, however, to note that these reports were limited in their sample sizes and cannot possibly reflect the entire community. They provide only a snapshot of the persistence of these notions.

In the Australian corporate sector, interviewees identified the unconscious gender biases and persistent stereotypes around gender roles as a 'key obstacle' to promotion.[58] These included associating desirable leadership qualities with men and masculinity, as well as referring to CEOs generally as "*he*".[59] In addition, there was a pervasive belief that women would prioritise childminding over work commitments.[60] Women in senior positions reported significant challenges balancing family and work — maternity leave impeded career development because it coincided with the peak timing for progression.[61] When women did return to work after having children, they had to face the 'second shift' of household chores,[62] with many finding it not worth the exhaustion, even when they had a supportive partner. This was particularly true for women who were in middle-management and did not have control of their schedule.[63] Moreover, the affinity bias evident in the boys' club culture, where men provide other men with important career sponsorship, while women are excluded from networking opportunities, often made progression for women untenable.[64] The study also revealed a lack of senior female role models, in direct contrast to their male counterparts.[65]

In the medical field, such biases were evident in the 'gross under-representation of women in formal, high-level leadership positions' despite overall increases of women in the sector.[66] Interviewees reported that women's access to and success in leadership roles is impeded by 'preventable gender-related barriers'.[67] Female doctors reported 'not being taken seriously' enough for promotion.[68] Traits typically associated with women were framed as inconsistent with leadership.[69] Pressure on women in leadership roles to behave like 'one of the boys,' and endure sexually inappropriate conversation reflected the privileging of toxic masculinity as a credible form of leadership.[70] For female doctors, this caused 'self-doubt, lack of self-confidence, and the underestimati[on of] personal capabilities'.[71] Consequently, there was a common

56 See, eg, Margaret Linehan, 'Networking for Female Managers' Career Development: Empirical Evidence' (2001) 20(10) *Journal of Management Development* 823. See generally Evans and Maley (n 19).
57 See Linehan (n 53); Evans and Maley (n 19). See below nn 61–80 and accompanying text.
58 Evans and Maley (n 20) 213.
59 See ibid.
60 Ibid.
61 Ibid 214–15.
62 Ibid.
63 Ibid 215.
64 Ibid 208, 213–14. See also Linehan (n 56) for analysis of this in the UK and Europe.
65 Evans and Maley (n 20) 213–14.
66 Marie Bismark et al, 'Reasons and Remedies for Underrepresentation of Women in Medical Leadership Roles: A Qualitative Study from Australia' (2015) 5(11) *BMJ Open* 1.
67 Ibid 1, 4–5.
68 Ibid 5.
69 Ibid.
70 Ibid.
71 Ibid 4.

reluctance among women to self-promote as leaders.[72]

In the legal profession, there are many notable examples of women in leadership despite a long history of gender barriers[73] which persist today. The Women Lawyers Association NSW ('WLANSW') *Law Firm Comparison 2019* report noted the disproportionately high number of men in senior or leadership roles compared with the number of qualified women in the pipeline,[74] echoing the concerns expressed by the Hon Margaret McMurdo in 1999 that 'indirect discrimination is endemic'.[75] Both accounts highlight the value women bring to leadership positions through encouraging young female lawyers to persist despite gender discrimination, with, for example, the Hon McMurdo recalling how a quip by the Hon Joan Rosanove had been helpful in 'difficult moments as a barrister and beyond'.[76] Disrespect for women lawyers persists in the profession despite improvements, with a recent example of a sexist leaflet denigrating the Women in Law Awards posted in the Owen Dixon Chambers' elevator attracting widespread criticism and condemnation.[77]

According to the 2019 WLANSW report, women constituted more than 50% of the senior associate pool in most firms surveyed, yet they had difficulty reaching partner level.[78] Out of 61 firms with 100 or more employees, only three had exceeded 50% female partner promotions since 2017.[79] Thirteen firms that made partner promotions met the 40% minimum female partner percentage target recommended by WLANSW.[80] Conversely, ten firms did not promote any women to partnership in 2019. Leadership of firms remained male-dominated at the Chairperson, CEO, and Director level, with ten of 61 the firms having no women on their governing bodies, and only a handful having a female CEO.[81] There is an improvement in the numbers since 1999,[82] but we note that a recent Australian Financial Review article described a modest increase in female partners in 50 respondent firms as a 'surge', yet women only comprised 33.5% of partners.[83]

72 Ibid.
73 The Hon Margaret McMurdo, 'The Glass Ceiling Exists Only in Women's Minds' (Speech, Challenges to Women in the New Millennium Conference, 4 November 1999): for a brilliant account of the long history of discrimination against women striving for senior positions in law in Australia and success stories.
74 Larissa Andelman, 'Women in Partnership: Report Finds "Glass Ceiling" between Senior Associate and Partner Level' (2019) 62(1) *Law Society Journal* 20.
75 McMurdo (n 73) 4–5.
76 Ibid 4: The Hon Joan Rosanove had said, 'You must have the stamina of an ox and the hide of a rhinoceros. And when they kick you in the teeth you must look as if you hadn't noticed'.
77 See, eg, Naomi Neilson, 'Offensive "Men in Law Award" Joke No Laughing Matter' *Lawyers Weekly* (online, 8 September 2023) <https://www.lawyersweekly.com>.
78 Andelman (n 74).
79 Ibid citing 2017–18 data from the WGEA.
80 Ibid.
81 Ibid.
82 McMurdo (n 73) 6, 8.
83 Michael Pelly and Edmund Tadros, 'Female Partners Surge at Top Law Firms (to One-Third)' *Australian Financial Review* (online, 6 July 2023) <https://www.afr.com/companies/professional-services/women-partners-surge-at-top-law-firms-to-one-third-20230704-p5dlne>.

Cognitive and Emotional Overload: The Emotional Labour of Women and Their Avoidance of Leadership Roles

Defining Emotional Labour

Hochschild defined emotional labour as 'the management of feeling to create a publicly observable facial and bodily display',[84] achieved through either 'surface acting' or 'deep acting'.[85] Workers either suppress and mask, or evoke and display, feelings[86] as required during interactions with clients, colleagues, and superiors to perform their duties.[87] Overt elements and competencies of emotional labour include caring for and nurturing others, conflict resolution, reading others' moods, active listening, empathy, cooperation with others, self-awareness, and providing general support on demand.[88] Researchers note high levels of emotional labour in occupations requiring 'positive interactions, such as case workers, receptionists, public health nurses, counter clerks, and public school teachers'[89] amongst others. It is also required in leadership.

Experience and Avoidance of Leadership Role

Much of the research is framed within feminist theories of hegemonic ontological discourses as descriptive and normative which inscribe and produce women's bodies and their lived experiences with meaning which is constantly negotiated in gendered social contexts.[90] For example, Fitzgerald classifies women's performativity in academic leadership roles as a type of emotional labour, using the 'metaphors' of 'looking good' and 'being good'.[91] Women do not typically occupy spaces of leadership, and accordingly must shape their appearance through adornment and adjust their movement and behaviour to accommodate

84 See generally Arlie Russell Hochschild, *The Managed Heart: Commercialization of Human Feeling* (Berkeley: University of California Press, 1983) pt 1 ch 3, 30–45.

85 See generally ibid pt 1 ch 3, quoting Constantin Stanislavski, *An Actor Prepares*, tr Elizabeth Reynolds Hapgood (Theatre Arts Books, 1965) — using Stanislavski's method acting theory to explain the differences between 'surface acting' and 'deep acting' in relation to work. See also Jennifer Pierce, 'Emotional Labour Among Paralegals' (1999) 561(1) *Annals of the American Academy of Political and Social Science* 127, 135–6.

86 Ibid; Rebecca J Erickson and Christian Ritter, 'Emotional Labor, Burnout, and Inauthenticity: Does Gender Matter?' (2001) 64(2) *Social Psychology Quarterly* 146, 149–50; Pierce (n 83) 135–6.

87 See generally Hochschild (n 82) pt 1 ch 3. See, eg, Pierce (n 85) 135–6; Kenneth J Meier, Sharon H Mastracci and Kristin Wilson, 'Gender and Emotional Labor in Public Organizations: An Empirical Examination of the Link to Performance' (2006) 66(6) *Public Administration Review* 899, 899–901; Erickson and Ritter (n 86) 147.

88 See, eg, Pierce (n 83) 130, 135–6; Erickson and Ritter (n 86); Mary Ellen Guy and Meredith A Newman, 'Women's Jobs, Men's Jobs: Sex Segregation and Emotional Labor' (2004) 64(3) *Public Administration Review* 289, 289–91.

89 See, eg, Guy and Newman (n 88) 290.

90 Author's text. A thorough discussion of this and developments in gender studies since then is beyond the scope of this paper.

91 Tanya Fitzgerald, 'Looking Good and Being Good: Women Leaders in Australian Universities.' (2018) 8(2) *Education Sciences* 54, 54–6.

and meet gendered expectations. This is not new ground for feminism. However, the research provides a useful account of the adverse impact of this type of emotional labour on women leaders in academia, where women, according to Fitzgerald, must perform leadership in alignment with 'implicit assumptions' inherent in this 'male-dominated context' that masculinity is the ideal and femininity the other.[92]

There are countless anecdotes and media examples[93] of women leaders disproportionately criticised for how they look and what they wear, in addition to what they do and what they say. Women leaders are already atypical and under great scrutiny — this hyper-attention to their image increases emotional burden, stress, and results in avoidance of leadership.

Disproportionate Impact

It is not only women in leadership that suffer. Because emotional labour sits outside normative concepts of professional skills, it is also not adequately compensated in many low-paid roles, predominantly held by women due to gendered occupational segregation, such as those mentioned above.[94] Despite being recognised as key to organisational productivity and success, emotional labour is largely invisible, devalued, and unpaid, particularly when performed by women since it is viewed as a natural female activity.[95] Many researchers observe that the same expectations are not present in many male-dominated occupations,[96] or for men in occupations where male and female workers ostensibly hold the same roles.[97] For example, Pierce found gender stereotypes created status differences for paralegals and 'reproduced gender relations in the firm',[98] whereby women had to 'mother' their male superiors, and perform more emotional labour than male paralegals. Failure to do so was construed negatively, and they were subsequently mistreated by their seniors and colleagues to the extent that they resigned.[99] In that sense too, performing emotional labour has an adverse effect, and can therefore devalue professional women and impact career advancement.[100]

Working women recognise the systemic discrimination of emotional labour for what it is — *more unpaid work* — and are therefore disinclined to strive for leadership or promotion when they see other women who do so constantly torn down.

92 Ibid 57–8. See also David Gray, Erik De Haan and Sally Bonneywell, 'Coaching the "Ideal Worker": Female Leaders and the Gendered Self in a Global Corporation' (2019) 43(7/8) *European Journal of Training and Development* 661, 662: for discussion of how these gendered frameworks operate and reinstate norms and reinforce pay gaps.

93 See, eg, Jane Goodall, 'Dressing the Part: Women, Power, Fashion: And That Bloody Jacket!' *The Conversation* (online, 26 April, 2013) <https://theconversation.com/dressing-the-part-women-power-fashion-and-that-bloody-jacket-13659>.

94 See, eg, Meier, Mastracci and Wilson (n 87) 899–901; *National Strategy to Achieve Gender Equality: Discussion Paper 2023* (n 6) 20; Guy and Newman (n 88) 289–91, 293.

95 Guy and Newman (n 88) 289–91, 293.

96 See, eg, Meier, Mastracci and Wilson (n 87) 900.

97 See, eg, Pierce (n 85) 130–4.

98 Pierce (n 85) 128.

99 Ibid 129, 136.

100 Ibid 137.

Women's Dual Caring Responsibilities — Caring for Children and Aging Parents

In comparison with other OECD countries, there is a significant gendered gap in unpaid care work in Australia,[101] with women remaining 'overwhelmingly responsible for care' due to gendered norms which construct women as 'primary caregivers, not just for children, but also for ageing parents and people with disability'.[102] According to the OECD, there is a correlation between having children and the 'widening of the gender wage gap…in the 30–39 and 40–49 age groups'.[103] Women aged 45+ are likely to be significantly affected by care responsibilities — more women than before are experiencing prolonged periods of "sandwich parenting" due to the intersection of gendered norms, economic factors (such as unaffordable housing and unemployment for both adult children and aging parents), rising costs of living and childcare,[104] and increased life expectancy.[105] These additional caring commitments often require women taking jobs with lower pay but greater flexibility. Caring responsibilities clearly have an impact on women's potential to reach senior positions.

Traditional housewife versus breadwinner models and concomitant gendered divisions of labour persist despite years of equality activism and legislation.[106] Unpaid work within the private sphere of the household including domestic labour, reproductive and care work is still associated with women as a having a 'use value' which supports the primary earner (the man).[107] Families who cannot afford to employ 'service workers [to spend time on] labour-intensive household tasks'[108] often continue to replicate these traditional gendered roles, even when both adults work (these 'service workers' are also primarily female). OECD statistics note that Australian women report being 'much less satisfied than men with the division of housework and childcare tasks.[109] The 2022 HILDA Statistical Report notes further that older women are the 'biggest providers of unpaid care, with over 12% caring for a person with a disability or an older person',[110] and that overall, '68.7% of main carers are female'.[111]

Women in unsupportive homes with these additional responsibilities suffer disadvantage at home and at work. They are often considered less valuable to employers than workers with broader availability (for

101 *OECD Economic Survey: Australia 2023* (n 2) 78; Roger Wilkins et al, 'The Household, Income and Labour Dynamics in Australia Survey: Selected Findings from Waves 1 to 20', (Annual Statistical Report, No 17, Melbourne Institute: Applied Economic and Social Research, Faculty of Business and Economics, University of Melbourne, 2022) 25–9 ('HILDA Annual Statistical Report 2022').
102 *National Strategy to Achieve Gender Equality: Discussion Paper 2023* (n 6) 10.
103 *OECD Economic Survey: Australia 2023* (n 2) 82.
104 Ibid 92–93, 98.
105 Sally Eeles, 'Meet the Sandwich Generation: The Growing Sector of Women Caring for Their Children and Their Parents' (*ABC Online*, 11 January 2023).
106 Ursula Huws, 'The Reproduction of Difference: Gender and the Global Division of Labour' (2012) 6(1) *Work Organisation, Labour and Globalisation* 1, 1–3.
107 Ibid: note Huws' citation of Marx's description of women and children as men's 'property' and 'slaves of the husband'.
108 Ibid 4.
109 *OECD Economic Survey: Australia 2023* (n 2) 78.
110 HILDA Annual Statistical Report 2022 (n 100) 27.
111 Ibid 28.

example to commit to overtime, travel, or extended hours) who can therefore earn more and accelerate their career faster.[112] Strachan's 2016 research showed more women undertaking both caring responsibilities and paid work, and that due to domestic duties, 44.8% of employed women worked part-time, compared with only 15.2% of men,[113] and that women often experience more instability, and have fewer benefits such as leave entitlements. Comparing this with the current data[114] suggests little change in the gendered division of caring responsibilities and its subsequent impact on women, who consistently report that having children is a barrier to career advancement.[115] The OECD notes that Australia's 'parental leave duration and the rate at which it is paid is low by OECD standards' and that reforms are needed to not only increase these pay rates but also 'the share of leave reserved specifically for fathers'.[116] This may alleviate some of the difficulties women experience re-entering or staying in the workforce while they have young children.

Grandparents

Gendered differences in household care arrangements described above[117] create an additional, yet unacknowledged burden on grandmothers. There is a growing need for grandparents to provide free child-care due to price increases, and 'increase[s]in dual-earner households, …marital breakdown and sole-parent households'.[118] In addition, in Queensland, there is a clear increase in the number of children placed in the care of kin due to child protection needs.[119] If this is indicative of national trends and previous research showing that women carry the greatest load of carer duties,[120] it follows that older working women with caring responsibilities need consideration and flexibility from their employers to support them and ease the burden.

At the same time as family care needs increase, people are postponing retirement,[121] with more grandparents now juggling care and work responsibilities. But the *tension* created by these competing demands on grandmothers is greater due to gendered norms of care.[122] Gender disparities persist also in the time spent and the type of care provided, with grandmothers doing more 'routine care activities like bathing and feeding'[123] and grandfathers spending 'more time providing play-based care'.[124] Grandmothers who work in paid employment are therefore spending their time off doing what is effectively, *more work*.

112 Huws (n 106) 1, 5.
113 Glenda Strachan, 'Still Working for the Man? Women's Employment Experiences in Australia Since 1950' (2016) 45(1) *Australian Journal of Social Issues* 117, 125.
114 See above nn 101–105, 109–111 and accompanying text.
115 See, eg, Gray et al (n 92) 671–2.
116 *OECD Economic Survey: Australia 2023* (n 2) 12. The OECD also notes that '[f]athers taking a more equal share of unpaid work can reduce the labour market dislocation women experience after childbirth': at 94.
117 See above nn 101–116 and accompanying text.
118 Myra Hamilton and Bridget Suthersan, 'Gendered Moral Rationalities in Later Life: Grandparents Balancing Paid Work and Care of Grandchildren in Australia' (2021) 41(7) *Ageing and Society* 1651, 1653.
119 State of Queensland, Department of Child Safety, Seniors and Disability Services, *Annual Report 2022-23* (Report, 14 September 2023) 19: '[a]s at 31 March 2023, 47.1 per cent of children in care were living with kin, this is an increase compared to last year (46.8 per cent)'.
120 Australian Human Rights Commission, Submission No 133 to Senate Standing Committee on Community Affairs, *Inquiry into Grandparents who Take Primary Responsibility for Raising Their Grandchildren* (20 March 2014) 8–9 [43]–[46].
121 Hamilton and Suthersan (n 118) 1652–3.
122 Ibid 1652.
123 Ibid 1653.
124 Ibid.

In 2016, it was 'estimated that around three-quarters of grandparent child-care providers [were] women',[125] and most grandparents reported that the primary reason for the provision of care was to support workforce participation of their daughters or daughters-in-law — highlighting the gendered norms of childcare and how it is shifted onto older women.[126] There was a strong impact on grandparents' paid employment, with 70% of survey participants revealing that care responsibilities altered their workday structure, and over half of respondents reporting child-care commitments affecting the number of hours or days they worked, and one in six' changing their job entirely.[127] In addition, grandparents experienced significant and regular disruptions to their work life to accommodate atypical and short notice care needs. Over 40% of survey participants found it difficult to balance their commitments, with many experiencing stress and pressure regarding work, and one in five stating that child-care duties impacted their ability to perform their job.[128]

The Impact of Care on Women's Access to Leadership Roles in Academia

In the Higher Education sector, women report that maternity leave, childcare, or other family responsibilities significantly affect career progression.[129] Pyke critiques the view that this is a result of 'women choos[ing] not to pursue senior academic position in preference to' work-life balance,[130] arguing instead that the corporate culture of academia positions men and women 'differently and unequally within structures, despite gradual increases in women's representation in academic leadership.'[131] According to Pyke, the academic profession illustrates ways men and women 'rise through the ranks' differently according to their gender, with women's progression typically stalling at mid-level positions in contrast to the accelerated career progression of men into leadership roles.[132] Deriving data from interviews of 24 women between the ages of 38–60, Pyke's research demonstrated that women tended not to reach senior academic roles, while men dominated these positions — resulting in the 2010 national average of female appointees to Associate Professor or Professor of only 27%.[133] While the balance in gendered representation at Senior Lecturer level had somewhat equalised, women tended not to seek further promotion. Their reasons for this were shaped by both 'desirability' and 'feasibility' factors,[134] with women reporting more career interruptions due to maternity, childcare, and other family care responsibilities.

These variables constrained women's progression — they typically remained employed within the lower academic ranks, generally engaging in pastoral care, teaching, and administrative roles which better suited their lifestyles.[135] Simultaneously, unequal workload and domestic care responsibilities meant that women took much longer to gain the experience necessary for promotion. Therefore, many women who only became eligible for certain advancements later in life were instead planning for retirement rather than

125 Ibid.
126 Ibid 1657–8.
127 Ibid 1663.
128 Ibid 1665.
129 Joanne Pyke, 'Women, Choice and Promotion or Why Women are Still a Minority in the Professoriate' (2013) 35(4) *Journal of Higher Education Policy and Management* 444, 446, 452.
130 Ibid 446.
131 Ibid 445.
132 Ibid 446.
133 Ibid 444.
134 Ibid 445.
135 Ibid 446.

promotion.[136] Ultimately, these findings illustrate that building and accelerating a career often favours men's societal positions, and that women often suffer as their experiences and needs are not accounted for.

Care and the Impact on Women in Leadership

Women in corporate leadership roles reported significant challenges balancing family and work.[137] Understandably, many women take time off work to have children, yet as this period of disruption usually coincides with the peak time for career development or acceleration, their career trajectories suffer as a result. [138] Once women return to work, they then have to face the challenge of the 'second shift,' as most Australian women cannot give up their roles at home.[139] Consequently, when women take on senior positions, they have to juggle both work expectation and caring responsibilities at home.[140]

In the medical field, female doctors reported 'an inherent incompatibility' of parenthood and high-level medical leadership.[141] Some medical leadership roles were physically impossible for female doctors due to part-time work not being permitted for those positions.[142] Once women have children, there is an assumption that they lack the time and energy required for leadership roles. Some male employees communicated their belief that women simply need to 'fit in' and just 'do the job' rather than 'carrying on' about work and life balance.[143] This lack of support explains the gross under-representation of women in formal high level medical leadership positions, despite dramatic increases in the entry of women into medicine in Australia, with an initial representation of over 50%.[144]

Menstruation, Perimenopause, Menopausal Symptoms, and Impacts

These health issues have a significant impact on women aged 45+ and contribute to their avoidance of leadership roles. Our research found that many women report self-selecting away from career advancements out of necessity due to the debilitating impact of menopause.

136 Ibid 451.
137 Evans and Maley (n 20) 214–15.
138 Ibid.
139 Ibid.
140 Ibid.
141 Bismark (n 66) 4.
142 Ibid.
143 Ibid.
144 Ibid 1. See our Literature Review Notes for more on Bismark's findings.

Symptoms

The symptoms of menstruation, perimenopause and menopause can impact employees and their experiences in the workplace.[145]* While not universal,[146] for many, the symptoms of menopause (including perimenopause) are 'bothersome'[147] and debilitating. Menopausal symptoms triggered by vasomotor instability 'can start 10 or more years before the last period and on average, [lasts] two to three years after [their] cessation'.[148] Bothersome symptoms of menopause include sleep disturbances, hot flashes/flushes, depression, night sweats, difficulty concentrating, daytime fatigue, headaches, and anxiety.[149] These, and their effects, are often invisible to others.

Studies also show that *stress makes symptoms worse*. While mindfulness and cognitive behavioural therapy may help in 'moderating the emotional reactions, negative beliefs, and catastrophic thoughts that can occur,' [150] this requires additional emotional and cognitive effort which can be exhausting. Leadership already requires significant emotional labour. The additional layer of stress-related menopausal* symptoms is therefore another reason women aged 45+ may avoid leadership altogether.

Impact on Working Women

More women experience menopause during their working lives than previously due to our ageing population, increasing nominal retirement age, and growing numbers of women in paid employment.[151] Further, in the 2023 *National Women's Health Survey*, more women (64%) in the midlife age range of 45–64 reported 'bothersome symptoms' than women of reproductive age (14%) and older women (21%).[152] With this increase in the number of women experiencing menopause and reporting bothersome symptoms, it is critical that workplaces consider the impact of these health issues on their employees, and take urgent action to improve workplace conditions. Workplace intervention may assist with employee retention — without it, Australian workplaces risk 'losing women at the peak of their careers due to a lack of policy on menopause and its effects'.[153]

Many women do not, however, discuss their menopausal symptoms with their employers. In part, this is

145 See, eg, Australian Menopause Society and Jean Hailes for Women's Health, *The Impact of Symptoms Attributed to Menopause by Australian Women* (Report, 2023) 13, 27 ('2023 *National Women's Health Survey Report*'). *Note: we focused primarily on menopause in our research, and mostly use the word 'menopause' to include perimenopause for convenience.

146 Ibid 25: Even the 2023 *National Women's Health Survey Report* (n 145) acknowledges that their 'survey cannot be used to quantify the real impact of menopause on women's lives'. See also Wendy Warner, 'Perimenopause to Menopause' in David Rakel (ed), *Integrative Medicine* (Elsevier, 5th ed, 2023) ch 54, 477, 479.

147 See 2023 *National Women's Health Survey Report* (n 145) 11. We use the term 'bothersome' in this sense. We also use 'menopause' from hereon to refer to both perimenopause and menopause for convenience.

148 Warner (n 146) 479.

149 See, eg, ibid; 2023 *National Women's Health Survey Report* Nicola Dennis and Gemma Hobson, 'Working Well: Mitigating the Impact of Menopause in the Workplace: A Narrative Evidence Review' (2023) 177 *Maturitas* 107824, 107824.

150 Marcia Klein-Patel, Katherine Gergen-Barnett and Judith Balk, 'Managing Menopausal Symptoms' in David Rakel (ed), *Integrative Medicine* (Elsevier, 4th ed, 2018) 550, 553.

151 Kathleen Riach and Gavin Jack, 'Women's Health in/and Work: Menopause as an Intersectional Experience' (2021) 18(20) *International Journal of Environmental Research and Public Health* 10793, 10793.

152 2023 *National Women's Health Survey Report* (n 145) 11.

153 Donna Harper and Elloise Farrow-Smith, 'Menopause Policies are being Adopted in Workplaces. Is Australia Ready for "The Change"?' *ABC* (online, 18 October 2023) <https://www.abc.net.au/news/2023-10-18/menopause-womens-health-policy-in-workplaces/102976708>.

because the subject is taboo. Silence around menopause is also due to reasons of privacy, reluctance to catastrophise, and reluctance to contribute to prevailing ageist and misogynistic discourse about older women and their capacities.[154] Women report that their unwillingness to ask for help at work around menopausal issues is due to fear that it will later be used against them,[155] and that their concerns are not taken seriously if they do. Women therefore not only struggle with the symptoms but also with the added psychological impact of concealing them while maintaining work performance. This can lead to lower engagement, satisfaction, commitment, and a belief that their performance is compromised due to symptoms.[156]

The challenges of menopause can make it harder for women to secure promotions or leadership roles.[157] However, very little is currently being done in workplaces to recognise the impact of menopause or make adequate adjustments.[158] There is a therefore a large cohort of working women unable to achieve their full potential, due to the expectation that they perform with the efficiency of their male counterparts.[159]

Support or Lack of it

The availability or lack of support in the workplace for women directly impacts their experience. Gendered ageism is common in many professions, and more so in male-dominated environments, which tend to silence women more.[160] This is a significant contributing factor as to why women do not raise menopausal issues at work.[161] Women report fears that any discussion of menopause or their age will create a perception that they are nearing retirement and therefore ineligible for new opportunities or promotions.[162] Thus, menopausal women often feel invisible, believing that expressing their need for support or showing signs of their suffering communicates weakness. As their experience with menopause often goes unacknowledged or dismissed by their workplace, and due to the stigma surrounding openly discussing such health matters, older women usually only feel comfortable talking to close friends in informal settings.[163] Many workplaces also aggravate menopausal symptoms, particularly where women have a low degree of practical control over their environment, a low degree of work flexibility, or are subjected to negative or dismissive attitudes about their experiences by superiors or peers.[164]

154 Gavin Jack et al, *Women, Work and the Menopause: Releasing the Potential of Older Professional Women* (Report, Australian Menopause Society, September 2014), 16–7 ('Jack et al, *Women, Work and the Menopause*').
155 Riach and Jack (n 151)10799.
156 Ibid.
157 Ibid.
158 Ibid.
159 Ibid 10794: This is described as a consequence of presumed 'normative embodiment'.
160 Jack et al, *Women, Work and the Menopause* (n 154) 16–7.
161 Riach and Jack (n 151) 10794, 10806.
162 Ibid 10803.
163 Jack et al, *Women, Work and the Menopause* (n 154) 17.
164 Ibid 4.

Leadership: Barriers and Benefits

Gender Pay Gaps and Leadership

The findings of the WGEA's *She's Price(d)less* report outline the primary factors continuing to fuel the gender pay gap in Australia, and the persistent underrepresentation of women in leadership and full-time employment.[165] Gender discrimination, reduced workforce participation due to family and care duties, and the gendered segregation which occurs through the coding of jobs as either 'male' or 'female' domains, result in men dominating higher-paying industries, managerial positions, and promotions, while women are barred from earning equivalent economic status.[166]

To examine the gender pay gap as it intersects with age, during the 2020–21 reporting period, WGEA analysed data on employee age across nearly 3 million employees,[167] finding that the gender pay gap does not remain steady across all age groups. Rather, it increases with age, and reaches over 30% for employees ages 45–54 and peaks at 31.99% for those aged 55–64 — a difference in earnings between men and women of $40,000 per year.[168] This is directly connected to more women being employed casually or part-time than men, with relative numbers of women working full-time, or in senior leadership roles, continuing to decrease with age. In contrast, men typically remain employed full-time from the age of 25.[169] Ultimately, this has devastating financial implications for women, who have far lower lifetime earnings and superannuation than men and face increased financial insecurity and poverty after retirement.

This data demonstrates the critical role workplaces have in ensuring that their policies, practices, and employment culture are catered towards promoting more equal participation of women and men and consciously challenging persistent harmful gender norms. This can be achieved by implementing measures such as better addressing gender discrimination and biases, particularly when considering candidates for promotions or leadership, creating part-time management positions to better cater for the requirements of women who are prevented from full-time jobs due to external responsibilities, offering gender neutral parental leave to promote a more egalitarian sharing of at-home child-care, allowing employment to become more flexible (working from home, etc), and assisting with child-care access and affordability.[170]

Leadership Roles Alone Will Not Achieve Parity

While increasing women in leadership is identified as an action to effect change in the pay gap by WGEA in

165 *She's Price(d)less: The Economics of the Gender Pay Gap 2022* (n 21) 38–9.
166 Ibid 38; Workplace Gender Equality Agency, 'Fourth Edition of the She's Price(d)less Report Released', *Workplace Gender Equality Agency* (Media Release, 13 July 2022) <https://www.wgea.gov.au/publications/fourth-edition-of-the-shes-pricedless-report-released>.
167 WGEA, *Gender Pay Gap by Age Group Factsheet* (n 27) 3–4; WGEA, *Wages and Ages: Mapping the Gender Pay Gap by Age* (n 27).
168 Ibid.
169 Ibid.
170 *She's Price(d)less: The Economics of the Gender Pay Gap 2022* (n 21) 12; WGEA, *Wages and Ages: Mapping the Gender Pay Gap by Age* (n 27).

the 2022,[171] data from 2014–18 indicates that although the number of women progressing into management roles has increased, the gender pay gap persists and worsens at higher levels of leadership positions.[172] The data also showed women progressing into management roles faster than men, and that parity of management roles and key management personnel positions could occur by 2039.[173] However, female representation in CEO positions showed very little movement over the period.[174] At that rate, parity of female CEOs will not be realised for 80 years.[175]

Women's progression into leadership was quicker in some industries —such as mining and manufacturing. However, women were noticeably under-represented in management in the health care sector, comprising 71.0% of the workforce but only 51.9% of top-tier management. [176] Further, female managers primarily held lower-level day-to-day operational positions, at 72.3%.[177]

Progression into leadership is not, however, closing the gender pay gap. The data reveals its systemic nature — it was observed at every management tier across sectors with men's salaries higher than women's.[178] Women's remuneration was 14.1% less than men's in the lowest-paid manager positions, and 27% less at executive level.[179] For those in key management personnel roles receiving the highest salaries, men earnt $162,000 more per annum than women.[180] This was the highest discrepancy in the managerial gender pay gap analysis, at 27%.[181] By industry, the highest pay gap of 35.6% was observed in the rental hiring and real estate sectors, closely followed by retail, finance, and insurance.[182] The lack of women in top-tier management 'exacerbates the gender pay gap and adds an additional glass ceiling [which] deters women from progressing', given that they know their pay will be significantly less than their colleagues. Accordingly, the gender pay gap is a significant barrier to increasing women in leadership.[183]

Economic Benefits of Gender Diversity in Leadership

The promotion of gender balance in the Australian workforce does not solely have the purpose of advancing the moral imperative of gender equality. Studies show significant economic benefits for the companies associated with increasing the proportion of women in leadership positions.[184] For example, a global survey of 21,980 firms in 91 countries revealed a move from no female leaders to 30 percent representation was

171 *She's Price(d)less: The Economics of the Gender Pay Gap 2022* (n 21) 12
172 Rebecca Cassells and Alan Duncan, *Gender Equity Insights 2019: Breaking Through the Glass Ceiling*. (Bankwest Curtin Economics Centre Report Series GE04, 2019) 24 <https://bcec.edu.au/assets/2019/02/BCEC-WGEA-Gender-Equity-Insights-2019-Report.pdf>.
173 Ibid 14–15.
174 Ibid 15.
175 Ibid.
176 Ibid.
177 Ibid.
178 Ibid 24–5.
179 Ibid.
180 Ibid 24–25, 48.
181 Ibid.
182 Ibid 26.
183 Ibid 48.
184 KPMG and ASX Corporate Governance Council, *ASX Corporate Governance Recommendations: Diversity: Analysis of Diversity Disclosures Made by Listed Entities between 1 January 2021 and 31 December 2021* (Report, 2021) 12 <https://assets.kpmg.com/content/dam/kpmg/au/pdf/2022/asx-corporate-governance-diversity.pdf>; Evans and Maley (n 20) 207).

associated with a 15 percent increase in the net revenue margin.[185] The study indicated positive impacts on company performance when there was significant female representation, through both female executives and female board members, thereby stressing the importance of creating a pipeline for female managers.[186] In addition, an Australian study of the top 500 Australian firms demonstrates a statistically significant association between board diversity and firm financial performance.[187] This result is consistent with a study of the United States, indicating that integration of women on boards correlates with stronger corporate social responsibility, therefore promoting more inclusive employment policies associated with product development and innovation.[188]

Gender Equality and Diversity: Proposed Solutions

More than a dozen European countries have implemented quotas to increase the number of women on corporate boards, with Norway being the first country to introduce them. [189] A study of gender quotas in France, Italy, and Spain yielded a mixed result of increased firm productivity by 5% to 6% in Italy, but no statistically significant effect in Spain or France. [190] The study indicates the effect of gender quotas may vary depending on the law and the institutional and social context in which the law is implemented.[191]

Evans and Maley (2021) recommended implementing the National Strategic Action Plan for Gender Equality, as the European Institute for Gender Equality finds that addressing policies for all gender inequalities collectively is likely to have a much more positive impact than tackling each one in isolation.[192]

Concluding Thoughts on Women in Leadership

Our research notes that closing the gender pay gap will not be enough, and that until there is more progress on the various intersecting issues discussed above, and until entrenched gendered biases and discrimination shift, women will not feel encouraged to pursue leadership roles. As noted previously, women are deterred from senior roles by unreasonable societal pressures, health issues, caring responsibilities, and discrimination. Women are hyper-visible in leadership due to their lack of representation and historical exclusion from such positions,[193] making them more susceptible to unfair criticism and scrutiny. They are simultaneously expected to be nurturing, in accordance with traditional gender norms, yet display the "masculine" characteristics typically associated with leadership.[194] Overall, our research indicates that more women in leadership will have far-reaching social and economic benefits.

185 Marcus Noland, Tyler Moran, and Barbara Kotschwar, 'Is Gender Diversity Profitable? Evidence from a Global Survey' (2016) 16(3) *Working Paper* 1, 16.
186 Ibid.
187 Alireza Vafaei, Kamran Ahmed, and Paul Mather, 'Board Diversity and Financial Performance in the Top 500 Australian Firms' (2015) 25(4) *Australian Accounting Review* 413, 424.
188 Alison Cook and Christy Glass, 'Women on Corporate Boards: Do they Advance Corporate Social Responsibility?' (2018) 71(7) *Human Relations* 897, 917.
189 Simona Comi et al, 'Where Women Make a Difference: Gender Quotas and Firm Performance in Three European Countries' (2020) 73(3) *Industrial and Labor Relations Review* 768, 769
190 Ibid 790.
191 Ibid 791.
192 Evans and Maley (n 20) 220.
193 Fitzgerald (n 91) 54, 60.
194 Ibid 1–3, 6–7.

Bibliography

A Articles/Books/Reports

Acker, Joan, 'Gendered Organizations and Intersectionality: Problems and Possibilities' (2012) 31(3) *Equality, Diversity and Inclusion: An International Journal* 139

Andelman, Larissa, 'Women in Partnership: Report Finds "Glass Ceiling" between Senior Associate and Partner Level' (2019) 62(1) *Law Society Journal* 20

Australasian Menopause Society, Women's Health Research Program (Monash University) and Jean Hailes for Women's Health, *The Impact of Symptoms Attributed to Menopause by Australian Women* (Report, 2023)

Australian HR Institute and Australian Human Rights Commission, *Employing and Retaining Older Workers* (Report, April 2021)

Australian Human Rights Commission, Submission No 133 to Senate Standing Committee on Community Affairs, *Inquiry into Grandparents who Take Primary Responsibility for Raising Their Grandchildren* (20 March 2014)

Bismark, Marie, et al, 'Reasons and Remedies for Underrepresentation of Women in Medical Leadership Roles: A Qualitative Study from Australia' (2015) 5(11) *BMJ Open* 1

Blackham, Alyssia, 'Women, Age Discrimination and Work', Legal Affairs (online, 7 March 2020) <https://pursuit.unimelb.edu.au/articles/women-age-discrimination-and-work>

Brussevich, Mariya Era Dabla-Norris and Salma Khalid, 'Is Technology Widening the Gender Gap? Automation and the Future of Female Employment' (Working Paper No 19/91, *International Monetary Fund*, May 2019)

Cassells, Rebecca and Alan Duncan, *Gender Equity Insights 2019: Breaking Through the Glass Ceilin*g. (Bankwest Curtin Economics Centre Report Series GE04, 2019) 24 <https://bcec.edu.au/assets/2019/02/BCEC-WGEA-Gender-Equity-Insights-2019-Report.pdf>

Comi, Simona et al, 'Where Women Make a Difference: Gender Quotas and Firm Performance in Three European Countries' (2020) 73(3) *Industrial and Labor Relations Review* 768

Cook, Alison and Christy Glass, 'Women on Corporate Boards: Do they Advance Corporate Social Responsibility?' (2018) 71(7) *Human Relations* 897

Cotter, David A, et al, 'The Glass Ceiling Effect' (2001) 80(2) *Social Forces* 655

Craig, Lyn and Brendan Churchill, 'Working and Caring at Home: Gender Differences in the Effects of Covid-19 on Paid and Unpaid Labor in Australia' (2021) 27(1-2) *Feminist Economics* 310

Department of Prime Minister and Cabinet, *National Strategy to Achieve Gender Equality: Discussion Paper* (Report, 2023)

Department of Prime Minister and Cabinet, *WGEA Review Report: Review of the Workplace Gender Equality Act 2012*, (Report, December 2021)

Department of Social Services, *National Plan to End Violence Against Women and Children 2022–2023* (Report, 2022)

Eeles, Sally, 'Meet the Sandwich Generation: The Growing Sector of Women Caring for Their Children and Their Parents' (*ABC Online*, 11 January 2023)

Erickson, Rebecca J and Christian Ritter, 'Emotional Labor, Burnout, and Inauthenticity: Does Gender Matter?' (2001) 64(2) *Social Psychology Quarterly* 146

Evans, Kathryn and Jane Maley, 'Barriers to Women in Senior Leadership: How Unconscious Bias is Holding Back Australia's Economy' (2021) 59(2) *Asia Pacific Journal of Human Resources* 204

Fitzgerald, Tanya, 'Looking Good and Being Good: Women Leaders in Australian Universities.' (2018) 8(2) *Education Sciences* 54

Gilfillan, Geoff and Les Andrews, *Labour Force Participation of Women Over 45* (Productivity Commission Staff Working Paper, December 2010)

Gonzalez, Ignacio, Bongsun Seo and Maria S Floro, *Gender Wage Gap, Gender Norms and Long-Term Care: A Theoretical Framework* (2022) 28(3) *Feminist Economics*, 84

Gray, David, Erik De Haan and Sally Bonneywell, 'Coaching the "Ideal Worker": Female Leaders and the Gendered Self in a Global Corporation' (2019) 43(7/8) *European Journal of Training and Development* 661

Guy, Mary Ellen and Meredith A Newman, 'Women's Jobs, Men's Jobs: Sex Segregation and Emotional Labor' (2004) 64(3) *Public Administration Review* 289

Hamilton, Myra and Bridget Suthersan, 'Gendered Moral Rationalities in Later Life: Grandparents Balancing Paid Work and Care of Grandchildren in Australia' (2021) 41(7) *Ageing and Society* 1651

Harper, Donna and Elloise Farrow-Smith, 'Menopause Policies are being Adopted in Workplaces. Is Australia Ready for "The Change"?' *ABC* (online, 18 October 2023) <https://www.abc.net.au/news/2023-10-18/menopause-womens-health-policy-in-workplaces/102976708>

Hochschild, Arlie Russell, *The Managed Heart: Commercialization of Human Feeling* (Berkeley: University of California Press, 1983) 30

Huws, Ursula, 'The Reproduction of Difference: Gender and the Global Division of Labour' (2012) 6(1) Work Organisation, *Labour and Globalisation* 1

Jack, Gavin, et al, *Women, Work and the Menopause: Releasing the Potential of Older Professional Women* (Report, Australian Menopause Society, September 2014)

Keohane, Nannerl O, 'Women, Power and Leadership' (2020) 149(1) *Daedalus* 236

Klein-Patel, Marcia, Katherine Gergen-Barnett and Judith Balk, 'Managing Menopausal Symptoms' in David Rakel (ed), *Integrative Medicine* (Elsevier, 4th ed, 2018) 550

KPMG, *ASX Corporate Governance Council: Diversity* (Report, 2021) 12 <https://assets.kpmg.com/content/dam/kpmg/au/pdf/2022/asx-corporate-governance-diversity.pdf>

KPMG, Diversity Council Australia and the Workplace Gender Equality Agency, *She's Price(d)less: The Economics of the Gender Pay Gap* (Report, 13 July 2022)

Linehan, Margaret, 'Networking for Female Managers' Career Development: Empirical Evidence' (2001) 20(10) *Journal of Management Development* 823

McGann, Michael, et al, 'Gendered Ageism in Australia: Changing Perceptions of Age Discrimination among Older Men and Women' (2016) 35(4) *Economic Papers* 375

McMurdo, Margaret, 'The Glass Ceiling Exists Only in Women's Minds' (Speech, Challenges to Women in the New Millennium Conference, 4 November 1999)

Meier, Kenneth J, Sharon H Mastracci and Kristin Wilson, 'Gender and Emotional Labor in Public Organizations: An Empirical Examination of the Link to Performance' (2006) 66(6) *Public Administration Review* 899

Neilson, Naomi, 'Offensive "Men in Law Award" Joke No Laughing Matter' *Lawyers Weekly* (online, 8 September 2023) <https://www.lawyersweekly.com>

Noland, Marcus, Tyler Moran and Barbara Kotschwar, 'Is Gender Diversity Profitable? Evidence from a Global Survey' (2016) 16(3) *Working Paper* 1

Organisation for Economic Co-operation and Development, *OECD Economic Surveys: Australia 2023* (OECD Publishing, October 2023)

Peetz, David, 'Women and Segmentation' in *The Realities and Futures of Work* (Australian National University Press, 2019)

Pelly, Michael and Edmund Tadros, 'Female Partners Surge at Top Law Firms (to One-Third)' *Australian Financial Review* (online, 6 July 2023) <https://www.afr.com/companies/professional-services/women-partners-surge-at-top-law-firms-to-one-third-20230704-p5dlne>

Pierce, Jennifer, 'Emotional Labour Among Paralegals' (1999) 561(1) *Annals of the American Academy of Political and Social Science* 127

Pyke, Joanne, 'Women, Choice and Promotion or Why Women are Still a Minority in the Professoriate' (2013) 35(4) *Journal of Higher Education Policy and Management* 444

Riach, Kathleen and Gavin Jack, 'Women's Health in/and Work: Menopause as an Intersectional Experience' (2021) 18(20) *International Journal of Environmental Research and Public Health* 10793

Sheen, Veronica, 'The Implications of Australian Women's Precarious Employment for the Later Pension Age' 2017 28(1) *Economics and Labour Relations Review* 3

State of Queensland, Department of Child Safety, Seniors and Disability Services, *Annual Report 2022-23* (Report, 14 September 2023)

Strachan, Glenda, 'Still Working for the Man? Women's Employment Experiences in Australia Since 1950' (2016) 45(1) *Australian Journal of Social Issues* 117

Vafaei, Alireza, Kamran Ahmed and Paul Mather, 'Board Diversity and Financial Performance in the Top 500 Australian Firms' (2015) 25(4) *Australian Accounting Review* 413

Warner, Wendy, 'Perimenopause to Menopause' in David Rakel (ed) *Integrative Medicine* (Elsevier, 5th ed, 2023) 477

Wilkins, Roger, et al, 'The Household, Income and Labour Dynamics in Australia Survey: Selected Findings from Waves 1 to 20', (HILDA Annual Statistical Report, No 17, Melbourne Institute: Applied Economic and Social Research, Faculty of Business and Economics, University of Melbourne, 2022)

Workplace Gender Equality Agency, *Australia's Gender Equality Scorecard: Key Results from the Workplace Gender Equality Agency's Employer Census 2022–23* (Report, November 2023)

B Legislation

Sex Discrimination Act 1984 (Cth)

Workplace Gender Equality Act 2012 (Cth)

C Other

'Labour Force, Australia', *Australian Bureau of Statistics* (Web Page, December 2023)

<https://www.abs.gov.au/statistics/labour/employment-and-unemployment/labour-force-australia/latest-release>

'Menopause' *World Health Organisation* (Fact Sheet, 17 October 2022) <https://www.who.int/news-room/fact-sheets/detail/menopause>

Workplace Gender Equality Agency, 'Fourth Edition of the She's Price(d)less Report Released', *Workplace Gender Equality Agency* (Media Release, 13 July 2022) <https://www.wgea.gov.au/publications/fourth-edition-of-the-shes-pricedless-report-released>

Workplace Gender Equality Agency, 'Gender Pay Gap Falls 1.1 Percentage Points to New Low of 21.7%' (Media Release, 28 November 2023) <https://www.wgea.gov.au/newsroom>

Workplace Gender Equality Agency, *The Gender Pay Gap by Age Group* (Factsheet, 27 June 2022) <https://www.wgea.gov.au>

Workplace Gender Equality Agency, 'Wages and Ages: Mapping the Gender Pay Gap by Age' *Workplace Gender Equality Agency* (Media Release, 27 June 2022) <https://www.wgea.gov.au/publications/wages-and-ages>

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