



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON HEALTH AND COMMUNITY WELLBEING
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Submission Cover Sheet

Inquiry into Period Products and Facilities (Access) Bill 2022

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Legislative Assembly for the Australian Capital Territory

Select Committee on Health and Community Wellbeing

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RE: Inquiry into the Period Products and Facilities (Access) Bill 2022

The CFMEU represents women working in a range of male dominated occupations and industries, including in the construction industry and in the ACT Public Sector. Issues in relation to access to toilets and sanitary disposal facilities at work are the most common type of issue raised with the Union by our women members. This submission reflects the views and experiences of members working in the ACT public sector and construction industry. The CFMEU welcomes the opportunity to provide a voice for our members in relation to this significant issue given that as a result of period stigma and employment insecurity many women are reluctant to speak out.

The CFMEU supports enactment of the Period Products and Facilities (Access) Bill 2022. While we support the Bill as a whole, in particular we support those parts of the Bill which are focused on ensuring access to amenities in the workplace in a manner which respects the dignity of people who are menstruating and takes into account their specific needs.

Access to workplace amenities, including toilets and sanitary disposal facilities, is a right under the *Work Health and Safety Act 2011* (WHS Act), but our members' experience is that often access is limited or restricted in a number of ways not adequately addressed by WHS legislation. Our members tell us that:

- Women's toilets may be located at a significantly greater distance from the main workplace than the men's toilets (for example on a different site, or in a distant office), meaning that in order to access those facilities women are required spend a longer time away from their tasks which leaves them vulnerable to criticism and bullying.
- Women working in undeveloped or remote areas (for example traffic control, road maintenance, park maintenance, civil construction) may not have access to toilets at the workplace, and regularly report to the Union that they are directed by male supervisors to urinate and defecate behind trees.
- There may not be enough toilets for the number of women in the workplace, causing women to spend their entire break waiting in line for access.
- There may only be unisex toilets where women do not feel confident using the sanitary disposal facilities because of concern about gendered harassment from male co-workers who also use those facilities.
- Toilets may not be maintained to an appropriate standard of hygiene such that women feel comfortable using them for menstrual purposes, or relatedly the maintenance of the amenities generally may be so limited that they do not have adequate lightbulbs, making them unusable on night shifts.

- Women's toilets may be locked in order to prevent unauthorised use, which has the effect that women are obliged to seek out a key holder before using the facilities.
- There may be toilets but no sanitary disposal facilities, or the sanitary disposal facilities may not be suitably maintained or regularly emptied such that they are found to be overflowing and unable to be used.

In relation to the examples set out above, we advise the Committee that each of them is drawn from a real life situation reported to the Union by members in the ACT. We also note that in many of these cases women members dealt with the particular situation for some time before reporting it to the Union, (in some cases waiting until the next Union Women's Committee meeting) because they did not feel comfortable reporting it to their male colleagues or male management representatives. It is clear that period stigma plays a significant role in underreporting of concerns about access to amenities by women and people who menstruate.

We note that recent research into the Victorian construction industry found that 28% of women respondents reported that they felt they were denied basic amenities and entitlements while undertaking their day-to-day work, specifically in the form of separate women's toilets and sanitary bins¹. The Union submits that this is consistent with experience in the ACT construction industry.

The Bill defines period poverty as including financial, social, cultural or physical circumstances that *prevent access to toilets; hand washing facilities; and waste management facilities*. This definition clearly captures the situation of our members who, because of their employment situation, find themselves in workplaces without adequate toilets and sanitary disposal arrangements. We say that it is unacceptable that in 2022 any person's access to paid work should be limited by such concerns. We support the application of this definition and the consequential regulation of this form of period poverty set out in the Bill.

Insecure Working Arrangements

Often, women members tell the Union that they do not want to raise issues relating to access to amenities at work because they are economically vulnerable and have insecure working arrangements (for example casual employment). These women believe that if they assert their right to proper workplace toilet amenities they will cost more to employ than a man doing the comparable job. They perceive access to toilets and sanitary disposal as an expense which may cause their employer to no longer engage them. It is clear that these women find themselves in a situation of period poverty which is exacerbated by insecure employment.

The relationship between this form of period poverty and insecure work is not insignificant. Casual workers in the construction industry are also more likely to be women. ABS data indicates that 88% of male workers in construction work full-time hours; by contrast, only 68% of women work full-time hours. The same data indicates that 11% of men work part-time hours, and 31% of women work part time hours². In the construction industry, part-time work is a likely proxy for casual work. That is, in the construction industry, women are about three times more likely to be casual employees than men.

Compounding this, the construction industry is highly gender segregated and women are in an extreme minority. The Workplace Gender Equality Agency notes that the construction industry has

¹ Holdsworth, S., Turner, M., Scott-Young, C.M., & Sandri, K. (2020). Women in Construction: Exploring the Barriers and Supportive Enablers of Wellbeing in the Workplace. RMIT University, Melbourne. 60

² ABS 6291.0.55.001 Labour Force, Australia

the lowest level of women's participation of all Australian industries³. This statistical data reflects the anecdotal data supplied to the Union by our members which indicates that the effect of gender segregation is that women working in construction may often be the only woman employed by their employer. Women members report to the Union, and to independent researchers, that the experience of being the only woman working on a large construction site of hundreds or thousands of workers is common⁴. This level of gender segregation and/or isolation leaves women reluctant to ask for appropriate access to amenities because of the risks to job security associated with being perceived as asking for special treatment. This type of concern is also not unique to the construction industry. For example we note that when a woman member of the Union working in a blue collar occupation at an ACT government depot recently complained to the Union about inadequate numbers of toilets in her workplace management representatives responded to the Union that this woman was "a trouble maker", and used this perception as a means to deflect any responsibility for dealing with the substantive and mathematically obvious deficiency in that particular workplace.

Numerical Standards are Inadequate

It is also clear that simple numerical standards in relation to provision of toilets, for example of the kind set out in the WHS Act, are not sufficient to meet the needs of women working in male dominated industries, insofar as they fail to address the kinds of issue we have noted above, which arise from a failure to consider the need for dignified access to amenities. While there is a role to play for numerical standards, as a determinant of appropriate levels of access we say that they fail to deal adequately with the access issues which arise in highly gender segregated industries and occupations where people who menstruate are in a minority.

In addition, we note that it is our observation that there are many workplaces, both within the ACT Public Sector and in the construction industry, which are presently failing to meet even the limited numerical standards in extant WHS legislation. In these types of workplaces, the legislation of a right to dignified access to amenities sends an important signal that this issue cannot be dismissed as merely the concern of "troublemakers".

The Role of the Territory Government

The Territory Government is a significant employer of direct employees and also as the client in Territory Government construction has the capacity to influence the conditions of employment of many thousands of construction workers through ethical procurement. In making the Secure Local Jobs Code the Territory Government has acknowledged this role. We say that the inclusion of the obligations set out in Part 3 of the Bill represent an appropriate and much needed recognition of the capacity of Territory Government to meet the needs of vulnerable workers. In addition, we note that legislation of this kind underpins the capacity of the Territory to meet the goals set out in the ACT *Women's Plan, Second Action Plan*⁵ which specifically calls upon the Territory Government to address the problem of gender segregation in the construction industry. It is unreasonable to expect that women will see the construction industry a viable career path if even access to basic amenities remains problematic.

Finally, in making this submission the Union feels that it is necessary to draw attention to the constitution of the Committee, insofar as this Committee is solely made up of male members of the Legislative Assembly. We raise this issue having regard to our experience in representing women

³ <https://www.wgea.gov.au/publications/gender-segregation-in-australias-workforce>

⁴ Holdsworth, S., Turner, M., Scott-Young, C.M., & Sandri, K. (2020). Women in Construction: Exploring the Barriers and Supportive Enablers of Wellbeing in the Workplace. RMIT University, Melbourne

⁵ <https://www.communityservices.act.gov.au/women/womens-plan-2016-26/second-action-plan-2020-22>

members who have experienced period stigma in the workplace. We note that in many cases women are extremely reluctant to raise what are very valid work health and safety issues with male colleagues and management. Taking this into account, and noting that one of the objects of the Bill is to address period stigma, it is disappointing that a Select Committee consisting entirely of men, has been constituted to inquire into this issue. Regardless of the level of sensitivity which the Committee may exercise it is pellucidly clear to the Union that many women will be reluctant to make submissions to an all-male committee in relation to this issue. Notwithstanding this we commend the Bill to the Committee and support its enactment.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'R Read', with a stylized, cursive script.

Rosalind Read
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