

## **Industrial Relations and Other Legislation Amendment Bill 2022**

**Submission No:** 20  
**Submitted by:** Maternity Choices Australia  
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Education, Employment and Training Committee

Committee secretary

PARLIAMENT HOUSE QLD 4000

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5 July 2022



Dear Sir/Madam

On behalf of Maternity Choices Australia (MCA) I make this submission to the Education, Employment and Training Committee regarding the Industrial Relations and Other Amendment Bill 2022 and thank-you for the opportunity. MCA, is a national consumer advocacy organisation committed to the advancement of best-practice maternity care for all Australian women and their families. We bring together groups and individuals for effective lobbying, information sharing, networking and support. MCA works to improve our maternity system so that it better meets the needs and choices of Australian women accessing maternity care services. We do this through consumer representation, consumer advocacy, education and support.

This submission is in relation to amendments that remove gendered language from the industrial relations act. MCA welcomes amendments that offer protections against sexual harassment, and we thank the government for their considerations of women in this area. The other areas of the legislation at large seem positive however MCA makes no comment currently.

Our first purpose as an advocacy organisation as outlined on our website is "To advocate for women's human rights as mothers and consumers positioned as the key stakeholder in maternity services;"

We have some concerns with many clauses in the proposed legislation that seek to replace sex-based terms in relation to pregnancy, birth and maternity leave with gender neutral terms. Whilst we are sure the proposed legislation comes from a place of wanting to be inclusive to those with gender diverse backgrounds and we welcome support for rainbow and gender diverse families, we are not in favour for these omissions and insertions on the following basis:

That to entirely desex the language of the legislation when relating to matters that affect women risks making women and mothers invisible and would undermine the intent of the inclusion and protecting the rights of women in this area.

We would point out that part of the purpose of this legislation is to uphold the reproductive rights of women and the breastfeeding rights of children as outlined in a variety of human rights instruments to which Australia is a party. These human rights instruments include the Convention on the Elimination of All Forms of Discrimination against Women, the International Labour Organization Maternity Protection Convention, and the United Nations

Convention on the Rights of the Child. The legislation is also intended to reflect the status of motherhood and childhood as in need of special protection as outlined in the Universal Declaration of Human Rights

In most circumstances it is important to use sexed language (i.e. the words 'women' and 'mothers') when discussing pregnancy, birth, and breastfeeding and associated issues (such as workplace maternity provision) because these processes are all part of female reproduction. They are inherently sexed.

We would draw attention to the difference between sexed language and gender-neutral language. Sexed language recognises the sex of individuals when their sex is relevant and so assists in the prevention of sex discrimination. Gender neutral language involves not designating a sex to a role when the sex of the person is unimportant. Gender-neutral language assists in avoiding sex stereotyping. An example of gender-neutral language might be speaking of 'police officers' rather 'policemen' since both males and females can undertake this work.

We would argue that desexing the language of legislation intended to support the reproductive rights of women is inappropriate in a way akin to the use of gendered language where sex is irrelevant (e.g. referring to 'he' and 'him' in legislation about both sexes).

In general, in avoiding sex discrimination it is important to make the sex of the person visible (i.e. use sexed language) when it is important and to avoid referring to sex when it is not important (i.e. use gender neutral language).

Recently, particularly in media, there has been an increase in reference to issues relating to the female sex in a gender-neutral way for example reference to women as birth givers, breastfeeders, menstruators, people with periods etc. Much of this language has been received as offensive to many women as they feel it reduces them to their reproductive organs and bodily functions. We must not set women back in the name of inclusion.

Thank you for your consideration



Azure Rigney

MCA QLD president

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(Committee to Please redact address and phone prior to putting submission on website )