

National LGBTI Health Alliance

lesbian, gay, bisexual, transgender, and intersex people and other
sexuality and gender diverse (LGBTI) people and communities
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7 August 2014

Welfare Review

C/- Welfare System Taskforce
Department of Social Services
PO Box 7576

Canberra Business Centre ACT 2610

Sent via email to welfarereview@dss.gov.au

Dear Taskforce Secretary

RE: Welfare Review

The National LGBTI Health Alliance is pleased to make a submission to the welfare review being conducted by the Welfare System Taskforce. We will focus on nine key issues related to the welfare reform needs of LGBTI individuals, families, and communities in Australia:

1. The importance of an LGBTI-inclusive welfare review and reform framework;
2. A minimum standard for an LGBTI-inclusive welfare review and reform framework;
3. Acknowledgement of LGBTI people as 'multiply disadvantaged';
4. Acknowledgement of Indigenous/Aboriginal and Torres Strait Islander peoples as 'multiply disadvantaged';
5. The impact of intersecting forms of marginalisation and discrimination;
6. The economic impact of exclusionary determinations of 'family';
7. Incentives to hire vs. incentives to work;
8. LGBTI-inclusive research design and data analysis; and
9. The impact of chronic health conditions and variable work capacity.

About the National LGBTI Health Alliance

The Alliance is the national peak health organisation for a range of organisations and individuals from across Australia that work together to improve the health and wellbeing of lesbian, gay, bisexual, transgender, and intersex people and other sexuality and gender diverse (LGBTI) people. We support measures which contribute to improved health and wellbeing for all LGBTI Australians.

Formed in 2007, the Alliance includes the major providers of services for LGBTI people in Australia, with Members drawn from each State and Territory. The Alliance provides a representative national voice to: develop policy and to support LGBTI health issues; seek increased commitment to services for LGBTI people; develop the capacities of LGBTI organisations; and support evidence-based decision-making through improved data collection covering sexuality, gender identity, and intersex status.

1. The importance of an LGBTI-inclusive framework for welfare review and reform

An LGBTI-inclusive framework for welfare review and reform will address key economic and societal disparities faced by LGBTI populations, including the disproportionate impact that intersecting forms of marginalisation and discrimination have on LGBTI populations; the economic impact of exclusionary determinations of what constitutes a ‘family’; and how these phenomena can impede LGBTI people’s ability to support themselves independently. This framework would contain a nuanced approach to understanding the distinct but overlapping populations within ‘LGBTI’, with specific attention to the key factors that influence the economic sustainability of each population.

2. A minimum standard for an LGBTI-inclusive welfare review and reform framework

At minimum, some issues that such a framework would need to address include:

- **How different rates of Commonwealth support for incentives to work are likely to have a disproportionate impact on LGBTI populations** due to:
 - Lower percentages of family support
 - High percentages of single and unpartnered people who are solely responsible for supporting themselves financially
 - Added out-of-pocket expenses for gender affirmation and/or gender reparation by people with intersex bodies, trans women, trans men, and people with non-binary bodies
 - Higher rates of discrimination in education and employment
- **The need to evaluate all components of the proposed framework to ensure that no aspects constitute indirect discrimination** on the basis of sexual orientation (which includes relationship status), gender identity (which includes gender history, gender expression, and gender-associated characteristics), or intersex status (i.e., people born with physical characteristics that are not considered strictly female or male according to modern medical norms) under the amended *Sex Discrimination Act 1984 (SDA)*. This evaluation of the welfare reform framework for LGBTI-inclusion should be an essential part of any Commonwealth risk management and liability reduction plan.
- **Findings that many LGBTI people continue to experience marginalisation across the lifespan** that begins in youth (e.g., school bullying) and results in fewer employment opportunities (Jones, Gray, & Harris, 2014; Michaelson, 2008; Robinson, Bansel, Denson, Ovenden, & Davies, 2014)
- **Findings that LGBTI people often face bullying, harassment, social exclusion, and hostile climates in Australian workplaces, even when covered by anti-discrimination legislation** (Barrett, Lewis, & Dwyer, 2011; Irwin, 2007; Jones et al., 2014; Smith, Oades, & McCarthy, 2013; Willis, 2012)
- **The limited availability of LGBTI-inclusive vocational programs** to address the specific needs and challenges faced by the distinct but sometimes overlapping populations within ‘LGBTI’ through targeted assistance that increases their ability to work

3. Acknowledgement of LGBTI people as multiply disadvantaged

- The list on pg. 36 of people with multiple disadvantages excludes LGBTI people, despite extensive research documenting LGBTI people's economic and employment disadvantages (e.g., (Barrett et al., 2011; Jones et al., 2014; Smith et al., 2013; Willis, 2012)).
- Given that LGBTI people are part of the general Australian population and face intersecting forms of marginalisation and discrimination as members of other disadvantaged populations, any welfare reform framework that does not provide comprehensive consideration of all multiply disadvantaged populations in Australia is also likely to increase existing economic disparities for LGBTI people in Australia.

4. Acknowledgement of Aboriginal and Torres Strait Islander peoples as multiply disadvantaged

- We are surprised that Indigenous/Aboriginal and Torres Strait Islander peoples were not acknowledged in the list of 'multiply disadvantaged' people, given the extensively documented disadvantage and marginalisation faced by such populations and the recognition by other arms of the Commonwealth Government (e.g., Department of Social Services) that indigenous/Aboriginal and Torres Strait Islander peoples constitute Commonwealth Government priority populations.
- The exclusion of Indigenous/Aboriginal and Torres Strait Islander peoples as 'multiply disadvantaged' in this document is particularly troubling when considered alongside the mention of 'income management' (p. 117), a means the Commonwealth Government has used to exert financial control over Indigenous/Aboriginal and Torres Strait Islander individuals, families, and communities. We support the right of such populations more broadly for economic self-determination and autonomy.
- We are also concerned that income management can have a disproportionately negative impact on LGBTI people, sistergirls (a term that can refer to unmarried women in some communities, but which is also the preferred term used by many people in Indigenous/Aboriginal and Torres Strait Islander communities who were assigned 'male' at birth and who live part or all of their lives as a woman or as a distinct feminine gender), and brotherboys (men who were assigned 'female' at birth and who live part or all of their lives as men or as a distinct masculine gender).
- Although we recommend against 'income management', we stress the importance of safeguards to prevent discrimination that targets LGBTI people, sistergirls, and brotherboys if such a method is implemented.

5. The impact of intersecting forms of marginalisation and discrimination

- The Interim Report does not explicitly address the problem of people unable to find employment due to current discrimination and stigma, nor due to any of the intersecting forms of marginalisation and discrimination experienced by LGBTI people in Australia.
- The Interim Report acknowledges that local transport is the responsibility of state and territory governments; that transport costs, time and availability can significantly affect disadvantaged individuals and families; that the relatively high work-related or education/training transport expenses for disadvantaged job seekers can affect their ability to work, study and participate socially; that the availability and cost of public transport can add to the risk of social isolation and disengagement; and that some populations often have higher costs of living due to their need for assistance with access to public transport and private transport that can restrict their access to health and other services and their ability to participate in work and in their community (p. 116). The Interim Report would benefit from consideration of how these issues often affect LGBTI people.
- LGBTI people often report harassment and violence on public transit. Trans women, trans men, and people with non-binary genders frequently report that they feel unsafe using public transit even during daytimes. We have received reports from our members across Australia that many trans women, trans men, and people with non-binary genders rely on taxis or informal transport arrangements whenever possible to avoid transit. To be LGBTI-inclusive, the welfare review and reform process needs to consider the specific transit needs of LGBTI people.

6. The economic impact of exclusionary determinations of ‘family’

- We agree with the statement in the Interim Report that ‘families play an important role in supporting positive early childhood development and educational outcomes...’ (p. 82). Given this pivotal role played by families, we are deeply concerned by the ongoing lack of recognition in Commonwealth Government policy for the diverse family structures among LGBTI populations and the consequent discrimination in how ‘family’ support is evaluated and provided. Recognising LGBTI people’s diverse child care and parenting arrangements will allow beneficial support and reduce both social exclusion and existing economic disparities.
- The Interim Report needs to consider LGBTI-inclusive forms of ‘support for families and young children’ (p. 41), with particular attention to discriminatory interpretations of ‘family’ and the need for inclusive implementation (e.g., Crouch, Waters, McNair, & Power, 2014; Riggs & Hanson-Easey, 2014).

7. Incentives to hire vs. incentives to work

- Instead of focusing chiefly on incentives to work for people seeking employment, the welfare reform should provide incentives for employers to provide equitable opportunities to work for people who have experienced marginalisation.
- The welfare review and reform framework needs to address employment issues for people who affirm their genders, such as an employee who was assigned ‘male’ at birth and who has or will be commencing life in the workplace as a woman. This is particularly important for people with non-binary genders and for trans men and women who are unable or unwilling to seek medication intervention.
- An LGBTI-inclusive welfare reform framework will need to ensure that employer incentives such as wage subsidies (p. 108) include LGBTI people and not just people with disability labels.
- Early intervention through ‘up-front investment’ and the ‘investment model’ (pg. 85) should be applied to LGBTI populations. These investments might involve professional mentoring programs for LGBTI young people, vocational opportunities for people who have commenced or completed gender affirmation, and LGBTI-specific ‘support services to build individual and family capability’ (p. 41).

8. The importance of LGBTI-inclusive research design and data analysis

- The use of overseas cases to inform Australian welfare reform uses phrases such as ‘sound evidence base’ and ‘accurately assess’ (p. 37). However, evidence shows that current national data collection methods in Australia and overseas frequently underreport and mischaracterise LGBTI populations. Thus an LGBTI-inclusive welfare reform framework will need to address LGBTI-specific concerns related to inclusion and standards in national data collection.
- An LGBTI-inclusive welfare reform framework needs to contain a clear commitment to promoting safe and inclusive work environments. This framework should be based on an acknowledgement that safe and inclusive work environments promote optimal health and wellbeing. This framework must acknowledge that LGBTI people often experience workplace bullying, and that bullying against marginalised populations can have severe mental health consequences.
- An LGBTI-inclusive framework will also need to address the established link between depression and anxiety among LGBTI populations and forms of stigma and discrimination such as workplace bullying that targets people on the basis of their actual or perceived LGBTI experience, history, and/or identity. We recommend a clearer acknowledgement in this document of the problem of workplace bullying, particularly bullying that targets marginalised populations, and the relevant research literature. This is particularly essential in light of previous findings that Australian national policy often excludes both LGBTI people and the extensive research evidence to document their needs (e.g., Carman, Corboz, & Dowsett, 2012).

9. The impact of chronic health conditions and variable work capacity on economic wellbeing

We are concerned that changes to requirements for receiving DSP will endanger the economic sustainability of people who have an ongoing partial or intermittent capacity to work due to chronic and fluctuating illness or impairment, including but not limited to people with disability labels. Given the health disparities faced by LGBTI people, we also believe that careful consideration needs to be given to ensure that people who are working to capacity within the limitations of their illness or impairment are not activity tested and that people who have limited capacity to work will receive adequate and long-term income support that promotes job retention instead of disincentives for those who are only capable of part-time or intermittent work due to the nature of their health conditions and/or impairments. We believe that careful consideration should be made to ensure adequate long-term support for people with chronic health conditions, including but not limited to HIV and diabetes. We support the recommendations made in the submission by the Australian Federation of AIDS Organisations (AFAO) regarding how the welfare system can provide such support.

Based on the aforementioned concerns and recommendations, the Alliance would be happy to assist the Commonwealth Government in efforts to ensure an LGBTI-inclusive and non-discriminatory welfare reform process.

We believe that the components we have identified for such a framework are essential to ensuring that the current welfare review and resultant welfare reforms do not further exacerbate existing economic and health disparities experienced by LGBTI people in Australia.

As the peak LGBTI health organisation in Australia, we thank you for taking the time to consider this submission. We encourage you to contact the Alliance's Research and Policy Manager, Dr Gávi Ansara, to discuss the issues identified in this submission. His contact details are: gavi.ansara@lgbtihealth.org.au, or telephone (02) 8568 1110.

Yours sincerely

A handwritten signature in blue ink that reads "Reynolds". The signature is fluid and cursive, with the first letter 'R' being particularly large and stylized.

Rebecca Reynolds
EXECUTIVE DIRECTOR

PLEASE SEE REFERENCES OVERLEAF

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