114#: Can policy see him?

115#: Can he afford to care?

116#: Is he protected when he does?

WHEN EQUALITY LAW DOESN'T PROTECT MALE CAREGIVING

A father asks:

"Can I work four days a week so I can care for my child?"

Employer:

"No. Everyone at your level works full-time."



Is that a gender equality problem?

The Legal Blind Spot

Sex Discrimination Act 1984 (Cth)

GROUND	DIRECT DISCRIMINATION	INDIRECT DISCRIMINATION
SEX	✓	✓
PREGNANCY	✓	✓
BREASTFEEDING	✓	✓
FAMILY RESPONSIBILITIES	✓	—

Family responsibilities is the outlier.

s.7A — direct family-responsibilities discrimination; no standalone indirect family-responsibilities protection.

Why Fathers Are a Particular Case in Australian Law

NORM DEVIATION
Stigma • scrutiny • flexibility penalty

WOMEN CARING

matches established gender norm expectation

Same structural caregiving barrier
No indirect family-responsibilities protection

↓

However, women have another pathway:

INDIRECT DISCRIMINATION PROTECTIONS BASED ON THEIR SEX. ✓

"Women can get around that limitation..."
Sex Discrimination Commissioner, Senate Inquiry, 2008

MEN CARING

breaks established gender norm expectation

Same structural caregiving barrier
No indirect family-responsibilities protection

↓

No legal pathway under the *Sex Discrimination Act* for men.

Yet caring may still trigger a gendered penalty
for departing from the traditional male work role.

The structural barrier can be gendered for both.

But the legal pathways for recognising it are not symmetrical for men and women.

2008 Senate inquiry: limitations had a **"greater negative impact on men"** because women can use indirect sex discrimination.

Then the Family Adapts



The workplace barrier happens to Dad — but the consequence doesn't stop with Dad.

Dad loses care time. | Mum may carry more care. | Family has less genuine choice.

A barrier to men's movement into care can therefore **help reproduce the very gendered inequality** we're trying to reduce.

The Policy Test

If gender-equality policy wants to dismantle traditional gender roles, can it protect men when they cross them?



RECOGNITION

Can policy see him?



FEASIBILITY

Can he afford to care?



PROTECTION

Is he protected when he does?

Wanting fathers to care is not the same as creating the conditions in which fathers can care.

Making men's movement into care **genuinely possible** isn't a departure from gender equality.

It's part of how we achieve it.

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Q & A