



Submission to Gender Equality Bill Exposure Draft
Discussion Paper

Contents

1. Executive Summary.....	3
Key Recommendations	3
2. Introduction	6
3. About Gender Equity Victoria (GEN VIC)	7
4. Key Questions Gender Equality Bill Exposure Draft.....	8
Q1: What do you think are the critical actions necessary for the success of gender equality legislation?	8
Q2: What other activities should the government undertake to support this legislation?	9
Q3: What do you think is best practice in measures to support implementation of legislation that drives lasting social change?.....	9
Q4: Do you agree that these are the critical principles and actions that should underpin the legislation? What should be added, or needs to be changed?.....	10
Q5: What else should be included in Gender Equality Action Plans to support demonstrating compliance to the principles?.....	10
Q6: What preparation, guidance materials or training is needed to support organisations to develop Gender Equality Action Plans?	11
Q7: What kinds of public sector targets should be included in the regulations of the Gender Equality Bill?	11
Q8: What is needed to ensure representation of women from diverse backgrounds?.....	12
Q9: What frequency or volume of reporting would strike a balance between transparency and accountability, whilst minimising regulatory burden?	13
Q10: How can the Victorian Government leverage procurement and funding practices to promote gender equality in the wider community?.....	13
Q11: Do you think that the proposal for monitoring and compliance of the Bill is fair and balanced?	14
Q12: It is clear that the impact of gender equality is compounded by the way that gendered barriers interact with other forms of disadvantage and discrimination. What is needed to ensure that the advice of the Ministerial Council is considered in other policy areas that may compound or contribute to gender inequality?.....	14
Q13: Do you think this timeline is appropriate for the proposed roll out?	15
Q14: What preparations are needed to ensure readiness of impacted organisations before legislation takes effect?	15
Q15: What should be done to encourage or incentivise broader sectors or organisations to voluntarily comply with the principles, even if they are not obliged to do so?	15
References	16

1. Executive Summary

Gender Equity Victoria (GEN VIC) is the Victorian peak body for gender equity, women's health and the prevention of violence against women. GEN VIC commends the Victorian government's leadership in developing Australia's first Gender Equality Bill and welcomes the opportunity to provide feedback. The Gender Equity Bill exposure draft provides the foundation for the social, cultural and economic change that is needed to achieve gender equality in Victoria and will present a pivotal moment in Victorian history. However, the uncertain language around the nature and enforcement of targets will directly impact on the success of the legislation. Quotas are key to the long term success of the legislation. This is particularly the case when quotas are coupled with investment in long term social and cultural programs that help change the norms and practices that impact on the lives of women.

GEN VIC has provided a set of recommendations required to realise the full potential of the legislation.

Key Recommendations

1. Build on existing expertise in the development of training and resources to accompany the implementation of the legislation. The provision of training and the development of resources should draw on the existing expertise of the women's health services (WHS) and build on the current role they play in building the capacity of local organisations to advance gender equity. WHSs are already at the forefront of gender equity workplace development and can help embed the legislation within already existing processes, including the provision of specialist regional training and the implementation of new procurement processes, Gender Action Plans and Gender Impact Analysis.
2. Provide a clear evidence-based rationale for the legislation. The rationale should draw attention to histories of gender inequity and the long term, social and cultural change that is necessary to shift attitudes and increase the participation of women.
3. Provide evidence-based materials, and fund regional based training that includes unconscious bias and sexual harassment in the workplace, disclosure protocols around family violence and harassment in the workplace and resources.
4. Strengthen the language used throughout the legislation when outlining the process for the monitoring and compliance. For example, words like "may" need to be revised in favour of stronger language such as "should" and "will". For example, Part 2: Section (6); (8c); (13); (14); Part 3: (17); (18); Part 4: (21); (22); (24); Part 5: (26).
5. Adopt quotas rather than targets as part of the legislation. Quotas should differ from sector to sector and be applied to different levels of employment, including middle management and recruitment. Clarify Part 2, Section (12 a-c) to include what happens when a report is not satisfactorily provided or there is no demonstrated compliance with the Bill.
6. Clarify the mechanism for choosing members of the Ministerial Advisory on Women's Equality Committee (herein Ministerial Council). Have protections in place to ensure that those who identify as women constitute the majority of the advisory committee and reflect the diversity of Victorian women. Revise Part 4, Section (22.1) that the Minister can remove

members for any reason. There should be an independent procedure in place for appointments and removals.

7. Include key definitions of *gender*, *equality and equity* and *intersectionality*. The value and clarity of the legislation and the overarching principles and actions would be strengthened by addressing these definitions. For example:
 - a) The addition of a principle (8) in Part 2, Section (7) that recognises that: “Gender intersects with other social categories such as race, ethnicity, religion, sexuality and disability and gender inequality may be compounded by other forms of discrimination”.
 - b) In the definitions in Part 1, Section (4), the definition of gender equality includes reference to “people of different genders”. Provide an additional standalone definition of gender. For example, “gender includes the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women, men, boys and girls. These perceived differences between the sexes are socially, and not biologically, determined and are based on learned behaviour. While the social construction of gender is seen as a masculine/feminine binary, how we view ourselves is a spectrum, including people who identify as transgender, intersex or gender diverse (GEN VIC, 2017)”.
 - c) In Part 2, Section (8b), reference is made to “substantive gender equality”. In the definitions Part 1 Section (4) include a clarifying definition of:

Gender equity as “the provision of fairness and justice in the distribution of benefits and responsibilities between women, men and gender diverse people. The concept recognises that people have different needs and access to power and that these differences should be identified and addressed in a manner that rectifies the imbalances across genders. It is not about the equal delivery of services or distribution of resources; equity recognises diversity and disadvantage, and seeks to direct resources and services towards those most in need to ensure equal outcomes for all (Australian Women’s Health Network, 2014; UNDP, 2001 as cited in GEN VIC, 2018)”.

Gender equality as “the outcome reached through addressing gender inequities. It is the equal participation of women, men and gender diverse people in all spheres of public and private life and the equal valuing by society of women, girls, boys, men and gender diverse people (State of Victoria, 2011 as cited in GEN VIC, 2018).
 - d) The actions for achieving gender equality in Part 2, Section (8c) would be strengthened with more explicit reference to the need for an intersectional approach to the achievement of gender equality, for example: “an intersectional approach means recognising that an individual’s experience of gender inequality may be compounded by other forms of disadvantage and discrimination including, but not limited to racism, ableism, homophobia, ageism and classism. An intersectional approach is key to achieving gender equity for all women.”
8. Extend the purview of the legislation to include public entities with less than 100 employees.
9. Include mechanisms for the government to report on how public funds, spent through the procurement process, have advanced gender equality.
10. Ensure a diversity of Victorian women are represented in the Bill. For example, Gender Equality Action plans should include diversity targets in conjunction with gender quotas. Where applicable, make explicit reference to the *Multicultural Victoria Act 2011*, *Racial and Religious Tolerance Act 2001* and the *Charter of Human Rights and Responsibilities Act 2006* in the Bill. Alongside legislative changes consider ways to increase the representation of refugee, migrant and culturally and linguistically diverse women and Aboriginal women, in

tertiary and vocational pathways. During the implementation of the Bill, consider existing resources produced by the Multicultural Centre for Women's Health on intersectionality.

11. Introduce mandatory social procurement requirements. Prioritise organisations that adhere to the same conditions as the public entities subject to the legislation, include additional target in Bill dictating a certain amount of government tenders be awarded to women-owned businesses.
12. To incentivise broader sectors to be involved offer monetary incentives, such as successful government tenders, tax breaks or grants to private sector entities that meet certain gender equality requirements. In addition, the Ministerial Council can publish achievements of organisations according to gold, silver and bronze standard.

2. Introduction

The Gender Equality Bill Exposure Draft paves the way for lasting social change in the area of gender equality. Gender Equality legislation is essential to promoting and improving gender equality across Victoria. In December 2016, the release of *Safe and Strong: A Victorian Gender Equality Strategy* established a framework for long-term action to improve gender equality in Victoria. The current legislation is a positive outcome of the strategy, helping to embed much needed governance and accountability structures in the Victorian public sector. For this reason, the legislation paves the way for Victoria to be world leaders in gender equality and Gender Equity Victoria (GEN VIC) commends the collective work that has been done on the exposure draft.

GEN VIC is committed to ensuring that Victoria continues to lead the way in gender equality with sustained, enduring and measurable action and results. The International Gender Gap Index published by the World Economic Forum shows that over the past decade Australia has gone backwards in the global measure of gender equality (WEF, 2017). It is imperative that the current Gender Equality Bill provides the necessary mechanisms to propel Victoria forward. This is important because gender equality is not only of economic importance it is a matter of social justice and women's health. Redressing historical inequities is essential to improving the lives of Victorian women and girls.

GEN VIC is in complete support of the legislation and the *Safe and Strong* Gender Equality Strategy from which it was proposed. GEN VIC has identified key issues that could prevent the legislation from making the change that it needs to make. In this submission, we focus primarily on what kinds of positive duties can be established for public entities, and procured services, to promote gender equality. In particular, how we increase the longevity and impact of the legislation.

Our key recommendations relate to the questions posed in the exposure draft. Addressing the recommendations will ensure that the legislation redresses the present and historical inequalities faced by Victorian women, produces social and economic benefits for the State and solidifies Victoria's position as world leaders in gender equality.

The current GEN VIC submission has been endorsed by Domestic Violence Victoria (DV Vic).

For any further queries, please contact:

Kristine Olaris, GEN VIC Convenor

genvic@genvic.org.au

Kind Regards,

GEN VIC

3. About Gender Equity Victoria (GEN VIC)

Gender Equity Victoria (GEN VIC) is the peak body for gender equity, women's health and the prevention of violence against women in Victoria. Our vision is for equality, wellbeing and freedom from violence for every woman and girl, in every community of Victoria. We exist to advocate, influence and collaborate to improve outcomes in gender equity, women's health and in the prevention of violence against women.

GEN VIC represents organisations across Victoria who advance gender equity and hold values that align with feminist principles. Our current membership reaches every region and community in Victoria, and includes nine regional women's health services and five state-wide services, being, Women's Health Victoria, Multicultural Centre for Women's Health, Women's Information and Referral Exchange (WIRE), The Royal Women's Hospital and Positive Women. GEN VIC is the only peak body in Victoria representing women and women's organisation with a focus on gender equality, women's health and the prevention of violence against women.

GEN VIC recognises gender as a key determinant of one's position or status in society, and therefore one of the most powerful drivers of health inequities. By addressing the role of gender inequality in women's health, GEN VIC aims to ensure the health, equality and freedom from violence for every woman and girl, in every community of Victoria.

GEN VIC performs a number of key functions that ensure that:

- women's voices are integral to policy, legislation and services
- deliver and support coordinated and evidence-informed women's health promotion activities
- facilitate collaboration and partnerships.

The following submission was written in consultation with our members.

4. Key Questions Gender Equality Bill Exposure Draft

Q1: What do you think are the critical actions necessary for the success of gender equality legislation?

The *Gender Equality Exposure Draft* presents a key step forward in the inclusion and equality of women. GEN VIC presents a summary of the key actions that are critical to ensure the success of the legislation. Further discussion will be provided on these actions in answering questions 2-15.

Adequate Resourcing

Organisations will require additional funds to successfully implement the recommendations of the Bill. Funding and resources provided to existing women's health services (WHS) to support businesses to meet the requirements set out in the act and in procurement guidelines. The provision of training and the development of resources should draw on the existing expertise of the WHSs and build on the current role they play in building the capacity of local organisations to advance gender equity. WHSs are already at the forefront of gender equity workplace development and can help embed the legislation within already existing processes.

Strengthen language

The legislation is replete with the use of passive language. For the legislation to be adhered to, words like "may" need to be revised in favour of stronger language such as "should" and "will". For example, Part 2: Section (6); (8c); (13); (14); Part 3: (17); (18); Part 4: (21); (22); (24); Part 5: (26). In particular, the sections pertaining to procurement and the enforcement of new recruitment processes.

Clarification of definitions

The definition of equality as outcome and equity as process is not provided in the current draft. Reference to 'substantive gender equality' is provided in Part 2, Section (8b) and would be strengthened with further clarification and reference to equity. Working toward gender equality requires that gender equity processes and mechanisms are first put in place in order to overcome historical disadvantage and address the inequitable distribution of power, money and resources between men and women (Malmusi, Vives, Benach, & Borrell, 2014). Reference to equity is important because it clarifies that the object of the legislation is not solely to treat women the same as men, but more importantly, give women what they need to achieve while acknowledging the current inequities women continue to face.

Adopt enforceable quotas

International best practice suggests that penalties for non-compliance are key to the success of legislative changes. Quotas, not targets, incur a penalty for non-compliance. For this reason, it is critical that quotas are adopted and used for recruitment to public sector positions and all senior management and executive roles. As it stands, the Bill has little recourse for organisations who do not comply and lack of enforceability is compounded by unclear language outlined in recommendation 4. The legislation is a crucial opportunity to enforce quotas through public reporting mechanisms, monetary penalties and the sanctions applied to other Victorian laws.

Clarify Representation for the Ministerial Advisory Committee.

Greater clarity surrounding the membership of the Ministerial Advisory Committee would strengthen the legislation. The legislation needs protections in place to ensure that those who identify as women constitute the majority of the advisory committee. Representing the diversity of Victorian women in key to the success of the legislation and women from culturally and linguistically diverse backgrounds, with disabilities, of sexually diverse backgrounds and those who are gender

variant need to be actively included. A diverse committee is key to having lasting, equitable and just legislative change that improves the lives of all Victorian women.

Recommendations:

As per recommendations: 1, 2, 3, 4, 5, 6 and 7.

Q2: What other activities should the government undertake to support this legislation?

The government can actively support the legislation by ensuring training on new processes and procedures, including access to evidence-based resources on unconscious bias and disclosure and response protocols, is available to public entities. It is critical that public entities have processes in place to both to prevent workplace sexual harassment from occurring and to ensure that they respond appropriately when a disclosure of violence and/or an official report is made.

This support is important because the implementation of gender equality measures can result in resistance to change or backlash to women's changing social, economic and cultural roles. Backlash can include attempts to discredit arguments about gender inequality or the gendered nature of violence, and efforts to preserve existing gender norms and hierarchies (Our Watch, ANROWS, & VicHealth, 2015). Backlash should be expected as part of the change process and should be planned for in the implementation of the legislation (Our Watch et al., 2015).

Concurrently, greater awareness of gender equality issues can lead to increased disclosure of family violence, sexual harassment and/or other forms of discrimination that are faced by women inside and outside the workplace. It is likely that staff in the impacted public entities will begin to unpack their own bias during the process of implementing the legislation and the legislation provides an opportunity for evidence-based resources to be disseminated and new policies and practices to be implemented alongside existing mechanisms.

Recommendations:

As per recommendation 1, 2 and 3.

Q3: What do you think is best practice in measures to support implementation of legislation that drives lasting social change?

As per recommendation 1, 2 and 3, adequate resourcing is required when implementing the legislation to ensure the rationale for the legislation is understood by impacted entities. The success of the legislation relies on explaining *why* the legislation is important, *how* it will change the status of women and improve equity, producing positive social, cultural and economic outcomes and *what* needs to be done in terms of the gender action plans and reporting to ensure accountability and adequate evaluation.

In addition, as per recommendation 5, best practice would include the implementation of quotas. Quotas are key to the success of the legislation, particularly when coupled with the investment in long term social and cultural programs to change the norms and practices that influence on the lives of women.

Recommendations:

As per 1, 2, 3 and 5.

Q4: Do you agree that these are the critical principles and actions that should underpin the legislation? What should be added, or needs to be changed?

The principles of the legislation reflect the values and ideals of Victorians and are commendable. Reference to gender equality and gender inequality would be strengthened if additional definitions were provided in the document. As per recommendation 7, it is necessary to distinguish between the concept of equity and equality to make it clear that the objective of the legislation is not always treating women the same as men. Gender equity refers to the provision of fairness and justice in the distribution of benefits and responsibilities between women, men and gender diverse people (GENVIC, 2018). The concept recognises that people have different needs and access to power and that these differences should be identified and addressed in a manner that rectifies the imbalances across genders. It is not about the equal delivery of services or distribution of resources; equity recognises diversity and disadvantage, and seeks to direct resources and services towards those most in need to ensure equal outcomes for all (UNDP 2001; Australian Women's Health Network, 2014).

In addition, the principles require a greater acknowledgement that gendered inequities are related to inequalities based on other forms of difference. We know that gender interacts with other social categories such as race, ethnicity, class, disability and sexuality. Understanding the intersections between and across all forms of discrimination is a prerequisite to achieving gender equality for all women (Chen, 2017). For this reason, GEN VIC strongly recommends that the legislation adopts an explicitly intersectional approach and that intersectionality forms part of the actions that follow the principles of the Bill.

Recommendations:

As per recommendation 7.

Q5: What else should be included in Gender Equality Action Plans to support demonstrating compliance to the principles?

The Gender Action Plans present an opportunity for significant change in Victoria. The data collected in the Gender Equality Action Plans is key to the success of the legislation and should be up for review by the Ministerial Council or other expert group to remain at the forefront of best practice. Qualitative methods such as interviews and focus groups could be incorporated into reporting to obtain insights into local organisational practices and assess areas of resistance or acceptance to the outlined principles.

Recommendations:

As per recommendation 1 and in addition, consider the uses of qualitative research methodologies in the evaluation of the legislative changes.

Q6: What preparation, guidance materials or training is needed to support organisations to develop Gender Equality Action Plans?

See recommendations 1, 2 and 3. In particular, taking into consideration that the preparation of guidance materials and training is a specialist skillset that is held by existing women's health services and that organisations and public entities will require regionally based specialist support to be compliant with the legislation.

Recommendations:

As per 1, 2 and 3.

Q7: What kinds of public sector targets should be included in the regulations of the Gender Equality Bill?

The Gender Equality Bill is an opportunity to enact immediate changes to the status of women in Victoria. Quotas, rather than targets, are essential for creating immediate and lasting change to the status of Victorian women.

Justification

Currently, women constitute 50.9% of the Victorian population (ABS, 2017b). Yet, women are underrepresented in leadership positions, over represented in paid and unpaid care work and the median salary for in the Victorian public sector is \$76, 487 for women, compared to \$86,684 for men (VPSC, 2017, p. 31). Across Victoria this inequality has been legitimated through unconscious bias in the hiring process, through stereotypes of women at work, inflexible work arrangements and, has over time, been normalised. However, there is a growing awareness that government's and public entities need to intervene to foster new conditions for men and women's workplace equality.

The current Bill will help foster these conditions. However, reference to targets rather than quotas to achieve gender equality will significantly limit the impact of the legislation.

Definitions

There are key differences between targets and quotas. Targets are "specific measurable objectives, generally set by an organisation at their own discretion, with discrete timeframes in which they are to be achieved" (Workplace Gender Equality Agency, 2014). Targets set goals for the expected percentage of women to either occupy or be nominated for positions but with minimal or no enforcement mechanisms or sanctions for failure to achieve the goal (Sojo, Wood, Wood, & Wheeler, 2016).

Quotas on the other hand, are government or industry mandated percentages of representation or numbers of each gender in workplace positions. The mandated percentages are paired with clear enforcement mechanisms. For example, close monitoring and application of financial or operational penalties on the entities that do not comply with the quota (Sojo et al., 2016).

Discussion

The voluntary nature of the chosen target system will not provide long term, lasting and speedy change to the status of Victorian women. International evidence suggests that the vaguer the

GEN VIC Gender Equality Legislation Submission

regulations around gender equality measures, the higher the risk that regulations will not be properly implemented (McCann, 2013). Reporting requirements alone are not related to a substantial increase in women's representation relative to having no regulatory action (Sojo et al., 2016). For example, evidence from Norway suggests that the introduction of a 40% target in 2003 did not achieve the expected results until after 2005 when the target was converted to a quota through the introduction of stronger enforcement mechanisms (Sojo et al., 2016).

As a result, GEN VIC is concerned that the legislation has little provision for the monitoring and enforcement of targets. Part 2: Section 14 (1) suggests that gender equity targets "may" be prescribed; when, where and to whom is unclear. The uncertain language around the nature and enforcement of targets will directly impact on the success of the legislation. In contrast, enforced quotas, rather than targets, will help not only to get equality of opportunity but equality of result. This is particularly the case when quotas are coupled with investment in long term social and cultural programs that help change the norms and practices that impact on the employment opportunities of women.

This investment is important because while quotas are key for gender equality, particularly at the leadership level, they do not guarantee gender equality within leadership boards (Rebérioux & Roudaut, 2017). While quotas are crucial to gender equality they have to be accompanied with long-term and recurrent investment in programs that challenge gender stereotypes, norms and practices.

Recommendations:

As per recommendations 3 and 5 which relate to quotas and enforcement language and recommendations 2 and 3 which relate to the accompanying resources and training that is needed to challenge existing gender stereotypes, norms and practices.

Q8: What is needed to ensure representation of women from diverse backgrounds?

The Gender Equality Legislation needs to include a recognition of diversity in the principles and in the implementation of targets and quotas to ensure representation of women from diverse backgrounds. Victoria has 47,788 people that report having Aboriginal and Torres Strait Islander origins (ABS, 2017b) and 49.1 per cent of people are born overseas or born in Australia with at least one parent born overseas (VMC, 2016). Victorians with a disability constitute 18.4 per cent of the Victorian population (DHHS, 2018) and in the 2016 national census a 35% of sex/gender diverse people indicated they were non-binary or another gender in pilot test dwellings (ABS, 2017a). We know that in Victoria, diversity is the norm and it is essential for the wellbeing of all Victorians that our workplaces reflect this diversity and at all levels of employment.

For this reason, an intersectional approach should be a key underlying principle of the Bill. Such an approach starts with acknowledging diversity instead of commonality and may be arrived at by "bringing the voices and experiences of marginalised women to the centre of analysis" (Chen, 2017). The Bill provides an opportunity to centre the voices of all women through recognition of their experience in the principles, representation in the Ministerial Council and the implementation of diversity targets within gender equality quotas.

Recommendations:

As per recommendation 7 (a) and (d) and recommendation 10. In addition, consider adding a definition of intersectionality.

Q9: What frequency or volume of reporting would strike a balance between transparency and accountability, whilst minimising regulatory burden?

The regulatory burden of reporting will be minimised if Gender equality reports link to the reports already being completed by organisations. Once a year reports are important because they will align more easily with existing processes and will help ensure consistent accountability. In addition, it is critical that the government provide yearly reports on how the spending of public funds (through procurement process) progresses gender equality.

Recommendations:

As per recommendation 9.

Q10: How can the Victorian Government leverage procurement and funding practices to promote gender equality in the wider community?

Victorian Government procurement is one of the largest drivers in the Victorian economy. Leveraging procurement and funding practices is one of the most important contributions of the legislation. This aspect of the legislation provides essential recognition that every organisation has social and economic impacts and therefore, the ability to effect social and economic change. Procurement is an area where considerable influence can be exerted on gender equality initiatives. In 2016-17, the Victorian Government spent \$16 billion on goods and services to support service delivery and operations, in addition to a spend of \$9.1 billion on public construction and infrastructure (Victorian Government, 2018, p. 3). The government's considerable purchasing power must be used for necessary social, cultural and economic change in the area of gender equality.

There are several ways that the government can leverage procurement. Internationally, a significant amount of procurement activity has focused on working with women-owned enterprises in the delivery of government contracts. Women-owned enterprises or women focused enterprises tend to be small or medium organisation and/or businesses and are disadvantaged in acquiring government tenders (Klugman & Tyson, 2016; Rimmer, 2017). The process of getting government contracts, including the time needed to prepare bids and ability to meet high contract volumes, can put a strain on these organisations (Klugman and Tyson, 2016 p.13).

As a result, the government should consider a more accessible process for acquiring the contracts of women-owned businesses, including an open communication channel for support during the procurement process. Providing accessible templates for gender action plans and reporting is also essential to encourage the participation of wider sectors more generally. In addition, legislation should make explicit that the government will prioritise women owned businesses and social enterprises, those of the marginalised communities and businesses that actively work on implementing gender action plans, quotas and equal remuneration.

Currently, the target groups of the Victorian Social Procurement Framework are social enterprises and organisations run by Victorian Aboriginal People, Victorians with disabilities, women, long-term unemployed people, disengaged youth, single parents, migrants and refugees and workers in transition (Victorian Government, 2018). The proposed Bill should also recognise that the work of these communities is part of the struggle for gender equality and they should be included in a socially conscious procurement practice. The Bill is an opportunity to provide further legislative basis for working with these communities and ensuring that procurement practices are evaluated in relation to social and sustainable outcomes in addition to price, quality and risk.

However, key to the success of leveraging procurement and funding practices is having processes in place so that the government remains accountable for how the spending of public funds through procurement advances gender equality. Internationally, we know that procurement accounts for 10-15% of gross domestic product in developed countries and as much as 30% in developing countries (Klugman & Tyson, 2016). It functions as a means of supporting marginalised communities, stabilising the economy and demonstrating convictions to social justice (McCrudden, 2004). Government mandated, gender-focussed social procurement policies have played a critical role in eliminating economic inequality for women (Klugman & Tyson, 2016; Rimmer, 2017) and it is critical that we know how it is functioning in Victoria and with what impact on gender equality.

Recommendations:

As per recommendation 11.

Q11: Do you think that the proposal for monitoring and compliance of the Bill is fair and balanced?

The implementation and enforcement of quotas is key to effective monitoring and compliance of the Bill, as per recommendation 4 and 5. Currently, the language and detail around monitoring and compliance is not so much balanced as unclear. We understand that public entities will need time to adjust to the legislation. However, after a determined period of time, each entity should face sanctions for non-compliance.

In addition, Part 4, Section 22 (1) states that the Minister can remove any member of the council for any reason. This section of the Bill is not fair or balanced and needs to be amended to include an independent procedure for Ministerial Council appointments.

Recommendations:

As per recommendations 4, 5 and 6.

Q12: It is clear that the impact of gender equality is compounded by the way that gendered barriers interact with other forms of disadvantage and discrimination. What is needed to ensure that the advice of the Ministerial Council is considered in other policy areas that may compound or contribute to gender inequality?

There is clear evidence that gendered barriers interact with other forms of disadvantage and discrimination as recognised in Part 2, Section (8c) of the legislation. An explicit acknowledgement of this interaction in the principles of the legislation would ensure that gender equality is linked to the inequalities that are addressed in other policy areas. This addition could also lay the foundation for an intersectional action-oriented framework. Such a framework would help entities assess adjustments that are required to achieve substantive gender equality for all women and could also be used to guide the resources that the Ministerial Council develop, the relationships they build and how they incorporate an understanding of other policy areas.

The Ministerial Council could play an active role in disseminating information and in this regard, work with existing WHS. There are also a number of organisations that are already working to alleviate the experiences of disadvantage and discrimination experienced across gender, indigeneity, race, ethnicity, sexuality, disability and many other important social categories of difference. The Ministerial Council needs to join these existing conversations rather than provide advice in isolation. Recognising existing relationships, fostering them and building on them, will ensure that the advice of the Council is considered in other policy areas. In addition, a combination of lived experience,

sector representation and evidence-based research is needed for the Ministerial Council to have impact. This includes having members from the private sector, who can help communicate the social and cultural necessity of gender equality regardless of short term monetary incentives.

Recommendations:

As per recommendation 2, 3, 6 and 7 (a) and (d).

Q13: Do you think this timeline is appropriate for the proposed roll out?

The proposed timeline is appropriate. However, given that Victoria has a social procurement framework already in place, procurement processes should be implemented. When the Victorian Social Procurement Framework is evaluated, the results can inform necessary changes to the procurement

Recommendation:

As per recommendation 9, immediately begin to develop processes for the government to report on how public funds, spent through procurement, forward gender equality.

Q14: What preparations are needed to ensure readiness of impacted organisations before legislation takes effect?

As per recommendation 1, 2 and 3.

Q15: What should be done to encourage or incentivise broader sectors or organisations to voluntarily comply with the principles, even if they are not obliged to do so?

As per the discussion in Q.10, there is significant scope for the Government to utilise social procurement policies. The State Government has the power to offer other kinds of monetary incentives, such as tax breaks or grants to private sector entities that meet certain gender equality requirements (such as the adoption of quotas, workplace gender action plans or the implementation of gender impact analyses). Low intervention policy instruments can also be encouraged through the Ministerial Council's publication of resources. The dissemination of knowledge about persisting gender inequality will be vital in helping Victorians to understand and support the Bill.

In addition, the Bill should be extended to include public entities that have under 100 employees. In the *Act of Equal Status and Equal Rights of Women and Men* (No. 56/2017), Iceland has included entities under 100 in gender equality legislation and have influenced best practice in regard to legislative changes. The inclusion of these organisations is crucial to setting a precedent for small businesses and organisations across Victoria.

Recommendations:

As per recommendation 8 and 12.

References

- ABS. (2017a). Sex and Gender Diversity in the 2016 Census. Retrieved October 3, 2018, from <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/2071.0~2016~Main%20Features~Sex%20and%20Gender%20Diversity%20in%20the%202016%20Census~100>
- ABS. (2017b). Victoria records highest population rise of all States and Territories. Retrieved October 3, 2018, from <http://www.abs.gov.au/ausstats/abs@.nsf/MediaReleasesByCatalogue/C508DD213FD43EA7CA258148000C6BBE?OpenDocument>
- Australian Women's Health Network. (2014). *Health and the primary prevention of violence against women position paper*. Retrieved October 1, 2018, from <http://awhn.org.au/position-papers/>
- Chen, J. (2017). *Intersectionality Matters: A guide to engaging immigrant and refugee communities in Australia*. (pp. 1–34). Melbourne, Vic.: Multicultural Centre for Women's Health. Retrieved from <http://mcwh.com.au/downloads/Intersectionality-Matters-Guide-2017.pdf>
- DHHS. (2018). People with a disability in Victoria. Retrieved October 3, 2018, from <https://providers.dhhs.vic.gov.au/people-disability-victoria>
- GEN VIC. (2017). Action to Prevent Violence Against Women. Retrieved October 8, 2018, from <https://www.actionpvaw.org.au/about/glossary>
- GEN VIC. (2018). *Self-guided orientation toolkit for preventing violence against women* (Pilot Edition). Melbourne, Vic.
- Klugman, J., & Tyson, L. (2016). *Leave no one behind. A call to action for gender equality and women's equality and women's economic empowerment*. (pp. 1–14). London: UNHLP.
- Malmusi, D., Vives, A., Benach, J., & Borrell, C. (2014). Gender inequalities in health: exploring the contribution of living conditions in the intersection of social class. *Global Health Action*, 7. <https://doi.org/10.3402/gha.v7.23189>
- McCann, J. (2013). *Electoral quotas for women: an international overview*. Parliamentary Library. Retrieved from

- McCrudden, C. (2004). Using public procurement to achieve social outcomes. *Natural Resources Forum*, 28(4), 257–267. <https://doi.org/10.1111/j.1477-8947.2004.00099.x>
- Our Watch, ANROWS, & VicHealth. (2015). *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia*. Melbourne, Vic. Retrieved from <https://www.ourwatch.org.au/What-We-Do/National-Primary-Prevention-Framework>
- Rebérioux, A., & Roudaut, G. (2017). Gender Quota and Inequalities inside the Boardroom. *HAL Archives-Ouvertes*, 26.
- Rimmer, S. (2017). *Gender-smart Procurement Policies for Driving Change* (pp. 1–44). London: Chatham House.
- Sojo, V. E., Wood, R. E., Wood, S. A., & Wheeler, M. A. (2016). Reporting requirements, targets, and quotas for women in leadership. *The Leadership Quarterly*, 27(3), 519–536. <https://doi.org/10.1016/j.leaqua.2015.12.003>
- State of Victoria. (2011). *Gender and Diversity Lens for Health and Human Services, Victoria*.
- UNDP. (2001). *Introductory gender analysis and gender planning training module for UNDP staff*. Ecuador: United Nations Development Program.
- Victorian Government. (2018). *Victoria's Social Procurement Framework*. Melbourne, Vic.: Department of Treasury and Finance.
- VMC. (2016). 2016 Census: A snapshot of our diversity. Retrieved October 3, 2018, from <https://www.multicultural.vic.gov.au/population-and-migration/victorias-diversity/2016-census-a-snapshot-of-our-diversity>
- VPSC. (2017). *State of the Public Sector In Victoria 2016-2017* (p. 90). Victoria Public Sector Commission. Retrieved from <https://vpsc.vic.gov.au/wp-content/uploads/2018/02/State-of-the-Public-Sector-In-Victoria-2016-2017-Final-Web-version-ISSN-2204-9096.pdf>

WEF. (2017). *The global gender gap report: 2017*. Geneva: World Economic Forum. Retrieved from

<https://www.weforum.org/reports/the-global-gender-gap-report-2017>

Workplace Gender Equality Agency. (2014). *Targets and Quotas Perspective Paper*. The Workplace

Gender Equality Agency. Retrieved from

https://www.wgea.gov.au/sites/default/files/20131119_PP_targetsquotas.pdf