

Introduction

The Victorian Multicultural Commission (the Commission) welcomes the opportunity to make a submission to the *Exposure Draft Gender Equality Bill* (the Bill) to provide Gender Equality Principles and actions for achieving gender equality.

We support legislation that establishes the importance of gender equality for all Victorians and seeks to achieve formal equality of rights, opportunities, responsibilities and outcomes between people of different genders and cultural backgrounds. Multiculturalism also operates within the context of rights and responsibilities, where exercising our own rights responsibly means respecting that other citizens enjoy similar rights. It has been a trend towards the greater accommodation of ethnocultural diversity, inspired by the rise of a human rights culture.¹

Our unique multicultural society is a great asset and strength of our state. The Commission is the main link between our diverse communities and the government. Our statutory role includes determining the needs of Victoria's diverse communities as well as upholding harmonious community relations between all of Victoria's diverse multicultural communities.² We actively promote the participation and inclusion of multicultural communities in our society.

Understanding Victoria as everywhere and in every way multicultural is important to bear in mind when seeking to address system-wide gender equality issues. The question of whether some women's ethnic and cultural identities are valued or recognised, rather than stigmatised or trivialised in relation to others, is a crucial element of creating a socially just system that will progress gender equality.

Our population is one of the most culturally diverse in the world. Almost half (49.1%) of Victoria's total population were born overseas or born in Australia with at least one parent born overseas.³ Multicultural is not the 'other', it is who we are, and our diversity is growing. These are important factors with implications for policy and program development.

This submission argues for the inclusion of cultural diversity as an integral aspect of the Bill. Cultural diversity is central to our identity as Victorians and as a result has implications for questions raised in the Discussion Paper such as, critical actions and other activities, organisational action plans, and indicators and targets that must take account of both gender and cultural diversity. In seeking to achieve the object of the exposure draft Bill - progress towards achieving gender equality and improving the status of women - we submit that, as a multicultural state, the cultural diversity of the intended cohort must be included.

Context

The Commission supports the application of the legislation to defined entities as prescribed by s6 of the exposure draft.

It is important, as leaders of the Victorian community, that government and its agencies demonstrate the advancement of gender equality and actively pursue organisational cultural change. It is equally important to recognise the vast untapped talent pool of female potential in our culturally diverse populations of women.

In seeking to achieve substantive equality, the Bill, s8(b), must also recognise that Victoria's population is multicultural and that the female population is not a homogeneous one. According to the 2016 census the population of Victoria is 49.1% male and 50.9% female with almost half (49.1%) born overseas or born in Australia with at least one parent born overseas.⁴

As half of the total Victorian population therefore, females are a culturally diverse group. The top countries of birth for female residents of metropolitan Melbourne according to the 2016 census are:⁵

- 88,168 Chinese
- 73,259 Indian
- 43,855 Vietnamese
- 32,047 Italian
- 26,816 Philippine
- 25,903 Sri Lankan
- 25,527 Malaysian
- 9,131 Thai
- 7,911 Lebanese
- 7,655 South Korean
- 7,231 Cambodian
- 6,443 Afghani

It is important therefore, that the Bill formally acknowledges the multicultural nature of Victoria's population as a fact. This goes significantly beyond the recognition in the Bill, s8(c), of intersectionality and the compounding factors of other forms of disadvantage and discrimination. Female migrants can arrive in Australia on a range of visa types, i.e. skilled visa, family visa, and so on. Many qualified female migrants arrive, in their own right, through the skilled visa stream and yet face barriers to gainful employment despite having been through a rigorous vetting program to obtain a visa.

Others arrive as the wife or partner of a skilled migrant but also have qualifications, capabilities, transferable skills and experience. Women from non-English speaking backgrounds, humanitarian entrants and partner migrant women all face additional barriers to equality such as English language skills, the cultural expectations of male partners of a women's role, access to childcare and other necessary supports.

Women are economic actors, whether their work is in the private realm (unremunerated) or in the public realm (remunerated); all contribute to the economy and to society. Many mothers of young children are also in the paid workforce and overall, each cohort of women has more attachment to the paid workforce than her mother did.⁶ Young Sudanese men at Morwell told the Commission that women (their mothers), 'are the most hard working' but that 'employers do not know this because they do not understand the culture'.⁷ The point they were making so candidly relates to the untapped potential of the women's ability to contribute through gainful employment seemingly overlooked.

Why is gender equality legislation necessary?

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

In order to create critical actions that progress gender equality it is necessary to first of all be cognisant of the gender differences that have in many ways created current social norms. The life experiences of women are different to that of men due to societal structures that give them different assumed roles and responsibilities. This experience of difference and inequality is also starker for women from culturally diverse backgrounds.

Research demonstrates that positive attitudes are fostered through impersonal exposure to other cultural groups in public space which creates a feeling of public familiarity.⁸ Similarly, prejudice is reduced when intercultural contacts are personal, informal, conducted on the basis of equal status, in pursuit of common goals without competition, and supported by the authorities.⁹

Critical actions therefore, that take account, not only of gender equality, but also cultural diversity can, in time, break down barriers and stimulate integration, not only for public service organisations, but across the broader community as workers interact with friends, relatives and others in their local communities. The actions required to support this Bill and bring about cultural change therefore, have a potential reach well beyond the defined entities prescribed in Part 2, s6.

Critical actions necessary for the success of gender equality legislation include:

- a thorough review of recruitment practices and processes to identify and address unconscious biases;
- equal access to employment opportunities as an outcome;
 - this will involve actions that also raise awareness of the additional barriers facing women from culturally diverse backgrounds; and
 - a more nuanced understanding of the systemic barriers facing women from culturally diverse backgrounds;
- 21st century workplace practices including family friendly policies that include;
 - the ability to work off-site, including from home;
 - creative thinking around roles and position descriptions that better facilitate an agile workforce able to work across roles, reflecting the capabilities and skills of female workers; and
 - actions that enable part-time working mothers to choose to work more hours should they want to do so, and to be able to do this in creative ways to better facilitate family care duties;
- promoting employer understanding of visa work rights;
- promoting broad understanding of the beneficial skillset of diverse female workers; and
- strategies to progress career pathways and promotion for women from culturally diverse backgrounds.

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

A multifaceted approach that helps to address gender stereotypes more broadly will support this legislation. An approach that is both informative and appreciative of the contributions of all women, regardless of status, race, culture and religion. Although the Bill is limited in its scope, in seeking to enact principles and actions for defined entities, it also provides the government with a valuable opportunity to address gender equality in Victorian society beyond these entities.

Public awareness campaigns have been used successfully as a 'soft' tool in influencing stereotypes and social norms.¹⁰ Victoria's dedicated family violence prevention agency, Respect Victoria, has been instrumental in driving home messages around the unequal distribution of power and resources between men and women. However, people also need to be able to see themselves represented to really relate to messages.

Thus, further messaging could be developed that includes examples of gender equality enacted by people from diverse cultural backgrounds. The Commission would be happy to be engaged in a project of this type by providing advice on culturally appropriate messaging that is not stereotypical and relates to the lived experience of many in our communities. In addition to challenging gender stereotypes, this style of campaign could also be about setting the benchmark for equality in action.

As a supporting action the Government, via Family Safety Victoria or Respect Victoria, could also challenge gender stereotyping as it occurs in the mainstream media. Following the tragic murder of Melbourne woman Eurydice Dixon, Superintendent David Clayton of Victoria Police was quoted as advising people to 'take responsibility for your safety', to 'make sure you have situational awareness, that you're aware of your surroundings', and to carry a mobile phone so that 'if you've got any concerns, call the police'.¹¹ Eurydice Dixon was indeed carrying a mobile phone with no opportunity to use it as she was attacked.

The comments also sparked a deluge of criticism on social media with many women saying they should not have to live in fear, and that they should be entitled to walk any time of the day or night and feel safe.¹² Victorian Premier, Daniel Andrews issued a statement countering Superintendent Clayton's remarks; with the experience of a Royal Commission and four years of work in the area of family violence, the Premier was quick to refute the implication that women were in any way responsible for the harm inflicted on them.¹³

The Commission has had success with this type of action. Our Chairperson, Helen Kapalos, employs this tactic to continually challenge cultural stereotyping. In an editorial piece entitled 'Who is an Australian?' she responded to the controversy surrounding the images of two women wearing hijabs on an Australia Day billboard (2018), adding that the billboard challenged the idea of a single version of the Australian identity.¹⁴ The Chairperson set the benchmark for multiculturalism when she further stated that, 'Australian society is a reflection of ALL of us, no matter what our background, race or faith'. Similarly, the government could continually reiterate the multicultural nature of our diverse female population.

The principles of the legislation

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?

Research demonstrates that discriminatory social norms weaken the implementation and efficiency of gender-sensitive policies, exposing women and girls to ongoing discrimination.¹⁵ It is therefore incumbent upon the principles of the legislation to also challenge the workplace gender equality culture of the defined entities. We agree that the principles in the exposure draft seek to do this.

Regarding the actions however, we suggest inclusion of an acknowledgement of cultural diversity to alert defined entities to the importance of this factor in formulating their own action plans and measures or targets. This is especially important in terms of the final two actions; having regard to intersectionality and other compounding factors; and the collection of dis-aggregated data.

To accomplish this the Bill could include the meaning of 'gender', prior to and separate to that of gender equality at s4 Definitions, to provide clarity about the primary focus of the Bill, being principally on the inequalities between women and men. For example, the *Family Law Act 1975* (Cth) and the *Family Violence Protection Act 2008* (Vic) draw out the meaning of family violence by listing behaviours that constitute family violence. The *Sex Discrimination Act 1984* (Cth), identifies and lists the various types of sex discrimination, including gender identity. Although broader in application than the intentions of this Bill, it does provide an example of extended definition and meaning that is explicit.

By extending the meaning of gender under the Draft Bill at the outset, to include a reference to the cultural diversity of the population of interest (women), the Bill will better serve the whole community. While gender equality is about equality of rights, opportunities, responsibilities and outcomes (s4), it is also about considering the different behaviour, needs and aspirations of women.¹⁶ Incorporating a broad and inclusive definition of gender will signpost expectations for defined entities in formulating their action plans.

If cultural diversity is 'hidden' it cannot be measured. Thus, at Division 2, 8 Actions for achieving gender identity, defined entities will be encouraged to be more inclusive when formulating actions that respond to ss8(c)-(d). Actions that recognise the compounding factors of an individual's experience of gender inequality also must take account of the intersectionality of culture.

Similarly, progressing and measuring gender equality, through the collection of disaggregated data must be informed by cultural diversity to reflect the nature of the female population, to be meaningful going forward and to ensure that diversity is captured and measured over time.

Gender equality action plans

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

We recommend including information about the cultural diversity of the target group in guidance materials.

Many defined entities including local councils, especially larger municipalities, may already have a designated officer or team working in the family violence and or gender equality space. They may also have a designated multicultural officer or team. Guidance that highlighted the benefits of those areas working together could be included in the information pack.

We would also recommend the inclusion of census population data that illustrates the diverse cultural make-up of Victoria's female population. The Australian Bureau of Statistics (ABS) provides Community Profiles for every local government area on their website at: <http://www.abs.gov.au/websitedbs/D3310114.nsf/Home/2016%20Census%20Community%20Profiles>

The City of Greater Dandenong provides an extensive range of statistical information on social, health and economic outcomes for Victorian localities, including summaries of the ABS Community Profiles for all Victorian Councils and Gender Equity statistics, available at: <http://www.greaterdandenong.com/document/42/statistics-and-data>



Setting indicators and targets

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

It is our view, as a multicultural commission within a multicultural state, that ensuring the representation of women from diverse backgrounds should not be an 'add on' or an afterthought, but an integral aspect of the Bill. Thus, reflecting Victoria's demographic cultural diversity must be a consideration in setting targets and indicators.

The evidence demonstrates that women are poorly represented at leadership and management levels in Australian workplaces.¹⁷ It is valid then to further deduce that women from culturally diverse backgrounds are at least equally poorly represented. Setting targets is already a common business practice that helps organisations achieve a desired end result. It is only the nature of setting a target for gender equality that may be new.

We recommend that defined entities will need to have strategies in place to progress career pathways and promotion for women from culturally diverse backgrounds so that they are represented at all levels of the organisation. These strategies, to be included in the Action Plan should acknowledge the additional barriers facing women from culturally diverse backgrounds who have ambitions to progress in their careers. This means including targets and indicators relating to the diversity of women in management and higher executive roles.

The Commonwealth Workplace Gender Equality Agency (WGEA) has resources to assist in this regard.¹⁸ We recommend that the Office for Women develops a guide similar to the WGEA *Reference Guide 2018; Guide to reporting under the Workplace Gender Equality Act 2012* to guide defined entity reporting on targets and indicators under the Victorian Gender Equality legislation. This resource as an aid to assisting defined entities in meeting their reporting requirements under Part 5 s26 Regulations (2)(a)-(e).

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