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Office Of Women
Department of Health and Human Services
E: gender.equality@dhhs.vic.gov.au

Darebin City Council Submission into the Victorian Government Gender Equality Bill

Executive summary

This submission is in response to the Gender Equality Bill Exposure Draft and is based on Darebin City Council's (Council) experience as a local government working to address gender inequity.

Council's submission can be summarised with the following recommendations:

- Include an additional gender equality principle to support the inclusion of a broader definition of gender: *Rigid gender roles and identities are harmful to all Victorians, including women, men and gender non-binary people*
- Enhance Gender Equality principles by aligning language to the national framework to prevent violence against women and their children
- Strengthen Gender Equality Action Plan reporting requirements for all public entities
- Establish reporting requirements to align with the requirements of non-public sector entities as enshrined by The Workplace Gender Equality Act 2012.
- Legislate all recommendations from the Citizen's Jury in the Gender Equality Bill
- Include a clause that requests the Victoria Grants Commission to collect a gendered analysis of the local government workforce by position, qualifications, seniority, salary class, average hourly earnings, employment status and age
- Legislate the Ministerial Council on Women's Equality to ensure gender equity experts and diverse women are represented.

For further information, please contact:

Teneille Summers, A/Coordinator Community Wellbeing

T: 8470 8522 E: Teneille.Summers@darebin.vic.gov.au

Draft Gender Equality Bill

This submission responds to the draft Gender Equality Bill and exposure draft and includes recommendations to strengthen the requirements of public entities to address gender inequality. It responds specifically to four sections of the draft Bill that could be strengthened to ensure Local Government continues to progress gender equity.

1. Gender Equality Principles

There is still a need to clarify within the general community how sex and gender differ but also how gender (and sex) is not a binary. Gender is fluid, and while most people identify as a man or a woman, an inclusive and more nuanced understanding of gender should be reflected in the Gender Equality Bill. Evidence shows that operating within the gender binary reinforces gender stereotypes and rigid gender roles, which are harmful to women, men and gender non-binary people. This is articulated by Victoria's Gender Equality Strategy *Safe and Strong* which articulates that "it is important to challenge our thinking beyond the binary constructs of male and female".

Actions to address gender inequality must be supported with strategies to address the norms and practices that we hold about gender. The Gender Equality Bill presents an opportunity to embed a more fluid understanding of gender into the Victorian public sector and the consciousness of the Victorian community and promote the inclusion of groups typically excluded from public discourse.

Include a new subclause under clause 7:

Rigid gender roles and identities are harmful to all Victorians, including women, men and gender non-binary people.

There is a body of research which demonstrates that gender inequality is a key driver for violence against women, yet the relationship between the two and the continuum on which these exist continue to be misunderstood by many. The strongest predictor of high levels of violence against women is unequal power between men and women (VicHealth, 2014), beliefs and behaviours reflecting disrespect for women, low support for gender equality and adherence to rigid and stereotypical gender roles, relations and identities (Our Watch, 2015). It is imperative that Australia finds ways to make the link between gender inequality and violence against women.

The language used in the draft iteration of the Gender Equality Bill does not reflect this link strongly enough and conflates violence against women with family violence. While the current wording, "Gender Equality is a precondition for the prevention of family violence" is not incorrect, legislation could be strengthened by omitting "family violence" from the clause.

Amend 7(6) as follows:

Gender Equality is a precondition for a society free from violence against women and girls.

2. Gender Equality Action Plans

Section 10(3) specifies that “A defined entity must report on the defined entity’s Gender Equality Action Plan in the annual report of the defined entity, or otherwise as prescribed.” This allows public sector entities to incorporate reporting of key indicators into existing reporting processes.

To ensure Local Government and other public entities are held accountable for their performance and implementation of Gender Equality Action Plans, legislated annual reporting requirements must be strengthened.

Amend 10(3) as follows:

A local government entity must report on the defined entity’s Gender Equality Action Plan into the Annual Council Plan of the defined entity

Remove ‘otherwise as prescribed’ from the subclause

Introduction of a specific reporting requirement for workplace equality indicators

In regards to workplace gender equality indicators, separate reporting requirements should be established to align with the requirements of non-public sector entities as enshrined by *The Workplace Gender Equality Act 2012*.

The Workplace Gender Equality Act 2012 requires non-public sector employers with 100 or more staff (relevant employers) to submit an annual report to the Workplace Gender Equality Agency. The Workplace Gender Equality Agency (WGEA) has a wealth of resources and data available on pay inequity, workplace flexibility and representation; however this is limited in its usefulness for contributing to work that addresses gender inequality if it does not capture the public service sector.

The Act requires all non-public employers to report annually to the Agency on six **gender equality indicators** (GEI). These key indicators align with the six **workplace equality indicators** articulated in the **Gender Equality Bill Exposure Draft**:

- a) gender composition of the workforce;
- b) gender composition of governing bodies;
- c) equal remuneration irrespective of gender;
- d) availability and utility of terms, conditions and practices relating to flexible working arrangements and to working arrangements supporting workers with family or caring responsibilities;
- e) consultation with workers on issues concerning gender equality in the workplace;
- f) any other prescribed matters.

It should be mandatory that all levels and departments of government and public authorities report on gender and are held legally accountable to gender equality. The Victorian Government can lead the way by establishing a reporting body which gathers information to inform the State's progress, and provide benchmarking standards. The aim of such a body of information should be to:

- Gather an accurate representation of gender inequality across levels and departments of government and other public authorities, including Councils
- Provide an opportunity for benchmarking through the development of reports comparing gender equality indicators

Establishing gender-reporting requirements is paramount to understand the state of gender inequality in Victoria. Including actions to measure this will help the state government to meet their objectives in long term, and failing to do so would represent a missed opportunity in Victoria's efforts to build effective gender equality strategies and achieve optimal performance in gender equality.

Include a clause which requires mandatory reporting by defined entities to a designated reporting body in accordance with the six workplace equality indicators specified. The reporting body holds the entity legally accountable to gender equality and provides benchmarking opportunities to the entity.

3. Gender Equality Targets

Following the Gender Equality Bill Citizen Jury, and their recommendation to implement a 40:40:20 gender equality quota in the Victorian government sector, language should be strengthened to reflect these adjustments, along with the further recommendations from the Jury, including:

- Legislating parental leave for all public sector employees, including paternity leave
- Incentives for organisations to implement quotas
- Ensuring public sector leaders are accountable for meeting quotas
- Programs to eliminate gender bias in career pathways
- Establishment of an independent authority to oversee progress.

Legislate all recommendations from the Citizen's Jury in the Gender Equality Bill.

The Victorian Grants Commission (VGC) allocates financial assistance grants from the Federal Government to local councils in Victoria. Currently the VGC does not allocate funds with respect to gender and gender equality issues. Data that captures a gendered analysis of the local government workforce by position, qualifications, seniority, salary class, average hourly earnings, employment status and age has the potential to inform decision making in the grant allocation process.

The Gender Equality Bill presents an opportunity to provide recommendations on how government agencies can gender mainstream their funding allocations. This could significantly strengthen gender imbalances in current funding processes.

Include a clause that requests the Victoria Grants Commission are to collect a gendered analysis of the local government workforce by position, qualifications, seniority, salary class, average hourly earnings, employment status and age.

4. *Composition of Ministerial Council on Women's Equality*

The Gender Equality Bill should be amended to require that Gender Equality experts are represented on the Council. Gender Equality experts could include organisations working towards gender equality for Aboriginal and Torres Strait Islander women, women of the LGBTIQ community, CALD women and women living with a disability.

Addition to Clause 20(2)

20(2)(c) that a range of gender equality experts are represented on the panel, including representatives from organisations working towards gender equality for Aboriginal and Torres Strait Islander women, women of the LGBTIQ community, CALD women and women living with a disability.