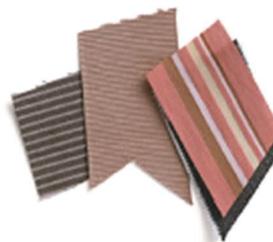


30 August 2018

The Hon. Natalie Hutchins MP  
Minister for Women  
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Melbourne  
Victoria, 3000

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DIVERSITY  
COUNCIL  
AUSTRALIA

**CC Director, Gender Equality unit**  
Office for Women  
Department of Health and Human Services  
50 Lonsdale Street  
Melbourne Victoria 3000

Dear Minister

Thank you for the opportunity to comment on the proposed Victorian *Gender Equality Bill*.

DCA commends the Victorian Government to its commitment to gender equality, and actions taken thus far to imbed equality.

DCA's experience has taught us that acquiring accurate data, setting targets and developing robust frameworks for action is the key for lasting and sustained action to achieve gender equality within organisations.

Our submission provides insights from DCA's research in response to questions raised in the discussion paper.

Specifically, we make recommendations based on our research about:

- the importance of communicating the benefits of inclusion;
- engaging men in gender equality; how to imbed flexibility through job design;
- comments from our Deputy Board Chair on determining a target;
- recommendations from our research about how to improve representation of women from culturally diverse backgrounds and LGBTIQ+ women; and
- understanding the importance of intersectionality.

Please feel free to contact myself at [lisa@dca.org.au](mailto:lisa@dca.org.au), 02 9322 5197 or our Governance, Policy & Research Officer, Karla Dunbar at [karla@dca.org.au](mailto:karla@dca.org.au) should you require any further information about this matter.

Yours sincerely

**Lisa Annese**  
Chief Executive Officer

# 1. ABOUT DIVERSITY COUNCIL AUSTRALIA

## *Who we are*

Diversity Council Australia (DCA) is the independent not-for-profit peak body leading diversity and inclusion in the workplace. We provide unique research, inspiring events and programs, curated resources and expert advice across all diversity dimensions to a community of member organisations.

DCA has over 450 members, many of whom are Australia's business diversity leaders and biggest employers. Some of our founding members include ANZ Bank, AMP, Boral, Coles, IBM Australia, Myer, Orica, Rio Tinto and Westpac.

DCA is not government funded – its income is generated from membership fees, sponsorships and services to business.

DCA, formerly known as the Council for Equal Opportunity in Employment Ltd, was established in 1985 as a joint initiative of the Australian Chamber of Commerce and Industry and the Business Council of Australia to demonstrate the business community's commitment to equal opportunity for women.

Our focus since then has expanded to cover all aspects of diversity in employment, reflecting changes in practice to embrace all areas of the diversity of human resources.

## *What we do*

We work in partnership with members and thought leaders to generate ground breaking diversity projects. DCA identifies internationally emerging diversity and inclusion trends, and brings these first to market to Australia, introducing them in a well-considered way which speaks to Australia's unique context.

Our research is tailored to Australia's unique institutional, cultural and legal context. It:

- Challenges organisations and triggers action in the Australian labour market;
- Establishes leading thinking and practice;
- Enables organisations and policy makers to respond to the latest trends;
- Creates a lasting difference to the community through fostering innovation and creativity; and
- Drives business improvement through evidence-based, practical guidance.

## 2. DCA RESPONSE TO THE DISCUSSION PAPER

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

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DCA's experience working with organisations at varying levels of maturity in terms of diversity and inclusion over many years is that organisational preparation is key to the success of any strategy or plan. We would recommend the following four step strategic process:

1. Laying the groundwork by engaging senior leaders in the organisation's diversity journey;
2. Developing a compelling business case that is specific to your organisation;
3. Establishing a clear management philosophy and vision which clarifies what your organisation means by the terms 'diversity', 'inclusion' and 'managing diversity'; and
4. Setting up a Diversity Council, consisting of senior executives from the business to accomplish these various objectives.<sup>i</sup>

In addition, our experience has been that sometimes diversity and inclusion initiatives can be seen as 'special treatment'. Our research refutes this view proving that in fact, inclusion at work is good for everyone.<sup>ii</sup>

### **Organisations should communicate the benefits of inclusion**

#### ***DCA-Suncorp Inclusion@Work Index 2017-2018***

We also know from our research, that inclusion at work is something that is supported by the vast majority of Australians, and provides benefits both to the targeted group, and others within an organisation.

The ***DCA-Suncorp Inclusion@Work Index 2017-2018*** is a landmark study, providing the first first-ever national benchmarks for Australian workplaces in regards to the age, cultural background, disability status, gender, Indigenous background, religion, sexual orientation and gender identity of workers.

#### **Inclusion@Work matters to Australian workers**

- 3 out of 4 Australian workers support or strongly support their organisation taking action to create a workplace which is diverse and inclusive.
- Only 3% oppose or strongly oppose their organisation taking action.

#### **Inclusion@Work benefits EVERYONE**

In organisations taking action to create a more diverse and inclusive workplace:

- A similar proportion of female and male workers were very satisfied with their jobs (43% women, 45% men)
- They were significantly more satisfied than men and women in organisations where no action was being taken (28% women; 23% men)

**ACCESS THE FINDINGS:** <https://www.dca.org.au/research/project/inclusion-index>

## **It is important to engage men in gender equality initiatives**

### ***Men Make a Difference: Engaging Men on Gender Equality***

In addition to communicating that gender equality initiatives benefit men as well as women, our research shows that it is essential to engage men in gender equality initiatives to ensure change is embedded.

How men think, behave, and how they relate to women and to other men, all play an important part in keeping gender inequalities alive. Men's attitudes and behaviours may support the sexist status quo. Men have a vital role to play in building a world of gender equality – and many already are doing so. And there is much more that men can do.

In partnership with Dr Graeme Russell and Dr Michael Flood, two of Australia's leading researchers in diversity and inclusion, DCA developed a framework about the most effective ways to engage men on gender equality at work.

**ACCESS THE FINDINGS** <https://www.dca.org.au/research/project/engaging-men-gender-equality>

## **Imbed flexibility through job design**

### ***Future-Flex - Mainstreaming Flexibility By Design***

Workplace flexibility, that is available to anyone, for any reason, can help tackle workplace gender inequalities. However, many organisations still only offer flexibility to working mothers, which can exacerbate inequalities for women at work.

DCA's experience is that a critical stumbling block for organisations trying to mainstream flexibility is work and job redesign – managers and employees struggle to redesign work and jobs in ways that are sustainable and improve performance and wellbeing.

*Future-Flex* is a new way of thinking about workplace flexibility and is about more than just accommodating an individual's needs – it is about re-designing work at a team or organisation level to maximise performance and wellbeing.

*Future-Flex* requires shifting from an 'individual accommodation' to a 'team design' mindset. Instead of accommodating an individual's flexibility request to improve their work-life balance, the focus is on designing all team members' work and jobs for flexibility to maximise performance and wellbeing.

### **ACCESS THE FINDINGS**

[https://www.dca.org.au/sites/default/files/dca\\_future\\_flex\\_2017\\_synopsis\\_online\\_final.pdf](https://www.dca.org.au/sites/default/files/dca_future_flex_2017_synopsis_online_final.pdf)

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

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Research suggests that setting targets – where managers are held accountable and rewarded for achievement where appropriate – is effective. Moreover, targets are likely to be more effective where organisations put in place strategies to encourage the acceptance of and commitment to targets. This can be done by addressing; mindsets, culture, systems and processes.

It is important to be able to generate regular reports to enable progressive monitoring, to determine the viability and effectiveness of the targets. These reports should, preferably, be linked to managers' regular performance monitoring. In addition to targets that are numerically based (such as recruitment, turnover rates, women in management, return from parental leave etc), it's worth considering setting targets for staff engagement in relation to your targeted groups.

Care needs to be taken with monitoring a leader's performance against numerical targets (e.g. reaching 35% female managers) as small changes in staff, particularly for small teams, can disproportionately affect the percentages. Additionally, numerical targets have multiple influencing factors some of which may be beyond the influence of a given leader.

Leading practice organisations have an overarching numerical target which the executive team is aiming for, with individual leader KPIs related more to initiatives/policies/practices which are closely linked to D&I metrics. For example, if a business division's D&I metrics showed that retention of women was problematic, then a gender equality initiative for that would be implemented and its impact monitored over time. Similarly, if women were under-represented in succession planning or in promotion interviews then the initiative would focus on that and its success monitored against those particular metrics over time.

In 2016, in conjunction with the Workplace Gender Equality Agency (WGEA), and KPMG Australia, DCA released the report *She's Price(d)less: The economics of the gender pay gap* which uses structured econometric modelling to determine the factors that underpin the gender pay gap, and to what extent they contribute.

Case studies in the Executive Companion highlight the excellent work that Australian organisations are already doing to tackle pay inequality in their own teams, organisations and industry sectors.

In particular, we would draw attention to case studies on page 19, for examples of how leading organisations have used targets to significantly close pay gaps in their organisations.

**ACCESS THE FINDINGS** [https://www.dca.org.au/sites/default/files/shes\\_pricedless\\_-\\_executive\\_companion\\_final1.pdf](https://www.dca.org.au/sites/default/files/shes_pricedless_-_executive_companion_final1.pdf)

**ACCESS THE FINDINGS:** [https://www.dca.org.au/sites/default/files/shes\\_pricedless\\_-\\_update\\_report\\_final.pptx .pdf](https://www.dca.org.au/sites/default/files/shes_pricedless_-_update_report_final.pptx.pdf)

### **Determining a target**

Ming Long, Deputy Chair of the DCA Board, is a proponent of organisations adopting a 40/40/20 target; 40 per cent women, 40 per cent men and 20 per cent (of any gender) that addresses another category of diversity, rather than a 50/50 gender split.

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

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### **Cultural Diversity**

#### ***Capitalising on Culture and Gender in ASX leadership***

In 2017, Diversity Council Australia and Deakin University, with the support of CPA Australia, tracked the extent of cultural diversity amongst women in leadership in ASX companies from 2004 to 2015 to consider the question: *how well are ASX organisations capitalising on culture and gender in leadership?*

Our research found that the number of culturally diverse women leaders in Australian is still extremely low and is a stark reminder of a serious lack of diversity in leadership amongst our listed companies.

This report made the following recommendations, which we believe are relevant for ensuring that culturally diverse women are also represented in public sector leadership.

1. **Boost the percentage of female ASX leaders, particularly of culturally diverse female CEOs.** It is not until we boost women's representation overall that we are going to make significant inroads into increasing the representation of culturally diverse women in ASX leadership.
2. **Ensure female ASX leaders are representative of cultural mix of Australian community.** This is particularly important given that the percentage of female ASX leaders who are culturally diverse appears to have plateaued between 2013 and 2015 – for almost all roles, all ASX groupings, and whether a broad or narrow definition of culturally diverse is used.
3. **When appointing CEOs, target culturally diverse women in senior executive roles.** This report has demonstrated that, of any ASX leadership role, culturally diverse women are best represented amongst senior executives. When appointing CEOs, Boards should therefore be looking at this pool of qualified senior women to increase the cultural and gender diversity of ASX CEOs.
4. **Consider introducing targets for culturally diverse women in leadership.** This is particularly pertinent given the positive impact public reporting on targets has had on women's representation in leadership roles in Australia to-date.

#### ***Cracking the Glass-Cultural Ceiling***

In 2017, DCA further explored the experience of culturally diverse women at work in Australia.

The research comprised an extensive review of international and national research; an on-line survey of 366 female leaders and aspiring leaders from a diversity of backgrounds; four Think Tanks with 54 culturally diverse female leaders and emerging leaders; and 15 individual interviews with culturally diverse women who were in high-profile, very senior roles. The report provides a compelling case for cracking the glass-cultural ceiling.

We found that in Australia and overseas, culturally diverse women experience a '**double jeopardy**' when accessing leadership roles due to their gender and cultural background. This double jeopardy results in a 'glass-cultural ceiling' in which invisible organisational barriers lock out culturally diverse women from accessing leadership positions in their workplaces.

The career insights shared by culturally diverse female leaders and emerging leaders enabled us to craft an organisational framework for action.

We found that there were common barriers keeping culturally diverse women out of leadership (locks), and developed six evidence-based responses (keys) to unlock the talents & contributions of culturally diverse women.

### **Talent Key 1: Disrupt bias**

This key opens the lock of amplified bias, where gender and cultural biases have a compounding or 'amplifying' effect on culturally diverse women and their lack of career progress and opportunities.

Organisations need to educate on acknowledging differences without stereotyping – that is, learning about different cultures to help understand what culturally diverse women may have in common, remembering there are always individual differences.

- Educate about effective (bias-free) decision-making – explain about common (cultural and gender) biases, bias hot spots for decision-making, and actions to minimise bias.
- Apply a gendered-culture lens to all people, processes and systems across the career lifecycle (attraction, recruitment, promotion) to ensure these are free of bias.
- Use 'inclusion nudges' – design people processes to 'nudge' employees towards more inclusive practices and outsmart unconscious biases that can occur in critical decision-making situations (e.g. removing gender and cultural background identifiers on job applications).
- Introduce a 'courage to call it' campaign to encourage staff to call out and address workplace banter that excludes or discredits culturally.

### **Talent Key 2: Partner to include**

This key opens the lock of divisions created when driving organisational change and there is a perception that minority or disadvantaged cohorts, such as culturally diverse women, are given 'special treatment'.

- Businesses need to dissolve divisions by ensuring D&I initiatives involve active and equal partnerships between women and men, and people from culturally diverse and non-culturally diverse backgrounds – active and equal in advocating, being role models, and being change agents.
- Use the business case in this report to build understanding and engagement around the importance of attracting, engaging, and promoting culturally diverse female talent.
- Address potential backlash about D&I initiatives by explaining privilege and how changes are needed to remove bias and create a level playing field.
- Encourage people involved in D&I initiatives to engage with intersectionality. Instead of focusing on either gender equality OR cultural diversity, try to consider both – look for commonalities among women while also acknowledging important points of difference between women from different cultural backgrounds.

### **Talent Key 3: Boost relationship capital**

This key opens the lock that fails to recognise the benefits of social capital and limits access to professional networks.

Emphasis needs to be given to building relationship capital from early career stages.

- Create mentoring/sponsorship initiatives with clear objectives and accountabilities, and link these into the performance review process of mentors and mentees.
- Diversify mentors and sponsors to include a variety of demographic backgrounds (e.g. cultural backgrounds, genders), leadership styles (e.g. extroverted, introverted), and ways of working (e.g. part-time, full-time, from home, at work).
- Use out of department/organisation mentoring to avoid perceptions of threat or competition.
- Provide training to mentors – do not assume all leaders automatically have the skills or ability coach and mentor others.
- Encourage participation in supportive networking groups such as Diverse Australasian Women’s Network (DAWN), Chief Executive Women (CEW), and Women on Boards (WoB).
- Diversify socialising events and activities to go beyond alcohol-based evening/weekend events or physically demanding sporting activities.
- Profile a diversity of leaders in your organisation, including culturally diverse female talent.

#### **Talent Key 4: Recraft leadership model**

This key opens the lock of inherent bias towards masculine Western leadership styles where extraovertion, self promotion and assertive direct communication are over-valued.

It is essential that organisations promote a broader view of ‘the effective leader’ – one that values a variety of demographic backgrounds (e.g. cultural backgrounds, genders) and leadership styles (e.g. introverted and extroverted), as well as leaders who work flexibly (e.g. part-time, early start-finish, work from home) and conventionally (e.g. full-time in the office).

- Apply a gendered-cultural lens to your leadership model and succession planning criteria and assessment – do these contain statements like ‘executive presence’ or ‘gravitas’ that unintentionally filter out culturally diverse female talent?
- Value cultural experience, cultural capabilities and language skills when hiring and promoting.
- Implement various ways to assess merit – avoid over-relying on behavioural-based interviewing as this tends to recognise an individual’s ability to interview well rather than their actual performance.
- Partner with specialist recruiters or general recruiters who include culturally diverse female talent in their candidate offerings.
- Develop the inclusive leadership capabilities of your current and future leaders.

#### **Talent Key 5: Get Flexible**

This key opens the lock that prevents access to flexible working, fails to properly engage with flexible workers or views flexible workers as less hard-working.

DCA’s [Future-Flex: Mainstreaming Flexibility by Team Design Guidelines](#) challenges assumptions about flexibility and encourages staff to become aware of their biases about work and flexibility, and how these stop flexibility from becoming standard business practice. A number of recommendations are made in regards to implementing flexible working across entire teams.

- Provide leaders with the tools they need to proactively implement flexibility (e.g. flexibility policies, principles, checklists, workshops).

- Specify leadership behaviours which will be rewarded (e.g. access flexible work themselves and publicly talk about this)
- Link flexible work and flexible careers to remuneration and reward systems.
- Educate leaders about managing for performance – not time and attendance.
- Craft messages that will engage and inspire a diversity of leaders, including men
- Share ‘conversion’ stories of leaders who have changed their mindset from resisting flexibility to embracing it.
- Provide flexible career pathways which take into account the different life-stages of staff
- Implement a shared care policy

### **Talent Key 6: Number Crunch**

This key opens the lock where there is a lack of accountability for delivering on diversity and inclusion

- Collecting and reporting on diversity and inclusion leadership metrics is essential.
- Consider introducing targets to create a culture of accountability.
- Invest in workforce analytics to measure cultural diversity in your workforce and markets, as well as workforce cultural capability.
- Provide leaders with the incentive to take the ‘risk’ to promote culturally diverse women by considering weighting as part of the selection process.
- Publicly report on progress in meeting targets.

### **LGBTIQ+ women**

#### ***Out at Work: From Prejudice to Pride***

Like women from culturally diverse backgrounds, the women we spoke to as part of our research into the experiences of LGBTIQ+ people at work experienced a double jeopardy where their LGBTIQ+ status combined with their gender.

Some women experienced sexual harassment as a result of being fetishised for their sexuality:

*“Men just tend to get a bit creepy around bisexual women, I find it’s much easier / safer to disclose as lesbian.” (Bisexual woman)*

*“I had sexual overtures that came as a consequence of coming out at work.” (Lesbian woman)*

Others highlighted the difficulty of being a woman in the workforce, and expressed hesitation about wanting to add another ‘barrier’ to their progression in the workplace. This issue highlights the ‘double jeopardy’ that LGBTIQ+ women face, where the combination of being a woman, and having a non-heterosexual identity combine to make it more difficult for them, relative to cisgender-gay-men or cisgender-heterosexual-women, to progress in the workplace:

*“I already face barriers as a young woman and think this would be even worse as a queer woman.” (Bisexual woman)*

Women also faced sexism and misogyny in the workplace, highlighted in this quote from a woman who saw her own abilities treated differently once she transitioned:

*“My other experience with intersectionality... is being trans in the workplace and workplace misogyny, and I often find cis women aren’t interested – they’re like, ‘Welcome to our world.’ I work in a technical environment. Prior to my transition I was always assumed competent until proven otherwise and now I am assumed incompetent until proven otherwise.” (Trans woman)*

**ACCESS THE FINDINGS** <https://www.dca.org.au/research/project/out-work-prejudice-pride>

**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?**

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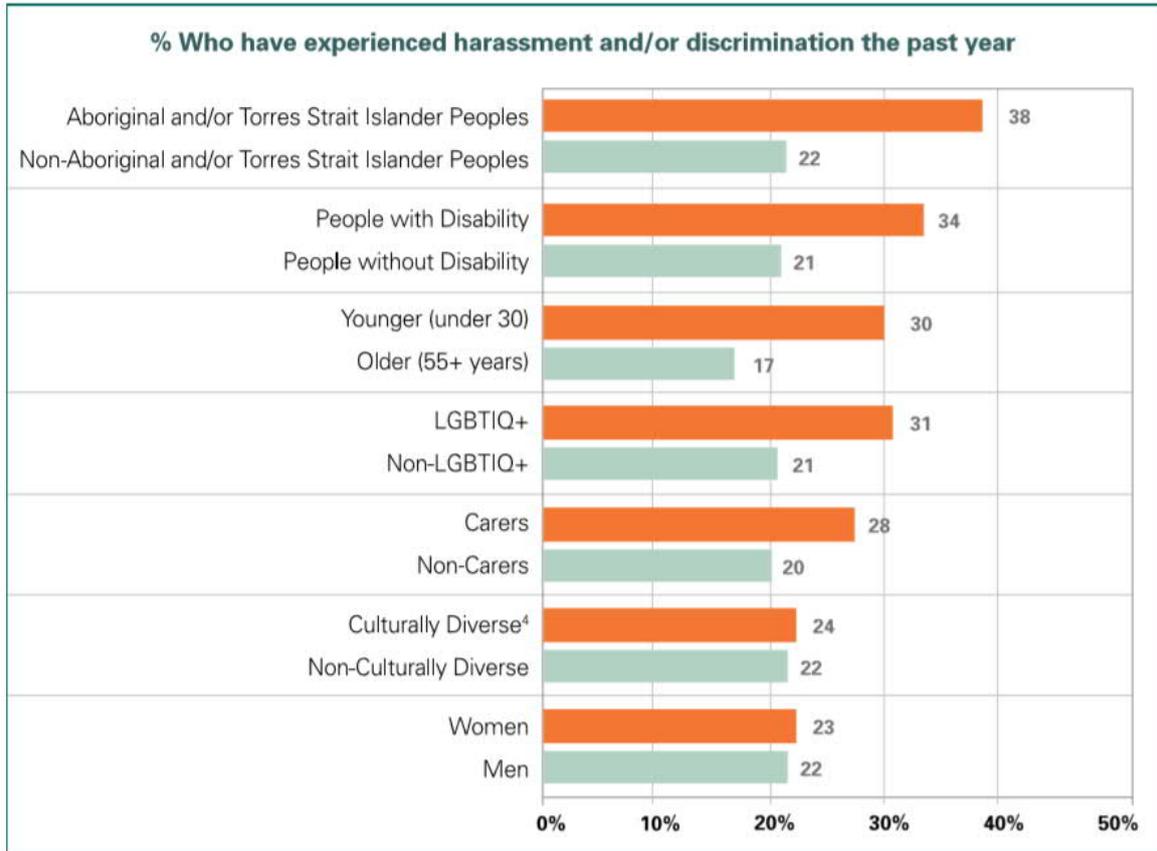
## **Understand intersections**

### ***Inclusion@Work Index***

In order to understand how other forms of disadvantage and discrimination impact on women, it is important to understand the experiences of exclusion at work for different groups. DCA’s *Inclusion@Work Index* found that Australian organisations need to do more to combat harassment and discrimination, particularly of Aboriginal and/or Torres Strait Islander peoples.

**Harassment and discrimination are up to twice as likely to be experienced by people from minority groups (e.g. Aboriginal and/or Torres Strait Islander workers, workers with a disability) than by people in mainstream or majority groups (e.g. non-Aboriginal and/or Torres Strait Islander workers, workers without a disability).**

- 31% of Aboriginal and/or Torres Strait Islander workers reported having experienced some form of discrimination in the past year, compared to 16% of non-Aboriginal and/or Torres Strait Islander workers.
- In fact, Aboriginal and/or Torres Strait Islander Australians experience the highest rates of workplace discrimination and harassment of any demographic group. In all, 38% had personally experienced at least one incident of harassment and/or discrimination in the past 12 months
- Workers with disability, younger workers (aged under 30 years), and LGBTIQ+ workers experienced the next highest rates of harassing and discriminatory behaviour at work.



<sup>i</sup> DCA website, available to DCA Members: <https://www.dca.org.au/di-planning/maturing-di/organisational-preparation>

<sup>ii</sup> DCA-Suncorp *Inclusion@Work Index* 2017-18. Synopsis and Infographic enclosed.