

Gender Equality Bill Citizens' Jury

15 & 16 September 2018

Melbourne

Jury Members: 83

The Victorian Government is drafting a Gender Equality Bill. The setting of quotas for public sector organisations is a key part of this.

What Gender Equality quotas are fair? How can they be best implemented?

Practical and Aspirational Recommendations

Introduction & Fair Criteria

The Citizens' Jury was initiated by DHHS and was selected by an independent body through a randomised process to represent the population profile of Victoria (gender, age, linguistic diversity, sexual identity, disability and Aboriginal and Torres Strait Islander and location). The Jury met over a weekend for a structured series of workshops designed to ensure all voices were heard. The recommendations were developed by a super majority of all participants.

The aim of this Citizens' Jury was to respond to the remit: *The Victorian Government is drafting a Gender Equality Bill. The setting of quotas for public sector organisations is a key part of this.*

What Gender Equality quotas are fair? How can they be best implemented?

The Jury has endeavoured to apply criteria of fairness as identified by the group. This has included exploring diverse opinions in a respectful and open way. The aim is to minimise disadvantage based on gender, by ensuring unbiased, transparent processes that ensure equality and equity. These processes are designed to ensure greatest positive impact and reflect community aspirations. We have also recommended processes by which progress can be measured and evaluated.

The jury would like to note that there was a lack of diverse speakers in the first day of the Jury (please see appendix A).

This report includes recommendations where a super majority could not be formed and therefore represented in the minority reports.

The jury was provided with the definition of gender: *Gender equality means equal rights, opportunities and outcomes between people of different genders. 'The Gender Equality Bill primarily focuses on the inequalities that exist between men and women, including people who identify as men and women'* and there were concerns about this as the definition.

Practical Recommendations

<p>Heading (short and clear title- 5-7 words)</p>	<p>To establish an independent authority to oversee implementation of the bill.</p>
<p>Rationale (why is this area of work important and how will it define and implement gender equality?)</p>	<p>The independent authority will do this by:</p> <ol style="list-style-type: none"> 1. define data requirements. 2. gather data 3. set reporting requirements for organisations covered by the bill. 4. publish reports (at least annually) and making them publicly available to ensure transparency + accountability. 5. monitor and evaluate compliance + progress. 6. make recommendations to support organisations to fulfill their obligations. <p>NB: there may already be a suitable body that already exists e.g The Victorian Public Sector Commission. There is a need to ensure independence.</p>
<p>Source of Evidence (if any)</p>	

<p>Heading (short and clear title- 5-7 words)</p>	<p>Recruitment processes to eliminate gender bias</p>
<p>Rationale (why is this area of work important and how will it define and implement gender equality?)</p>	<p>Allows selection of the best candidate for a job by ensuring that the process eliminates conscious and unconscious bias.</p> <p>Selection criteria should address the actual skills and capabilities required for the job, to broaden pool of potential candidates.</p> <p>Use inclusive language in advertisement to ensure a diverse range of applicants.</p> <p>The following targets should apply at/before the interview stage in order to have a gender balanced talent pool.</p> <ul style="list-style-type: none"> - 40:40:20 reflected at shortlist level for every role - Interview rates should reflect 40:40:20 ratio at the organisation level, for example at least 40% of candidates interviewed across all roles are women / men <p>Exceptions:</p> <ol style="list-style-type: none"> 1. If circumstances make it impossible to achieve above ratios, each instance should be captured and reported as part of quotas governance to independent agency 2. If role is exempt under Sex Discrimination Act
<p>Source of Evidence (if any)</p>	

<p>Heading (short and clear title- 5-7 words)</p>	<p>Parental Leave for all Public Sector Employees</p>
<p>Rationale (why is this area of work important and how will it define and implement gender equality?)</p>	<p>The birth of a child is an event that in its very nature impacts the birth parent more than the partner. In order to move to gender equality it is necessary to minimise this impact where possible.</p> <p>The jury's recommends parental leave for all, including, paternity leave, equal paid leave, no penalties for taking parental leave, for example no accrual of long service and superannuation, and report on uptake of parental leave.</p> <p>Building on the existing federal government regulations, there should be flexibility for parental leave to be taken concurrently or consecutively as needed. This will remove perceptions of gender based parental care roles across the whole community.</p>
<p>Source of Evidence (if any)</p>	<p>There is evidence that having children affects gender equity.</p>

<p>Heading (short and clear title- 5-7 words)</p>	<p>There should be tailored* transition support to implement quotas with incentives preferred, but sanctions as a last resort</p>
<p>Rationale (why is this area of work important and how will it define and implement gender equality?)</p>	<p>Achieving quotas will require significant change in some entities</p> <p>Training would help entities learn best practice and achieve optimum outcomes</p> <p>There are widely different levels of gender imbalance across entities; therefore, a tailored approach is appropriate</p> <p>Allows levels of support to match need</p> <p>Minimises backlash</p> <p>Ensures faster implementation</p> <p>Increases engagement and ownership and, thus, compliance</p> <p>* “Tailoring” is an individualised implementation plan which reflects baseline figures on gender balance. Incentives will be available immediately. Tailoring may include varied timeframes, milestone progress reporting, incentives for meeting time-frames, additional support where timeframes are not met and, where necessary, sanctions after a grace period.</p>
<p>Source of Evidence (if any)</p>	

Heading (short and clear title- 5-7 words)	Establish a sustainable pipeline of talent to address gender imbalance within the public sector.
Rationale (why is this area of work important and how will it define and implement gender equality?)	<p>Quotas and targets alone may not be sustainable in the long term. By establishing a pipeline program from early childhood, in addition to other recommendations, it will ensure a sustainable pipeline based on merit. Practical actions include, but are not limited to:</p> <ol style="list-style-type: none">(1) Review curriculum and government funded programs to ensure no gender bias exists within career pathways;(2) Implement required changes to curriculum and funded programs ensuring gender imbalance is addressed to meet the evolving needs of the public sector;(3) Provide support (incl. funding) and training for teaching and support staff to enable the above points (1 & 2); and(4) Review existing development and recruitment programs within the public sector to ensure they effectively promote gender equity. Where no program exists and is required, ensure they are established to promote gender equity.
Source of Evidence (if any)	

<p>Heading (short and clear title- 5-7 words)</p>	<p>We recommend implementation of incentives with a built-in timely compliance mechanism.</p>
<p>Rationale (why is this area of work important and how will it define and implement gender equality?)</p>	<p>That a system of incentives be developed as the primary means to ensure the public sector achieves quota goals.</p> <p>Incentives are more likely to create a positive association with quotas.</p> <p>Incentive examples: Gender equality/equity visibility e.g. 5-star rating within website/ on publicity materials and publications; business excellence awards; advertising campaigns...</p> <p>Mentoring opportunities for like businesses/enterprises; also within company structure, more experienced mentoring younger employees.</p> <p>Recruitment and interview processes need to specify gender equality/equity and use gender-neutral language.</p> <p>Compliance mechanisms could include: Support systems/documents that provide transparency and accountability; meeting PKIs</p>
<p>Source of Evidence (if any)</p>	

Heading (short and clear title- 5-7 words)	We recommend that leaders are held accountable for meeting quotas.
Rationale (why is this area of work important and how will it define and implement gender equality?)	<p>We recommend that the activities conducted around and success in meeting quotas is monitored and reported for any individual with responsibility over staff. Performance plans should have incentives and penalties built in to ensure compliance.</p> <p>This is recommended because compliance at an individual level is more likely to result in achievement at an organisational level.</p> <p>When leaders demonstrate a commitment to meeting quotas, they are adopted more quickly.</p>
Source of Evidence (if any)	

<p>Heading (short and clear title- 5-7 words)</p>	<p>40/40/20 Quota from senior management and above</p>
<p>Rationale (why is this area of work important and how will it define and implement gender equality?)</p>	<p>Clarification of 40/40/20 - This represents a 40% minimum representation of men and a 40% minimum representation of women with 20% flexible quota.</p> <p>Evidence shows quotas are necessary to achieve to achieve equitable gender balance.</p> <p>40/40/20 is achievable, offers flexibility and is equitable.</p> <p>Provides for more positive role models in the overall in the overall workplace.</p> <p>Additional note: A number of people expressed the recommendation to apply 40/40/20 more broadly throughout the organisation over time.</p>
<p>Source of Evidence (if any)</p>	<p><u>Kate Stary - GENDER DIVERSITY QUOTAS ON AUSTRALIAN BOARDS: IS IT IN THE BEST INTERESTS OF THE COMPANY?</u></p>

<p>Heading (short and clear title- 5-7 words)</p>	<p>To establish an evaluation schedule to ensure ongoing effectiveness of the legislation</p>
<p>Rationale (why is this area of work important and how will it define and implement gender equality?)</p>	<p>Reporting is critical to manage progress towards and adherence to agreed quota commitments. This will also enable appropriate incentives and sanctions to be actioned in a timely and effective manner.</p> <p>In order to achieve this it is recommended that:</p> <ul style="list-style-type: none"> ● An independent agency is appointed that will be responsible for regular annual oversight ● The evaluation schedule will contain annual publication milestones detailing progress against quotas ● The Bill should be reviewed and tabled to Parliament after ten years to assess the effectiveness, progress and consequences of the bill
<p>Source of Evidence (if any)</p>	<ul style="list-style-type: none"> ● Australian Government Department of Defence, Women in the ADF Report 2016-17 - A supplement to the Defence Annual Report 2016-17 ● Australian Institute of Company Directors June-August 2018 Quarterly Report : Volume 13 - 30% by 2018 Gender Diversity Progress Report ● Reporting concept similar to The International Monetary Fund - IMF Quotas http://www.imf.org/en/about/factsheets/201607/14/123/21/IMF-Quotas

<p>Heading (short and clear title- 5-7 words)</p>	<p>Compliance with quotas within 5 years, except in exceptional circumstances where compliance may be extended up to 10 years.</p>
<p>Rationale (why is this area of work important and how will it define and implement gender equality?)</p>	<p>The quota is to be met within 5 years by all Victorian Public Sector bodies, except in exceptional circumstances where the quota is to be met within 5 to 10 years.</p> <p>Exceptional circumstances include:</p> <ul style="list-style-type: none"> - large gender disparities, - labour supply shortages with appropriate skills, - existing long contracts <p>This is a reasonable time frame to achieve the quotas across the Public Sector, acknowledging particular challenges. A 5-10 year timeframe is also supported by experience in other countries which has shown that quotas can be achieved in less than 10 years and in some cases in substantially less time.</p> <p>This allows for setting of milestones, monitoring progress towards the quota.</p>
<p>Source of Evidence (if any)</p>	<p>Workplace Gender Equality Agency “Targets and Quotas” 2016</p> <p>World Leaders Index Gender Equality Case Study: France, Global Government Forum - 2016-17</p>

<p>Heading (short and clear title- 5-7 words)</p>	<p>Collect and publish data for transparency and independent research</p>
<p>Rationale (why is this area of work important and how will it define and implement gender equality?)</p>	<p>All data relevant to the purpose of the bill shall be collected and made available to the public in an accessible and timely manner.</p> <p>The bill should include provision for the collection of data for public scrutiny and independent research. There needs to be an investigation so as to determine whether or not the gender equality measures put in place function and whether or not changes need to be put in place/made upon a future date.</p> <p>Research should be performed to monitor the effectiveness of the gender equality measures. This research should be performed by an independent authority and published on a public forum (such as data.vic.gov.au).</p> <p>Consultation on the level of detail should be made with organisations such as open data foundation, universities, melbourne data science and other independent groups.</p> <p>Data should include, and not be limited to:</p> <ul style="list-style-type: none"> ● Number of applications for each gender ● Number of shortlisted candidates for each gender ● The text of the job description ● The outcome, the gender of the successful candidate ● The level of the organisation ● Qualifications required
<p>Source of Evidence (if any)</p>	

Aspirational Recommendations

<p>Heading (short and clear title- 5-7 words)</p>	<p>Mandate and promote flexible working practices for everyone in the public and private sector</p>
<p>Rationale (why is this area of work important and how will it improve or quicken the pace of gender equality?)</p>	<p>To enable gender equality, we need to promote work-life balance for all, which will foster cultural change.</p> <p>Flexible working practices enable individuals to remain in employment whilst managing personal obligations. This optimises the pool of qualified candidates and promotes continued employment.</p> <p>Flexible working practices may include:</p> <ul style="list-style-type: none"> - Gender neutral parental and carers leave. - Employers and employees collaboratively establishing flexible working arrangements to suit individual circumstances. For example, job share, part-time, work from remote locations etc.
<p>Source of Evidence (if any)</p>	

Heading (short and clear title- 5-7 words)	Our aspirational recommendation is to ensure that all levels of the education system consciously promote individual choices without influence of gender bias.
Rationale (why is this area of work important and how will it improve or quicken the pace of gender equality?)	Gender bias and gender stereotypes limit individuals' life choices. Continued integration of gender bias awareness in the Victorian education curriculum (including within early childhood education) will increase opportunity for all Victorians. An education system which promotes a broad range of career choices will allow equal opportunity, and broaden the employability pool.
Source of Evidence (if any)	

<p>Heading (short and clear title- 5-7 words)</p>	<p>Strategies are needed to ensure that organisational culture is supportive and enabling of gender equality</p>
<p>Rationale (why is this area of work important and how will it improve or quicken the pace of gender equality?)</p>	<p>A gender inclusive culture is a necessary foundation for the success of gender equality.</p> <p>Ultimate success requires a whole of organisation effort and commitment - gender equality needs to be ingrained in the organisation</p> <p>A positive culture will negate resistance and marginalisation to quotas</p> <p>Strategies such as: compulsory education programs, mentoring, selection criteria and duties specifically requiring commitment to gender equality, KPIs for individual positions as well as managers that contribute to gender equality will build an organisational culture of gender equality</p>
<p>Source of Evidence (if any)</p>	

<p>Heading (short and clear title- 5-7 words)</p>	<p>Encouraging workplaces to provide options for better work life balance, particularly in relation to care giving in all forms (including children, family members, and people with disability)</p>
<p>Rationale (why is this area of work important and how will it improve or quicken the pace of gender equality?)</p>	<p>Historically it has been the social/cultural norm for the mother to be the primary caregiver for children. This is shown to limit workforce participation by women, as well as to discourage men from taking on the primary caregiver role.</p> <p>Encouraging men to take on caregiving roles is important to the successful implementation of gender quotas as it addresses the 'at home' pressures on women.</p> <p>Assuming parental leave is offered to both men and women equally (as per practical recommendation about parental leave), we want to see parental leave being equally taken up by men. This needs to be supported and encouraged in the public and private sector.</p> <p>Reporting and monitoring on the uptake of parental leave by sector and gender would support investigation into why inequality may remain.</p> <p>Childcare rebates, cost and access may all be an important lever to support work life balance for all genders.</p>
<p>Source of Evidence (if any)</p>	

Minority Report

<p>Heading (short and clear title- 5-7 words)</p>	<p>No gender equality quotas should be legislated.</p>
<p>Rationale (why is this area of work important and how will it define and implement gender equality?)</p>	<p>On boards and at the executive level of the public service there is already a fair representation of gender. This has been achieved without legislated quotas. Hence, putting quotas into legislation is unnecessary.</p> <p>Having gender-based quotas in legislation puts into law that there are differences between men and women. This is contradictory to the overall goal of gender equality.</p> <p>Some organisations in the private sector have had success with targets. This indicates that these organisations are able to achieve goals relating to gender equality without legislative interference. (Source: Presentation by Fiona Vines from BHP)</p> <p>Strong evidence does not exist to support quotas as an effective mechanism for addressing gender inequality. Negative side effects do in fact exist and have been document as in norway.</p> <p>We question the assumption that lack of gender parity is due solely to discrimination and instead suggest that personal preference plays a role.</p>
<p>Source of Evidence (if any)</p>	<p>48.9% of public sector executives are female (2016-2017 State of the Public Sector in Victoria Table 21) 50% of Victorian public service board positions are held by women. (https://www.themandarin.com.au/97419-quotas-work-victorian-government-crows-women-surpassing-parity-on-boards/)</p> <p>(https://www.economist.com/business/2018/02/17/ten-years-on-from-norways-quota-for-women-on-corporate-boards)</p>

Heading (short and clear title- 5-7 words)	Principles of Gender Equality should apply to Service Providers ¹ and Partnering Affiliates
Rationale (why is this area of work important and how will it define and implement gender equality?)	<ol style="list-style-type: none"> 1. There is a current trend, where the public sector is outsourcing, contracting and forming working partnerships with external parties to operate on their behalf. 2. As with other sustainability policies, there should be policies and monitoring to avoid outsourcing of social responsibility. 3. If external service providers are not aligned with government social policies (e.g. Gender equality), then inequitable outcomes may result. 4. Public service procurement policies should require working partners to demonstrate alignment and or compliance with the principles of Public Sector social policies. 5. Implementation: <ol style="list-style-type: none"> a. Sourcing criteria must explicitly address gender equality provisions b. Ongoing monitoring of compliance to demonstrate progress <p>Applicable for companies larger than xxx number of employees.</p>
Source of Evidence (if any)	Reference - how the ISO9000 standard series was rolled out and is currently used in government and the private sector.

¹ The definition of service providers excludes reference to purchase of products

<p>Heading (short and clear title- 5-7 words)</p>	<p>Quotas must be tailored for the context of the organisation</p>
<p>Rationale (why is this area of work important and how will it define and implement gender equality?)</p>	<p>In nursing, teaching, engineering and security there is an imbalance of genders entering the industry. If an industry is 90% female such as nursing insisting on 50/50 quotas for all positions would be very unfair to women. The same is true in reverse for engineering.</p> <p>In other areas of the the public sector and government areas, situations may occur where an attempt at quota enforcement may not be in the interest of the Victorian Public:</p> <p>In some sectors, the extreme speciality of an organisation, board or working group may make the establishment of quotes unworkable.</p> <p>On some government boards, executive organisations and bodies, specific circumstances such as indigenous, LGBT, religious, sectoral representative boards, executive or groups may not be best represented by gender based representation. Additional locations such as DV shelters, where gender balance of staff may be counterproductive or potentially traumatizing.</p> <p>In some circumstances, geographic considerations may make gender balanced areas of the public sector burdensome for operation.</p> <p>In some circumstances, the small size of the group may make gender quotas ineffective.</p>
<p>Source of Evidence (if any)</p>	

<p>Heading (short and clear title- 5-7 words)</p>	<p>Concerns around bias of speakers (lack of fair representation)</p>
<p>Rationale (why is this area of work important and how will it improve or quicken the pace of gender equality?)</p>	<p>The citizens jury was briefed by three speakers who were all pro-gender equality quota.</p> <p>Therefore, the background information provided to the jury was potentially biased.</p> <p>The jury may not have been adequately prepared to deliberate on perspectives that opposed the legislation of gender equality quotas.</p>
<p>Why this is a minority report/ why is it important to be included?</p>	<p>This is important to be included because this bias may have impacted the findings of the jury.</p>

<p>Heading (short and clear title- 5-7 words)</p>	<p>That a small group of jury members expressed a strong concern regarding the jury process, and that potential alternative methods were not given a equal respect</p>
<p>Rationale (why is this area of work important and how will it improve or quicken the pace of gender equality?)</p>	<p>This small group of people believed that the process in question was designed to point to jury towards a specific conclusion regarding the introduction and implementation of recommendations for quotas. This includes, but isn't limited to the lack of speakers and information suggesting contrary opinions or alternatives to quotas for achieving gender equality, a group consensus process designed to minimise the capacity for minorities to raise concerns or objections during the process.</p> <p>This report reflected 2 people who opposed quotas, and one person who supported the introduction of quotas, but who believed that the process was extremely rushed and did not allow jury members to reach a proper and truly considered opinion.</p>
<p>Why this is a minority report/ why is it important to be included?</p>	

Appendix A:

List of speakers approached and their reasons for attendance/non-attendance.

Speaker	Details
Elizabeth Proust (Australian Institute of Company Directors Chairwoman)	Elizabeth was not in Melbourne this weekend. She apologised and approached 6 people, and none were available to replace her.
Institute of Public Affairs (IPA)	We approached Simon Brehney (Director of Policy) who was unavailable. Dr Bella d'Abrera (Director of the IPAs Foundations of Western Civilisations Program) was nominated to replace him. She became unavailable and IPA indicated they were unable to supply someone on Wednesday.
Associate Professor Michael Flood (Queensland University of Technology)	Michael was unable to attend from Queensland but offered recommendations of Melbourne based academics in this field. We approached Anna Chapman from the University of Melbourne who was unavailable but nominated Beth Gaze who was able to attend.
Libby Lyons (Director of the Australian Government's Workplace Gender Equality Agency)	Libby is on annual leave and unable to attend. She was unable to find an executive from WGEA to speak.
Amanda Vanstone (former Liberal Federal Senator)	Amanda is overseas this weekend. Her nomination of Judith Troeth was also unavailable.
James Fazzino (Chair of Manufacturing Australia)	James Fazzino's office did not reply to an invitation to speak.
Fiona Vines (Global Head of Inclusion & Diversity at BHP)	Fiona was able to attend.
Tom Elliott (Radio Presenter on 3AW)	Tom was approached by the Minister's Office. He was confirmed as a speaker. On Wednesday he withdrew. We were unable to find a replacement.
Adam Fennessey (Partner at EY)	Adam originally indicated he was available but became unavailable last week.

Jax Jackie Brown (Disability & LGBTI/Queer rights activist)	Jax was approached to speak to cover the intersectionality involved in the topic. She was not available to speak.
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On Wednesday (September 12th), when it became clear that we would not have a diversity of views on the panels, we approached the following academic speakers to offer the perspective of the 'against' (all of which were unavailable to speak at short notice):

- Dr. Leah Ruppner (Uni Melb)
- Prof. Lyn Craig (Uni Melb)
- Jennifer Whelan (Melb Business School)
- Prof. Jenny Lewis (Uni Melb)