

Response to Gender Equality Legislation Consultation – September 2018

The Together for Equality & Respect Partnership Leadership Group and Women's Health East welcome the opportunity to provide feedback on the Gender Equality Bill Exposure Draft.

About Us

Together For Equality & Respect (TFER) is a multisector partnership of more than 35 organisations working together across the Eastern Metropolitan Region of Melbourne to prevent violence against women. Covering seven municipalities, TFER Partners include all of the local councils, community health and acute health organisations, family violence, sexual assault and legal services, Aboriginal organisations, services working with migrants and refugees, police, schools, neighbourhood house networks, essential service providers and a growing range of others interested in building a safe and equal society. The TFER Leadership Group guides and supports the Partnership to enact the shared TFER vision of *“a society where women live free from men's violence where every girl and boy grows up to be equally valued, heard and respected, and with equal access to opportunities”*. It also oversees and monitors implementation of the TFER Action Plan 2017-2021, including identification of gaps and opportunities to add value to the plan.

Women's Health East (WHE) is the regional women's health promotion agency for the Eastern Metropolitan Region of Melbourne. Our vision is *‘Equality, empowerment, health and wellbeing for all women’*. Our health promotion priorities are to advance gender equality, prevent violence against women and improve women's sexual and reproductive health. Women's Health East is the lead or ‘backbone’ organisation for the TFER Partnership, providing leadership, coordination and expertise to the Partnership. Women's Health East also provides a range of capacity building activities to support the TFER organisations and workforce.

Why we support the legislation

Violence against women is one of the most serious and pervasive issues affecting women, families, communities and society. In Australia, over half of all women have experienced at least one incident of physical or sexual violence in their lifetimeⁱ. Violence by an intimate partner is the leading contributor to death, disability and ill-health for women aged 18–44.

Violence against women is preventable. Global evidence shows that gender inequality is a key driver of VAWⁱⁱ. To end this violence, TFER aims to achieve a long term, whole of population approach, with mutually reinforcing action across all levels of society.

The World Health Organisation has identified social position as the factor that most determines health inequities, and discrimination based on gender as one of the key factors influencing social positionⁱⁱⁱ. This makes gender equality an essential focus of effective population health practice and government policy.

Our Feedback

We are highly supportive of the development of gender equality legislation and congratulate the government on this important initiative. We strongly support the intent of the legislation to enshrine requirements to enact positive change towards gender equality and to raise the status of women.

We have highlighted below some areas that we think are important to the development and successful implementation of this legislation. Some of our recommendations relate to the Bill itself and others to actions that will support its implementation.

1. Principles

We are in support of the Gender Equality Principles outlined in the legislation.

2. Scope

While we understand the rationale for targeting the legislation at Victorian government departments, local governments, and public sector entities with over 100 full time employees (in line with WGEA reporting) we suggest broadening the scope in order to maximise the impact of the legislation. We are highly supportive of the proposal over time to extend the reach of the legislation through the introduction of gender- ethical procurement guidelines.

Recommendations:

- Make the legislation applicable to entities with over 50 full time employees
- Create incentives for organisations outside of the scope of the legislation to voluntarily take up the option of developing Gender Equality Action Plans eg through grants or awards
- Change the wording in the Procurement guidelines section (Div 4, 13) to state that the Finance Minister **will** issue procurement guidelines (to replace current working which says the Minister **may** issue procurement guidelines).
- Bring forward the timelines for the procurement guidelines from mid 2022 to one year after commencement of the legislation

3. Gender Equality Action Plans

Over the first four years of the TFER Partnership (2013 – 2017) approximately 40% of partner organisations voluntarily undertook a gender equity audit and subsequently developed organisational gender equity action plans^{iv}. This work was supported by a series of forums, individual support and delivery of training from Women’s Health East covering topics such as benefits of gender equality, unconscious bias, gender impact analysis, successful organisational change. Additionally evidence based tools, and templates for use were developed by the TFER Evaluation group.

We are very much in support of the requirement for development of Gender Equality Action Plans in the proposed legislation, however highlight the need for adequate resourcing to ensure that those covered by the legislation have a solid understanding of why and how to do this work.

We also believe that the legislation should more clearly state the requirement that Gender Equality Action Plans have both an internal (workplace) focus and an external (service delivery) focus.

Our experience also has shown that the increased focus on gender equality in workplaces leads to an increase in disclosures of discrimination, harassment and violence. Organisations embarking on this work need to first ensure that they have robust systems in place to respond to these disclosures and that these are understood particularly by those leading the change process.

Recommendations:

- The development of a guide including resources, templates and tools to support the development of Gender Equality Action Plans. The guide should outline both the ‘why’ and the ‘how’ and should include a line of sight to other key organisations, frameworks and

infrastructure – for example Change the Story, Respect Victoria, Regional Prevention Partnerships (led by regional Women’s Health Services)

- Identification within the guide of some common measures which could then be used to evaluate the success of legislation
- Resourcing of organisations undertaking change to enable this significant change process
- Resourcing of key infrastructure such as regional women’s health services who have the expertise and experience to support, deliver training and build the capacity of those covered by the legislation.
- Guidelines and or training as required for dealing with disclosures
- Include wording in the legislation to ensure that the scope of Gender Equality Plans are both on workplace and on service delivery

4. Targets and quotas

While the legislation refers to targets, we understand that a Citizen’s Jury has supported the prospect of strengthening this language to include quotas. Evidence shows that both can be effective at driving change, however that targets are less effective unless they are understood and strongly supported, ie in environments where cultural support for gender equality is high^{v vi}. It is also important that action to address gender equality includes equality of opportunity and equality of result. We believe there is room for both quotas and targets in the legislation, and that in relation to targets and other measures a continuous quality improvement approach be taken with organisations over time being expected to achieve more. In addition the vexed issue of male or female dominated workplaces is one which needs further consideration. What does gender balance look like in these workplaces? Regardless it is likely that progress towards gender equality will be slower in these environments. Organisations that have equal opportunity exemptions to employ only people of a particular gender should not be exempt from the legislation, however a greater emphasis on diversity may be required by these entities.

Recommendations:

- A mix of quotas and targets be included in the language in the legislation and in the regulations that are developed –this might for example include minimum quotas with aspirational targets
- Quotas and or targets should cover the representation of women in governance roles, CEO, senior management and middle management; pay equity and uptake of flexible workplace policies such as parental leave as a minimum.
- Quotas and or targets must also address diversity. This could be achieved through a sub target for diversity eg 50:50 target with 15% of each being people from diverse backgrounds
- Incentives be considered to support the achievement of aspirational targets eg Statewide awards
- Support continue to be provided to women’s leadership scholarships and programs by government eg Women’s Board Leadership Programs, Joan Kirner New and Emerging Women Leaders Program, new leadership programs targeting industries with fewer women in leadership positions

5. Reporting

An essential component of the success of the proposed legislation is the reporting requirement. We are supportive of annual reporting, recognising that the need to report is an effective way to keep the Gender Equality Plan on the agenda of busy entities with competing priorities. More significant reporting should be required at the finalisation of a four year plan ie a report on the achievement of the four years.

We agree with the ability for those who are not complying with the legislation to be publicly named. However we suggest reporting on those who are making good progress as an equally powerful driver of change.

Reporting on Gender Equality Action Plans should be independent of government departments, given that they are also subject to the legislation. We suggest that Respect Victoria could take on this role.

Recommendations:

- Public reporting both of non-compliance as well as good practice and achievement
- Reporting should be to an entity independent of government

6. State Gender Equality Plan

The requirement for the Minister to ensure that there is a State Gender Equality Plan is an important element of the draft legislation. This Plan will provide direction and leadership to those covered by the legislation and will ensure that advancing gender equality remains a priority of government.

Recommendation:

- Rewording of 16 (2) to include 'structural'. This will therefore read, 'The State Gender Equality Plan must set out a framework for coordinated action to be taken in Victoria to build the **structural**, attitudinal and behavioural change required to improve gender equality.'

7. Ministerial Council on Women's Equality

We are supportive of the inclusion and functions of the Ministerial Council on Women's Equality in the proposed legislation. We are particularly pleased to see the requirement that the Council's membership reflects the diversity of Victorian women.

We appreciate the opportunity to provide input into this important legislation which has the potential to play a significant role in driving the achievement of gender equality in Victoria.

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ⁱ ABS, 2017 Personal Safety Survey 2016 <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>

ⁱⁱ Our Watch, ANROWS and VicHealth, 2015 Change the Story.

ⁱⁱⁱ Solar O, Irwin A. 2010 A conceptual framework for action on the social determinants of health. Social Determinants of Health Discussion Paper 2 (Policy and Practice).

^{iv} Evaluation Working Group, 2018. Together for Equality & Respect Evaluation 2013-2017 At a Glance, Women's Health East http://whe.org.au/tfer/wp-content/uploads/sites/2/2018/05/TogetherForEqualityRespect_Evaluation2013-2017_At-a-glance.pdf

^v McCann, J 2013 Electoral quotas for women: an international overview

www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1314/ElectoralQuotas

^{vi} Sojo, V et al 2016 Reporting requirements, targets, and quotas for women in leadership The Leadership Quarterly 23(3) pp 519-536