

# **Draft Gender Equality Bill**

## **Submission from Monash City Council**

**September 2018**

## Introduction

The responses to the Gender Equality Draft Exposure Bill and discussion paper detailed below has been informed by our insights and experience in planning, implementing and evaluating gender equity and the sustained action required to achieve gender equality. Our feedback has been developed by council officers and aligns with the principles of Monash City Council's endorsed Gender Equity Strategy 2015-2020.

Monash City Council continues to be committed to achieving gender equality within both our organisation and the community more broadly. We welcome the change that can be introduced through such legislation such as the Gender Equality Bill and we look forward to the Government's continued commitment to gender equity in all facets of Australian life.

### Why is Gender Equality legislation necessary?

**Q1: What do you think are the critical actions necessary for the success of gender equality legislation?**

**Q2: What other activities should the government undertake to support this legislation?**

The critical actions that are required for the success of gender equality legislation is to ensure that there is clear preparation, guidance materials and capacity building to support organisations to develop and implement their action plans. It will be essential to fully engage with newly mandated organisations so the legislation leads to meaningful systemic change, and is not acted on as merely compliance reporting.

It will be essential to facilitate a tailored approach to supporting organisations, taking into consideration their sector, size, organisational structures, workforce readiness and existing diversity and gender equality policies. This will assist by assessing the possible points of connection for workforce development and organisational change on gender equity. This will also determine the readiness for capacity development and support for where the organisation is at with regards to the development and implementation of Actions Plans.

Vital to the success and embedment of gender equality legislation is ensuring that accountability of the whole organisation is encouraged, not just executive leaders. Non-compliance should be treated seriously, with consequences that relate to the specific sector.

The Victorian Government needs to ensure that it continues to support and resource organisations to continue their gender equality initiatives in the community. Given local government's role in planning, providing community facilities and public spaces, service delivery and partnerships which cut across the social, economic, environmental and cultural domains of civic life, the sector is well placed to integrate gender equity into its work using a whole-of-council approach. Through utilising existing structures, networks, partnerships, relationships and infrastructure, local government can also generate a whole-of-community approach to promote gender equity. It is important for the Victorian Government to continue to support and resource local governments in their role of promoting gender equity in the community in addition to the internal focus on the legislation.

### **The proposed Gender Equality Bill**

#### **Q3: What do you think is best practice in measures to support implementation of legislation that drives lasting social change?**

Evidence has demonstrated that to drive lasting change to achieve gender equality, it is essential to shift the social attitudes, beliefs and behaviours that justify or excuse gender inequality occurring. Addressing a complex social problem requires a large-scale effort, engaging the largest possible number of people and organisations with sustained and meaningful interventions, which encourage changes to the way people think and behave in relation to gender inequality. Doing this systemically requires leadership, willingness, readiness and courage, to challenge the status quo and provide the necessary support, resources and commitment.

The State Government, the Municipal Association of Victoria and VicHealth have already identified the unique and key role for Local Government in preventing violence against women and promoting gender equity. VicHealth highlights that this work is most effective when a number of reinforcing strategies are implemented across multiple levels of community life ensuring breadth and depth. As the arm of government closest to the community, local government has the capacity to influence many of the determinants of health and wellbeing, including gender.

The City of Monash plays a significant role in creating environments that promote the optimal health, safety and wellbeing of all community members. This role is legislated under the Public Health and Wellbeing Act (2008) and the Local Government Act (1989), mandating councils to provide services that are 'accessible and equitable' and 'foster community cohesion and encourage participation in community life'.

Local governments are extremely well placed to prevent violence against women through their roles in delivering a diverse range of services to local communities and their planning and policy functions. Councils play a key leadership role in local communities and have extensive reach and partnerships across the community and different settings including workplaces, sporting clubs, libraries, children services, the media and schools. All these settings have been identified by the national primary prevention framework as critical to create the attitudinal and behavioural change needed to prevent violence against women. In addition, as large employers in the local community, Councils can drive workplace change to enhance gender equity, such as provisions to encourage flexible working environments for men and women and provide opportunities to support women into leadership roles.

Since 2006, Victorian local governments have played a significant leadership role in implementing and evaluating State Government funded initiatives for the prevention of violence against women. These projects have been implemented across a range of key prevention settings including local government organisational cultural change, partnerships with corporate workplaces, faith-based settings, in local sports and recreation settings and through their maternal and child health. These initiatives have contributed significantly to the growing primary prevention evidence base in Victoria and Australia. Continued support and opportunities to foster strategic partnerships, undertaking impact evaluation, linking both the public and private sectors, will be essential to the successful implementation of actions under the legislation.

### The principles of the legislation

**Q4: 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?**

Embedding the principles in legislation will complement existing gender equality programs and help to ensure enduring and sustained progress, and to achieve long-term attitudinal change by ensuring the public sector actively takes steps to promote gender equality. The principles should underpin the legislation to ensure all organisations are working towards the same goal.

It is suggested that the principles should be reviewed to ensure:

- The difference between gender equality and gender equity is made clearer (and consistent language is used);
- Intersectionality is embedded within the principles.

### Gender Equality Action Plans

**Q5: What else should be included in Gender Equality Action Plans to support demonstrating compliance to the principles?**

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

The Action Plan Framework should allow a tailored, sector-specific approach to Action Planning (and reporting) to ensure widespread application of the principles and compliance. While the Gender Equality Bill relates to public sector organisation, there are notable differences in the nature of the content and delivery mechanisms which exist within organisations from the different categories (that is, State Government departments, large Public Service Organisations, Local Governments, Universities and other Public Entities).

Parallel to the introduction of the legislation, scaffolding mechanisms need to be established to ensure that organisations are well supported to develop and evaluate their Gender Equality Actions Plans. This could consist of:

- Facilitating a Community of Practice where organisations can share their progress approaches, learning, ideas, etc.;
- The provision of best practice guides that have Action Plan templates, case study actions and resources;
- Ensuring all elements of the Gender Equity Legislation are communicated clearly to organisations and support is readily available in the initial action planning phase; and
- Providing regular training and professional development support for organisations, to ensure that staff are appropriately skilled to plan, deliver and report on Action Plans.

### Setting indicators and targets

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

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

Women's full participation in community and public life and representation as decision makers and leaders is essential to the advancement of human rights and achievement of gender equality.

In Australia, gender inequality is evident in the disparity between women and men in senior leadership positions at all levels of government and the private sector. Increasing the visibility of women in leadership at all levels of government, the corporate sector and non-government organisations is critical. There is significant evidence that diversity on Boards leads to improved decision making and financial performance.

Public sector targets should be based on rigorous analysis of baseline data, be realistic and achievable in the context of an organisation's journey, measurable, and driven at the CEO level. There should not be a one-size fits all approach but tailored to the organisation's context. The reporting process however, needs to ensure that there are consequences in place if organisations can not demonstrate the steps that they are taking to reach the desired targets.

In Victoria, only 37 percent of elected Councillors are female. While the Council elections held in November 2012 resulted in all 79 councils having at least one female councillor for the first time, ten Councils still have only a single female Councillor. There continues to be work to do to ensure that more women stand for Councils. Research has shown in the past that women are just as likely to be elected as men, the problem has been that fewer women stand. Currently 40 percent of Mayors in metropolitan Melbourne are women.

While Councils undertake many activities to develop leadership potential of women in their communities, there continues to be a need for state-wide promotional activities to be undertaken through partnerships with the Victorian Government such as the 'Go Women for Local Government' initiative coordinated by the Victorian Local Governance Association. The experience in the lead-up to the 2012 Local Government elections highlighted that a small investment from the Victorian Government enabled many multiplier effects.

Another positive example is the Women's Charter project as part of the Year of Women in Local Government in 2010, which led to 65 councils endorsing or re-endorsing the Victorian Local Government Women's Charter. Promotional activities undertaken through this project spotlighted the issue of women needing to stand for election to Council and be involved in leadership roles in their communities, and is likely to have contributed to the increase in the proportion of women Councillors that occurred in 2012, with a rise from 29 percent to 34 percent.

Women are still under-represented in government, business, civil society, and key positions of influence. Immigrant and refugee women, just one specific group affected by multiple forms of disadvantage and discrimination, face additional barriers in achieving both formal and informal leadership positions.

It is important to ensure that an intersectional approach is applied to the Gender Equality Legislation and specifically in relation to leadership targets. An intersectional approach recognises that various groups in society are affected by systemic social, political, and economic disadvantage and discrimination that interact with gender inequality. All women experience gender inequality in this intersectional way. For example, immigrant and refugee women who must negotiate life in a new country, may also face a range of other factors that prevent their active and equitable participation in social, civic and economic life.

To ensure women's full participation, strategies such as mentoring or leadership programs must be tailored and made meaningful for specific groups of women. The programs should be led by the women themselves and be based on feminist principles of empowerment and self-advocacy. The State Government should also form partnerships with organisations who work directly with women from diverse backgrounds and who have expertise in intersectional approaches to inform the development and implementation of the Gender Equality Legislation.

Where broader diversity and inclusion strategies already exist for organisations, the Gender Equality Action Plans should be integrated and not be considered in isolation of each other. Integration will foster a stronger, intersectional approach applied by organisations in the delivery of their legislative requirements.

### Reporting against key indicators and targets

#### **Q9: What frequency or volume of reporting would strike a balance between transparency and accountability, whilst minimising regulatory burden?**

Reporting provides a framework for accountability and transparency. Furthermore, the evaluation required to collect report data enables an organisation to identify gender equality barriers and opportunities and provides a framework to reflect on performance.

Monash City Council supports the recommendation in the proposed Gender Equality Bill that public sector organisations will be required to report on progress towards achieving targets and against key indicators of workplace gender equality, as well as progress on the implementation of Gender Equality Action Plans. Reporting should correspond with the current reporting to the Workplace Gender Equality Agency (WGEA), therefore bringing the Victorian public sector into line with the requirements for private sector businesses, with over 100 employees to report under the Federal Government's Workplace Gender Equality Act 2012.

Where possible, organisations should be able to integrate Gender Equality Action Plan reporting within other existing planning and reporting processes, to minimise the administrative burden for organisations. Local councils are already required to report to the State Government in a number of ways and so they should seek to integrate gender equality planning within one of these existing mechanisms. It may be feasible to include reporting requirements through the Local Government Reporting Framework, and/or within the existing Municipal Health and Wellbeing Plan reporting requirements.

Given that that systemic and cultural changes are required to improve gender equality, this requires a long term approach. The reporting structure for the Gender Equality Action Plans should reflect this by requiring a multi-year plan (e.g. four years) with less detailed annual progress reporting requirements. This timing of reporting will encourage Actions Plans to be more aspirational, allowing a focus on implementing longitudinal change, evaluated over time.

### Gender-ethical procurement guidelines

**Q10: How can the Victorian Government leverage procurement and funding practices to promote gender equality in the wider community?**

Monash Council supports the notion that procurement policies and practices are a powerful way to leverage change and to better align suppliers and funding recipients with the Government's commitments to ethical decision-making and social change.

Embedding gender equality within procurement policies and funding practices should be treated using the same approach that has been taken for the inclusion of environmental sustainability considerations, as well as occupational health and safety and risk management.

In practice, best value is often interpreted in monetary terms. The public sector however must carry out a cost-benefit analysis which should consider the best interest of the community when determining value. There is currently no legislative requirement under the Local Government Act or any other Act that either prevents or mandates the application of the Social Procurement Framework.

### Monitoring and compliance

**Q11: Do you think that the proposal for monitoring and compliance of the Bill is fair and balanced?**

It is reasonable for the State Government to monitor the compliance of organisations mandated by the Gender Equality legislation and given that the Office for Women sits within the Department of Health & Human it is also reasonable that DHHS is tasked with the role of managing compliance.

It is essential that the monitoring and compliance reporting focuses on the measurement and impact/outcomes rather than inputs. In line with this approach, and similar to the Municipal Health & Wellbeing Plan reporting process, the Gender Equality Action Plan reporting requirements could place the onus on organisations to describe what they have done, including evaluation of Action Plan impact on increasing gender equality. It will be essential that staff are assessing compliance are appropriately skilled and hold the relevant expertise.

As outlined in the discussion paper publicly naming non-compliance organisations may not be the most appropriate consequence for public sector organisations, as it is for the private sector who are more motivated by reputation in the commercial market. Publishing the names of non-compliant organisations in Parliament may have reach across the sector, but it will largely remain unknown to the broader community, creating limited consequence for the organisations themselves.

A more appropriate method may be to incentivise organisations to comply with legislative requirements by prioritising government funding to only those organisations who demonstrate compliance. The State Government could acknowledge and reward organisations for outstanding gender equality reform (i.e. demonstrating best practice or innovative strategies) through the allocation of funds. This approach has the opportunity to reinforce the value that the State Government places on gender equality and encourage voluntary reform driven by best-practice competition.

#### Ministerial Council on Women's Equality

**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?**

The Ministerial Council has an opportunity to not only to act as an advisory committee for the Minister for Women, but to also act as role models and change agents.

The Ministerial Council members should include a diverse mix of industry experts, influential decision-makers and recognised community leaders at all levels within government. The Ministerial Council should be able to provide expert insights to the existing barriers to gender equality reform. If the Council comprises of representatives linked to a range of policy areas (perhaps aligned with Ministerial portfolios of priority e.g. Health & Human Services, Sport & Recreation, Finance etc.) there could be more intrinsic links with the Council's members' own networks and experiences.

The Ministerial Council should offer members remuneration for their contribution to the Council. The role should reflect best-practice flexible work strategies to encourage women (particularly those experiencing intersectional disadvantage, and those who might not usually be attracted or supported to take on such a role) to contribute in an equitable and meaningful way. The Council meetings could be held in varied locations across Victoria (both

metropolitan and regional, easily accessible by public transport) to enable the contributions of rurally-based members. The use of technology and alternative meeting formats will further facilitate this.

It is important that the Ministerial Council is given tangible opportunities to make a practical contribution towards gender equality reform and culture change, and is not simply a tokenistic gesture.

#### **Proposed roll out of the Gender Equality Bill**

**Q13: Do you think this timeline is appropriate for the proposed roll out?**

**Q14: What preparations are needed to ensure readiness of impacted organisations before legislation takes effect?**

**Q15: What should be done to encourage or incentivise broader sectors or organisations to voluntarily comply with the principles, even if they are not obliged to do so?**

The City of Monash supports the proposed timeline of Gender Equality Bill implementation through a phased approach, with each phase increasing the number of organisations required to comply with the Bill. By commencing with the Victorian Government departments, it will ensure any improvements are made or learnings shared prior to the second phase of implementation.

The preparations needed to ensure readiness of impacted organisations are:

- Communication to organisations in multiple ways, e.g. Forum, CEO email, etc.
- Collect baseline data to map the organisation's current position
- Interview with organisation to understand what support they will need