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Laying the Foundation for Gender Equality in the Public Sector in Victoria

Final Project Report

February 2022

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1. Executive Summary

## Overview of the Project

The *Gender Equality Act 2020* (Vic) represents a radical step change in equality law, imposing a positive duty to consider and promote gender equality on defined entities in Victoria. While positive duties are widely regarded as an essential tool for advancing equality in practice, they have not often featured in the Australian legal framework. The Act is also innovative in that it:

1. demands *progress* towards gender equality;
2. represents the first formal integration of *intersectionality* into Australian equality law;
3. includes *consultation* as an essential feature of its procedural requirements;
4. makes provision for gender targets or *quotas*;
5. creates a suite of *enforcement powers* for the Commission, closely reflecting a reflexive law model; and
6. makes progress towards gender equality *transparent.*

This research project aimed to critically map and evaluate the past, present and future conditions that led to the passage of the Act and how this has contributed to the success of the *Gender Equality Act 2020* (Vic). Through desktop data collation and analysis, scholarly literature reviews and primary data sourced from 44 qualitative interviews with gender practitioners, consultants and public sector employees, the research team has gathered data to examine:

1. how the Act evolved, and the social, economic and political conditions that encouraged its adoption;
2. how the Act is being implemented, examining the work of the Commission and of defined entities; and
3. how the Act’s future success can best be secured, drawing on the experiences of other jurisdictions nationally and internationally.

This future-facing work has helped to identify risks and opportunities for the Act’s ongoing development and implementation, building on our understanding of the Act’s past and present, to offer suggestions to secure the Act’s future success.

## Summary of Key Findings

***Section 3: Reflecting on the Past*** provides evidence-based answers to the question: *what political, social and economic conditions, parties and stakeholders led to* *the Act’s development?* In particular, the findings provide insights into the contextual factors (including the Rosie Batty incident, the Royal Commission into Family Violence and the Victorian Government's Safe and Strong Strategy); highly influential individuals and organisations (including Minister Fiona Richardson and her staff, trade unions, the women’s health sector, the women’s NGO sector and academic subject matter experts) and compromises that were made during the development of the Act (namely limited scope beyond the public sector, limited procurement measures and a lack of awareness around gender responsive budgeting).

***Section 4: Understanding the Present*** provides evidence-based answers to the questions: *what measures have been taken to implement the Act, by a) the Commission and b) defined entities? What are the risks and opportunities for the Act’s implementation?* In particular, the findings provide insights and recommendations to address the following:

* Overall effectiveness of the Act
* Challenges posed by limited resourcing
* COVID disruptions
* Feminisation and insecurity of work
* High levels of stress and burnout
* Inadequate leadership
* Fears of a ‘tick box’ exercise
* Challenges with embedding intersectionality and appropriate data collection
* Managing resistance to change
* Feedback on the Commission’s support and resources

***Section 5: The Future of the Act*** considers comparative experiences of other jurisdictions to provide additional recommendations with respect to achieving substantive change; the powers of the Commission; and addressing misunderstanding and confusion.

## Recommendations

This report makes the following recommendations:

* that the Victorian Government continue to review the Act to extend its reach to the private sector, including through contracting and procurement, and gender responsive budgeting.
* that defined entities be reminded of the need for the ongoing review and continuous implementation of the Act, and that this should be accompanied by appropriate resourcing.
* that the Victorian Government introduce targeted funding to support defined entities with implementation of the Act.
* that the Commission work with defined entities to support them to plan and adequately allocate resources to implement the Act.
* that the Victorian Government provide defined entities with recurrent funding to engage those implementing the Act in secure employment.
* that the Commission work with entities to address the short-term nature of workforce planning and recruitment in this sector to address the detrimental issues associated with insecure and short term, contractual employment.
* that defined entities be required to nominate a senior leader with responsibility for the implementation of the Act, including its adequate resourcing.
* that the Victorian Government investigate the adoption of public sector wide data systems that will enable the collection of intersectional workforce data.
* that the Commission work with defined entities to create targeted strategies to engage a more diverse workforce to undertake the implementation of the Act.
* that the Commission be given additional funding to better support defined entities in their implementation of the Act.
* that the Commission focus their support in future rounds on 1) timely responses to queries and questions; 2) sector-specific templates and case studies; 3) more detailed supporting documentation, drawing on good practice in previous rounds.
* that the Commission and Victorian Government work with their interstate counterparts to support the gathering and aggregation of comparable data on progress towards gender equality.
* that future research continue to monitor the implementation of the Act, focusing particularly on the degree to which it supports substantive organisational change and meaningful consultation.
* that the Commission consider reframing the language used in guidance documents and outreach to emphasise that the Act’s implementation is a process of ongoing mutual learning.

1. Introduction

## Background to the *Gender Equality Act* (2020) (Vic)

The Victorian *Gender Equality Act (2020)* (the Act) came into force on 31 March 2021. The Act’s overarching objective is to redress the economic and power disparity between men and women in the Victorian public sector and, in turn, to effect sustainable systemic and structural change in gender equality in the broader community.[[1]](#footnote-1)

The existing legislative framework for gender equality in Australia has been largely aimed at preventing gender-based discrimination and upholding the notion of formal equality. The *Gender Equality Act 2020* (Vic) goes beyond this by imposing positive duties on Victorian public sector organisations, universities and local councils (‘defined entities’) to secure lasting progress towards substantive equality and equality of outcomesfor men and womenin the workplace.[[2]](#footnote-2)

The Act holds defined entities publicly accountable for implementing processes and policies designed to achieve gender equality.[[3]](#footnote-3) The objects of the Act are:

* to promote, encourage and facilitate the achievement of gender equality and improvement in the status of women;
* to support the identification and elimination of systemic causes of gender inequality in policies, programs and delivery of services in workplaces and communities;
* to recognise that gender inequality may be compounded by other forms of disadvantage or discrimination that a person may experience on the basis of Aboriginality, age, disability, ethnicity, gender identity, race, religion, sexual orientation and other attributes;
* to redress disadvantage, address stigma, stereotyping, prejudice and violence, and accommodate persons of different genders by way of structural change;
* to enhance economic and social participation by persons of different genders; and
* to further promote the right to equality set out in the Victorian Charter of Human Rights and Responsibilities and the Convention on the Elimination of All Forms of Discrimination against Women.

A fundamental rationale of the Act is that workplace gender equality is a precondition for the prevention of gender-based violence.[[4]](#footnote-4) It recognises that achieving economic equality at work is integral to creating a broader cultural, attitudinal and behavioural shift towards greater respect for women.[[5]](#footnote-5) The Act is thus intended to carry influence across the community more broadly and to align gender equality with the government’s wider family violence reform agenda.[[6]](#footnote-6)

The Act also has an explicit focus on the amelioration of intersectional gender inequality and disadvantage.[[7]](#footnote-7) This is consistent with the approach of the Victorian Gender Equality Strategy.[[8]](#footnote-8) Organisational and community stakeholders have described the Act as a ‘once in a generation reform opportunity to influence policy shifts, social norms, cultural expectations and attitudes across Victoria as well as set the standard on gender equality legislation for other jurisdictions in Australia and internationally’.[[9]](#footnote-9)

## A Note on Reflexive Law Models

Reflexive law seeks to move beyond ‘command and control’ regulation, by instead working within the logic of different social systems and acting as an external stimulus to induce self-regulation on the part of social actors.[[10]](#footnote-10) In seeking to tailor regulatory mechanisms to particular contexts, reflexive law avoids ‘the unintended and undesirable side-effects associated with substantive law’.[[11]](#footnote-11)

Hepple suggests that effective reflexive regulation in equality law requires a triangle of three ‘interlocking mechanisms.’[[12]](#footnote-12) The first is internal scrutiny by the organisation itself to ensure effective self-regulation.[[13]](#footnote-13) The Act implements this through requiring defined entities to undertake workplace gender audits, develop and implement Gender Equality Action Plans and undertake gender impact assessments.

The second mechanism is the involvement of interest groups who must be ‘informed, consulted and engaged in the process of change’. In this way, the Act requires defined entities to consult when preparing Gender Equality Action Plans[[14]](#footnote-14) and to notify relevant stakeholders of their publication.[[15]](#footnote-15) By way of contrast, such consultation or engagement has been omitted from the UK Public Sector Equality Duty (PSED) (at least in England).[[16]](#footnote-16)

Third, fundamental to an effective model of reflexive law is ‘an enforcement agency … which should provide the back-up role of assistance, building capabilities and ultimately sanction where voluntary methods fail’.[[17]](#footnote-17) The Act provides for the centralised monitoring and aggregation of reports and plans and the enforcement of obligations via the Public Sector Gender Equality Commissioner.[[18]](#footnote-18) The suite of enforcement powers conferred on the Commissioner are akin to powers given to regulatory agencies and thus this reflects an innovative regulatory approach in the context of equality law.

The above three interlocking mechanisms create a ‘triangular relationship among those regulated’, ‘others whose interests are affected’ and ‘the enforcement agency as the guardian of the public interest’.[[19]](#footnote-19)

## Background to the Research Project

The *Gender Equality Act 2020* (Vic) represents a radical step change in equality law, imposing *a positive* duty to consider and promote gender equality on defined entities in Victoria. While positive duties are widely regarded as an essential tool for advancing equality in practice, they have not often featured in the Australian legal framework. The Act is also innovative in that it:

1. demands *progress* towards gender equality;
2. represents the first formal integration of *intersectionality* into Australian equality law;
3. includes *consultation* as an essential feature of its procedural requirements;
4. makes provision for gender targets or *quotas*;
5. creates a suite of *enforcement powers* for the Commission, closely reflecting a reflexive law model; and
6. makes progress towards gender equality *transparent*.

This research project aimed to critically map and evaluate the past, present and future conditions that led to the passage of the Act and how this has contributed to the success of the *Gender Equality Act 2020* (Vic). Through desktop data collation and analysis, scholarly literature reviews and primary data sourced from 44 qualitative interviews with gender practitioners, consultants and public sector employees, the research team has gathered data to examine:

1. how the Act evolved, and the social, economic and political conditions that encouraged its adoption;
2. how the Act is being implemented, examining the work of the Commission and of defined entities; and
3. how the Act’s future success can best be secured, drawing on the experiences of other jurisdictions nationally and internationally.

This future-facing work has helped to identify risks and opportunities for the Act’s ongoing development and implementation, building on our understanding of the Act’s past and present, to offer suggestions to secure the Act’s future success.

## Method for Data Collection

Qualitative data for this research was collected through 44 interviews with 46 respondents from metropolitan, regional and rural councils; state government departments; unions; TAFEs; universities; hospitals and health care providers; women’s health sector; women’s NGOs; sporting organisations; ministerial staff and gender-based consultants. The first round of respondents were contacted using lists provided by the Commission for Gender Equality in the Public Sector that represented key stakeholder groups and previously engaged entities and supporting organisations. Building on this initial list, additional respondents were then contacted and engaged using snowballing techniques and targeted desktop research to find a broader sample of participants from across a range of different entities and experiences.

Interview respondents were assigned a randomised number in order to preserve their anonymity throughout the process; these numbers will be used in referencing throughout this report. Interviews were conducted online using Zoom due to the COVID-19 pandemic, which made in-person engagement problematic, and lasted between 30 minutes and 75 minutes, with the average being 45–60 minutes. Data was transcribed using Otter.ai, then checked manually. Data was thematically coded using the software platform Dedoose.

Quantitative data for this research was collected through a process of desktop analysis and data collation from a range of publicly available sources including government, public sector, industry and academic reports and websites. This data was then cross checked by multiple members of the research team for accuracy before being included in the project’s interactive dashboard.

## Structure of the Report

This report retains *the past, present and future* structural format set out in the original project proposal, and covers the following topics, issues and recommendations:

### The Past

* Key findings on contextual factors, influencers and compromises in developing the Act, from the qualitative interviews; and
* Case Study Snapshot 1: Women Migrant Workers

### The Present

* Key findings and recommendations gleaned from implementation experiences and challenges shared during the qualitative interviews with gender practitioners, consultants and public sector employees;
* Case Study Snapshot 2: Creating a Gender Champion’s Network; and
* Summary of the cross-jurisdictional gender equality measures dataset compiled to create an online interactive dashboard.

### The Future

* Literature review of key learnings from other international jurisdictions;
* Key findings from the project’s systematic review of submissions to the review of the UK PSED; and
* Recommendations based on the key findings of the literature review, submission review, interviews and data analysis to assist the Commission with ensuring the future success of the Act and its implementation.

1. Research Findings: Reflecting on the Past

This section asks: *what political, social and economic conditions, parties and stakeholders, led to* *the Act’s development?* This will be reviewed through detailed analysis of primary data from the research interviews and a particular focus on contextual factors, influential individuals and organisations, and compromises that were made during the origins and development of the Act.

## Contextual Factors

During the interview, respondents were asked to provide insights on what they believed to be the general conditions that led to the development of the *Gender Equality Act 2020* (Vic). Numerous respondents noted that the initial groundswell of interest in creating a Gender Equality Act was influenced by the Rosie Batty family violence incident in 2015 and the public sentiment around that time. This incident served as a catalyst for the Royal Commission into Family Violence in 2016. The findings from the Royal Commission were also noted by many as a precursor to the development of the Government’s Safe and Strong Gender Equality Strategy, which in turn laid the foundations for the Gender Equality Bill. One respondent maintained that

‘the Royal Commission into family violence forms the basis of all of this stuff, because it clearly articulated ... I mean, it explicitly said, violence against women is related to cultures of inequality.’[[20]](#footnote-20)

The development and introduction of this legislation later became a leading election promise as part of the 2018 Labour Government platform for re-election. Interviewees noted that its inclusion as an election promise indicated that there was political will to drive the legislation through from within cabinet and all the way through to the Premier, with one respondent stating ‘it was definitely driven by the executive government coming in with [an] election promise that they were going to tackle family violence.’[[21]](#footnote-21) However, it was also noted that this kind of promise alone does not always result in the successful adoption of legislation and that there were clearly other driving forces in addition to this.

## Influencers

Interviewees were also asked to provide insights into individuals and organisations that they felt had been particularly influential with respect to the development and introduction of the Act. Multiple respondents stressed that the Act’s creation was driven by Minister Fiona Richardson and her staff. These interviewees emphasised how important Minister Richardson was to the process and stated that she was prepared to put herself out there very strongly in favour of the Bill and its development. Some respondents acknowledged that this didn’t always make her (or her senior staff) popular within the ranks of government, but it was seen as very effective in the long run, being ultimately reflected in the large amount of public investment that the Bill was able to secure. One respondent shared the following;

‘I'm always like, you know, being nice and getting people on the same page. And I've always thought that's the way to do business. And that was not the way Fiona Richardson did business. And it was not the way her chief of staff did business. They were both very, very strong minded, fiery, pretty wild individuals actually ... And they got us the best investment we've ever had. And it's caused me to reflect because by playing nice, we've never had that sort of investment before, and they didn't play nice. And they got this massive amount of money.[[22]](#footnote-22)

Interviewees similarly acknowledged the work of the Ministers for Women (and their staff) that came after Minister Richardson’s tenure, including Ministers Natalie Hutchins and Gabrielle Williams.

The work of the organisation Our Watch in developing the *Change the Story* framework was also seen as being highly influential in the development of the Act, particularly with respect to reinforcing the need for meaningful structural change to advance gender equality and to address family violence more broadly.

The presence of a strong gender and women’s NGO sector within Victoria was seen as important in laying decades of groundwork in this space. This includes the longstanding presence of women’s organisations in the state since at least the 1980s (such as the Victorian Women’s Trust and the International Women’s Development Agency — both established in 1985) was seen as important in laying decades of groundwork in this space. One respondent emphasised that we should

‘not underestimate the fact that Melbourne is … the only town in Australia that has formed two feminist organisations in the one year in 1985, which was the Victorian Women's Trust and the International Women's Development Agency. So there's been a presence for women and a platform for women that never existed in Victoria, in the way before that.’[[23]](#footnote-23)

The same respondent suggested that this has resulted in a very strong and progressive Victorian women’s sector compared to other state jurisdictions.[[24]](#footnote-24)

The Victorian trade unions, in particular the Victorian Trades Hall Council, Australian Services Union and the Community and Public Sector Union, were also seen as being heavily influential in lobbying for changes in the Bill from the first exposure draft through to the final product. There was some controversy about these unions not having been invited to participate in the first round of consultations, and that they largely had to ‘invite themselves to the table’. But it was also argued that this process ultimately resulted in a much more progressive Act than was originally on the table, including greater consideration of intersectionality and the creation of an independent Commission to oversee the implementation and enforcement of the Bill. According to one respondent,

‘you need monitoring and compliance… and it has to be independent. It can't be that a government department has monitoring and compliance over other government departments, so we argued for an independent Commissioner, we were very strong in saying we need an independent body that can, if need be, call the secretary of a department in and say, it's just not good enough, etc.’[[25]](#footnote-25)

Respondents across a range of different entities noted that the Women’s Health Sector was crucial in shaping and lobbying for the Bill. Organisations such as Women’s Health Vic, Women’s Health in the North, Women’s Health in the Southeast and Women’s Health Loddon Mallee (among others) were intimately involved in the consultation phase of the Act’s development and continue to play an influential role as consultants and expert bodies that many defined entities have relied on throughout the implementation phase.

Finally, it was noted that specialised input from academics and subject matter experts during the consultation and submission process heavily influenced many of the policy aspects of the legislation and contributed to the level of detail contained within the final legislation. One respondent who was involved in the development of the Bill noted ‘the most important thing in my mind was like consultation with the sector, getting submissions, written submissions from organisations, and academics,’[[26]](#footnote-26) and also went on to say that ‘that from a policy perspective, the submissions that we got from academic experts was probably the most practically influential.’[[27]](#footnote-27)

## Compromises

One of the key compromises in the legislation that was repeatedly mentioned during the interviews was that it does not cover entities and organisations outside of the public sector. One respondent noted that

‘when it comes to who's included in defined entities, it's only 11% of the Victorian population. So perhaps being able to expand it to some sort of Workplace Gender Equality Agency type expansion might be useful in the future,’[[28]](#footnote-28)

while another emphasised that

‘Iceland, who is number one on the World Economic Forum Gender Gap Index, has got private and public sector entities covered.’[[29]](#footnote-29)

There was recognition by the interviewees that the legislation needed to start somewhere, and that it was easier for the government to legislate for the public sector as a first step, but the fact that the Act already doesn’t cover contractors and volunteers meant there was concern about the real effectiveness and impact of the legislation on its intended goals.[[30]](#footnote-30)

Some interviewees suggested that these issues could have been largely addressed if the Act had built in stronger procurement measures. One respondent commented

‘I was surprised that procurement wasn't more deliberately called out because it was in a lot of discussions ... that I was aware of at the time. And particularly because, you know, it's targeting public entities for whom procurement is a big part of their expenditure.’[[31]](#footnote-31)

The Victorian Government is the biggest procurer of goods and services in the state, and it was argued by many that strong gender equality targets and/or requirements linked to procurement could have had a strong impact on the ability of the Act to influence change beyond the public sector.[[32]](#footnote-32) Almost all respondents also expressed a desire to see more emphasis on and inclusion of gender responsive budgeting in the legislative requirements to address issues with resourcing and general project funding.

**Recommendation:** That the Victorian Government continue to review the Act to extend its reach to the private sector, including through contracting and procurement, and gender responsive budgeting.

Case Study Snapshot 1: Gender Equality Act and Women Migrant Workers

Excluding the private sector and contractors from the Act has resulted in some concern about the relevance and impact of the legislation for migrant women workers. One respondent shared some insights on this matter that have implications for both the attainment of gender equality more broadly and the effective integration of intersectionality within this work. Their words have been reproduced in full to maintain the essence and voice of the message they were trying to communicate:

* ‘One of the limitations of the Act, I think, is the extent to which it's relevant to the workplaces that migrant and refugee women work in. You know, when you look at the industry data of where migrant women are employed in Victoria, it's not a huge percentage of women who are covered by the Act. Looking at, for example ... public administration is about 3,500 women born overseas, [whereas] working in that industry in hospitals, there's about 11,500 and in tertiary education about 5,000. In so total about 20,000. I might have missed an industry there. But … the total number of migrant women workers in Victoria is about 155,000. So how many are covered? Those that are in those industries are largely contracted, so the cleaners, for example, are not covered by the Act. So that's really disappointing. These groups of women who are probably the ones who would benefit the most, from the Gender Equality Act ... are those who are actually excluded at the moment. So that aspect of it, I think, is disappointing in terms of the benefits of migrant refugee women.’[[33]](#footnote-33)

The same respondent also reiterated that

* ‘the State Government should probably be conscious of this that there's a bit of a two tier system happening here, of women who are going to benefit from the Act, and women workers who have not and who might in fact (because all the focus is going to be over there) [be missing out even more]. It's kind of like … two different playing fields so you've got this game being played over on one field where … the aim is really to make the rules really equitable so that everybody who's playing that game can play safely and well and … come out of out the other end of the game, you know, with their good health and wellbeing and lots of money, and then you've got a whole other playing field over here, you know, there's no rules, or the rules aren't as robust ... So you've got women being paid all kinds of things and … and this playing field, can't get a go … there's no relationship between the two. I guess if things get better on the good playing field, then maybe some of the people who are on the bad playing field can just go over and play there. Because there's more equity there. So, they might, you know, employ more migrant workers or they, you know, more women with disabilities or whatever, more women could benefit. But on this other playing field … you've still got a big dog's breakfast. And it's not impacted at all, because there's no requirement for it to be any better. And so I think what State Government needs to be aware of is those two playing fields, that things might be getting better on that field, but they need to put some non-Gender Equality Act focus on the other playing field to make sure that things are still getting better for them, because it's not like it's not going to trickle down, they're two different fields.’[[34]](#footnote-34)

Taking note of these intersectional challenges and seeking ways to address and redress them in future iterations of the Act and its implementation measures will be crucial to expanding the effectiveness and impact of the Act for all Victorian communities.

1. Understanding the Present

This section uses data from the qualitative interviews and quantitative data analysis to ask: *what measures have been taken to implement the Act, by a) the Commission and b) defined entities? What are the risks and opportunities for the Act’s implementation?*

The interviews sought to better understand the current activities and levels of progress towards implementation that had been achieved by defined entities in the six months between the introduction of the Act and the completion of data collection. This included seeking feedback on current levels of progress, success stories, risks, opportunities and challenges.

## Effectiveness of the Act

Overall, the majority of interviewees believed the Gender Equality Act to be ahighly effective way of improving gender equality in Victoria, while still acknowledging that it was not enough to really shift the dial on its own. Many respondents believed it to be ‘only one part of the toolkit’ and therefore reiterated the need for the Act to form part of a broader framework of structural and cultural change. One respondent shared

‘I actually do believe in symbolism … and I think that it's a good symbol of what we want to achieve as Victorians’[[35]](#footnote-35)

while another maintained

‘I think this is the right tool, but whether or not it's the answer ... only time will tell.’[[36]](#footnote-36)

Similarly, another respondent stated

‘I do think it was the best way. Why? Because change, I think this sort of change ... for some people will only happen when it's legislatively imposed. So you know, the compliance piece is a great motivator.’[[37]](#footnote-37)

Furthermore, many respondents felt that the Act provided legitimacy to the work that they were already doing, and goals they were trying to achieve, and believed that having it was an effective symbol to others of the importance of this work.

In the words of another respondent;

‘I think legislation is always one mechanism. As there's got to be a collective sort of effort across, you know, the systems changes that come with forced action through legislation are effective. So regulatory approaches can be effective, but without the accompanying programmatic efforts, they're not going to be effective. So you need that programmatic effort to change the conversation, the cultural piece, and the comfort level in terms of stereotypes and all of that ... Legislation is another piece of the puzzle to compel action, whilst that cultural piece is picking up speed. So it's just one piece of the arsenal and it's not sort of a panacea, which a lot of people see it as.’[[38]](#footnote-38)

Ultimately, the interviewees were largely supportive of the policy as an effective next step.

## Resourcing

Resourcing was the number one issue that came up in each interview, with the most frequent comments being about a lack of adequate human resources to do the work within defined entities, and a lack of financial resources to hire consultants from the panel (or elsewhere) to provide support and/or expert assistance.

One respondent identified meeting the Act’s requirements in the allocated timeframe to be a major issue, suggesting that

‘because there's no resourcing, our network are getting more and more stressed.’[[39]](#footnote-39)

There was also real concern that the resources that had been allocated to implement the Gender Equality Act were short term and based on an expectation that once the rush of the first phase of implementation was done ongoing resourcing or FTE would not be needed.

One respondent stated

‘to put it bluntly, in previous times, I have had a team of diversity and inclusion practitioners between two and five FTE. I'm currently alone.’[[40]](#footnote-40)

This was further evidenced by the number of implementation staff in insecure work and/or on short term contracts, which was causing additional stress and anxiety amongst some participants.

One respondent shared a concern that

‘I've got a 12-month contract and my contract's up in like, end of March start of April … and that's going to be the issue because, like, there is no commitment and even though we're supposed to include this in the GEAP around resourcing, there is no commitment to how this will be implemented. There's no commitment to like resourcing a project worker or resourcing a, you know, program lead or like there's nothing, that's probably going to be a challenge, to be really honest.’[[41]](#footnote-41)

A number of entities underestimated the amount of work involved in implementing the Act and some had left it to the last minute, resulting in panic and a rushed approach to the work.

One respondent noted that in implementing

‘the Gender Equality Act, there were a lot of temporary positions made. That's a concern in terms of women being in casual and more unstable work.’[[42]](#footnote-42)

Other respondents shared similar sentiments

‘I am concerned about the sustainability of the work because I'm not sure what will happen with my contracts in 2022,’[[43]](#footnote-43) and ‘so, while I'm leaving this organisation [due to burnout and stress], it's only for a 12 month gig to do this work at another organisation.’[[44]](#footnote-44)

Ultimately, resourcing for the implementation of the Act in the short and long terms were identified as major problems and potential barriers to the success of the Gender Equality Act.

**Recommendation:** that defined entities be reminded of the need for the ongoing review and continuous implementation of the Act, and that this should be accompanied by appropriate resourcing.

**Recommendation:** that the Victorian Government introduce targeted funding to support defined entities with implementation of the Act.

**Recommendation:** that the Commission work with defined entities to support them to plan and adequately allocate resources to implement the Act.

## COVID Disruptions

COVID disrupted the Act’s implementation in a number of ways,including the diversion of staff to other issues, limited opportunity for proper consultation and an overarching sense of overwhelm and lack of energy for something ‘else/new’ within organisations.

Given the noted feminisation of the Victorian Public Sector (68% of VPS employees in 2021 identified as women)[[45]](#footnote-45) the vast majority of individuals doing this implementation work, or the people that they relied on for support and information, were women who were impacted by lockdowns in general and by home-schooling and care-giving responsibilities in particular. This added significantly to the levels of anxiety and stress around implementation deadlines.

One respondent shared

‘I've had so many distressing calls about parents, mothers, particularly saying, well, so I get up at five and work till nine, or work till the kids wake up, then I get them organized for the day, organise their learning, do what they need to do, sit them in front of their computer from nine o'clock, then I can log in for another couple of hours, but not really, because I'm checking on them. And their day looks horrendous. And then, you know, they're feeling compromised at work, because they've really only put in four hours when they need to have done seven, you know, more, because there's this huge pressure workload on them as well.’[[46]](#footnote-46)

The pandemic placed unparalleled challenges on all workers, but especially those with caring responsibilities. This made organisational change during COVID-19 and the Act’s implementation particularly fraught.

## Feminisation and Insecurity of Work

Forty-four out of the forty-six interviewees for this research project were women (despite attempts to find and speak to more male respondents) and many spoke of the highly feminised (and insecure) nature of the workforce that has been tasked with the implementation of the Act.

One respondent noted that

‘one of the findings we are seeing is that there's quite a lot of stress and overburden and overwork within the gender sector around implementing this work. And a lot of women finding it actually, ironically, it's become quite a feminised kind of issue in and of itself, actually, the huge amount of work that's required to go about doing this work within organisations.’[[47]](#footnote-47)

Similarly, another noted that

‘one of the things the states, the country needs to do better is forecast labour and skills when it implements legislative reform ... [the Gender Sector] was a highly feminised environment to start with … but a lot of those roles are still contract.’[[48]](#footnote-48)

There was a sense that it is often junior women staffers that are doing the bulk of the work at a ground level, but who then must try and negotiate with or persuade more senior managers (often men) of the importance of the work, sometimes under hostile conditions.

One respondent noted that

‘the reality is that the implementation of this is actually being delegated largely to more junior people in a very big structure … in some organisations, they've got huge bureaucratic structures. And when we completed our training of the defined entities in GEAPs, 75% of them were women. So the work is being gender segregated when we're trying to address gender segregation … [ironically] the work of delivering gender equality is being gender segregated.’[[49]](#footnote-49)

This indicates the gender imbalance that still exists within the workforce that is (somewhat ironically) trying to improve gender equality within the public sector.

One respondent expressed concern that the Act’s implementation continues to be seen as

‘solving women's problems, you know and that's something the blokes don't have to think about. They go on to suggest that a lot of organisations are putting women in charge of the process. And it's seen as that's for women, where it's actually the places where I see it work better is when you have gender equity committees that have a cross section of genders.’[[50]](#footnote-50)

One respondent, who works as a consultant with a number of defined entities, shared the following story highlighting the damaging and stressful implications of this gender segregation. At one workshop

‘there were people in tears and deeply distressed by carrying the can for this process in their organisations. I spoke to a colleague yesterday and they [her colleagues] don't even talk to her, because they know she's going to open her mouth around the Gender Equality Act. And some of it's really damaging stuff … the amount of stress that it's put on people is counterproductive.’[[51]](#footnote-51)

Another noted that

‘it's a female dominated sector, so I think that pressure is falling to women … in particular … most of the gender equity people roles or community safety roles or health promotion roles, whoever's driving the work, they're not in powerful positions in the organisational hierarchy and local government is hierarchy.’[[52]](#footnote-52)

One respondent stressed that they would like to see more data being collected and shared about the gendered nature of the work

‘so we know whether this is creating additional burden on women, and also in their job roles.’[[53]](#footnote-53)

Respondents therefore identified the feminisation of the Act’s implementation as highly problematic.

**Recommendation:** that the Victorian Government provide defined entities with recurrent funding to engage those implementing the Act in secure employment.

**Recommendation:** that the Commission work with entities to address the short-term nature of workforce planning and recruitment in this sector to address the detrimental issues associated with insecure and short term, contractual employment.

## High Levels of Stress and Burnout

Many interviewees spoke of high levels of stress and burnout amongst themselves and their colleagues in the Gender Sector. It is possible that this has been exacerbated by the COVID-19 pandemic; however, there was a strong sense that the people (mostly women) who were being left to do this implementation work were doing so under very challenging conditions and without sufficient support from within their organisations.

Some interviewees became emotional when discussing this and one indicated they were leaving their role as a result, with others suggesting they were likely to consider doing so. Many respondents mentioned working significantly longer hours than normal, often into the night, to stay on top of the work, highlighting once again the lack of appropriate resources to get the work completed in time.

One respondent shared that for them

‘the amount of stress and wellbeing issues for a lot of people, and mostly women, mostly casual part time, probably poorly paid women. It is distressing for a lot of us that work with those people. And I think the Commissioner would be pretty horrified if she sat in on some of the meetings I have [and heard what I heard] … and that is really disappointing.’[[54]](#footnote-54)

One respondent claimed

‘there's a lot of burnout and stress within the sector at the moment. ... And, yeah, I'm definitely seeing those impacts on individuals’[[55]](#footnote-55)

while another stated that

‘this process is really drowning people and actually working against gender equality in the way that the legislation was intended.’[[56]](#footnote-56)

Yet another shared that at a workshop session in a rural and regional setting, there was extreme distress from participants, going on to say that

‘the stress of being responsible for the delivery in circumstances where they felt disempowered to make recommendations about resourcing was overwhelming.’ [[57]](#footnote-57)

One overwhelmed respondent shared

‘I can't tell you how many times I've just gone “I don't know if we're going to deliver … how's it possible, this is a significant piece of work. And is it going to be enough? You know, is it going to be what the Commission was hoping for? Is it going to be what our people are hoping for, our employees are hoping for, and potential employees are hoping for?” The weight of that world is certainly on my shoulders as an individual.’[[58]](#footnote-58)

Another similarly spoke of the impending sense of overwhelm throughout the sector

‘I think, overwhelmingly, though, the feedback at the moment is that they are overwhelmed. Even if they're really supportive of the Act itself, and of the obligations, and you know, what it's trying to achieve. Yeah, I think just being on the ground and having to implement that ... is really overwhelming for a lot of people.’[[59]](#footnote-59)

One respondent emphasised

‘the stress that [the Act is] causing and the anxiety and stuff like that for people, on top of everything else they're trying to manage, is just really challenging’ [[60]](#footnote-60)

while another admitted that

‘I think the whole thing is so much bigger than I could have ever even imagined ... I knew it was a big project, but really till I actually sat down and looked at it, I had no idea it was so massive.’[[61]](#footnote-61)

For yet another respondent

‘the audit data, that was probably where we saw the most burnout … I can think of a handful of kind of the data custodians who had a bit of a breakdown, and for some of them, it meant that they didn't have complete data, like, and they won't have complete data for this year's submission. Because the person just physically couldn't get it done anymore. Like it was too much.’[[62]](#footnote-62)

Across these interviews, respondents noted that the scope of the work transcended existing capacity, data was difficult to access and reporting cumbersome.

## Leadership

For some respondents, leadership from senior managers was strong and visible, but for others they felt alone and unsupported, or like senior leaders paid lip service to the Act but didn’t provide the resourcing or support to implement it properly. Others spoke of sufficient leadership from Senior Managers, but experienced challenges when it came to getting middle management on board, which they argued is really where the bulk of the work takes place.

One respondent stated that

‘the feminisation of the workforce, the burnout, the stress, the anxiety, the overwhelm, COVID certainly played a role in that, but it feels as though to many an extent, it's also been just the challenges with people reaching their decision makers, there's those on the ground who are doing the work, and then there are the decision makers in certain executive area, it's difficult to get that buy in.’[[63]](#footnote-63)

Another similarly noted that the ‘pressure is really falling to women and women in not very powerful positions within the organisation to make this work happen.’[[64]](#footnote-64)

Senior leaders in some entities are very concerned with the lack of clarity around how the information their entities provide to the Commission will be used and publicly shared. This has created a culture of anxiety and concern, as well as hesitancy to share accurate results within some entities.[[65]](#footnote-65)

These findings highlight the need to ensure that there is a dedicated and sufficiently senior leader in each entity who is both responsible for and dedicated to the successful implementation of the Act, and all the work that is required to achieve that.

**Recommendation:** that defined entities be required to nominate a senior leader with responsibility for the implementation of the Act, including its adequate resourcing.

Case Study Snapshot 2: Creating Gender Equality Champions.

One innovative way that the Golden Plains Shire Council[[66]](#footnote-66) has sought to address the challenges of capacity building and leadership for Gender Impact Assessments (GIA) in particular is through the development of a model to build organisational capacity by building the knowledge and capability of staff to become Gender Equality Champions. This process sought voluntary membership of one interested and influential staff member for each of the council’s 17 business units who was then actively trained in the gender equity principles, requirements of the new Gender Equality Act and the GIA process by the gender subject matter expert and in partnership with Women’s Health Grampians.

The Council developed a toolkit for understanding the GIA process, including which policies it should be applied to; a decision-making matrix; and a form that can be used to complete a GIA. The toolkit also included a GIA flow chart to assist in determining the proportional response to conducting a GIA and a data collection excel sheet template for GIA activity.

The Champion role included approved time release from the staff member’s substantive role to undertake duties and training. Staff could self-nominate to become a Champion as could managers from each business unit within Council. Self-nominations required a brief expression of interest to accompany the nomination. The EOI process ensured that staff were genuinely committed to being part of the change process and a member of an organisation business as usual model. Divisional administration staff also attended the GE training so that they would be able to assist the Champions (and other staff) with some of the administration tasks that may be required.

A total of 23 staff (15 women and 8 men) nominated and undertook the training; they represent 11 units across the organisation. These include Community Wellbeing, Community Places and Environment, Community and Recreation Development, the CEO unit, Development and Regulatory Services, Governance, Children’s Services, Finance, Digital Technology, Asset Services and People and Culture. The Champions have a diversity of ages and backgrounds as well as varied lengths of employment at the council.

The Champions first met as a group via Teams for an introductory session and this was followed by seven hours of training over three sessions delivered by Women’s Health Grampians and supported by Health, Wellbeing and Youth. Managers were invited to the first introduction session to get a clear understanding of the champion role and the process they were about to undertake. The training schedule for this program is outlined in the table below, including key concepts and topics covered.

|  |  |  |
| --- | --- | --- |
| **Session 1: Case for Change** | **Session 2: Gender Impact Assessments** | **Session 3: GIA Practical Session** |
| This was a two-hour interactive session that covered concepts of sex, gender, gendered norms and structures, the negative impacts on all genders when inequality exists and why gender equality matters. Participants were encouraged to write their own statement of why gender equality matters, and to identify the alignment of this work with the vision, mission and values of the Council and the intent of the Gender Equality Act. | This two-hour session covered the role of the GE champion, the GE Act and the principles and the GE obligations with a focus on Gender Impact Assessments. The focus was the importance of the critical thinking required to go from gender blind policy to gender aware policy. Participants had the opportunity to use the screening tool to view whether a policy or program was appropriate for a GIA. | This three-hour session looked at a neighbouring Council’s public toilet strategy policy and champions went through the Council’s GIA tool kit to undertake a GIA. The group was also engaged in discussion on how to manage the knowledge and reporting of GIA activity in readiness of the first progress report to the Commission. This session had a focus on intersectionality and the practical considerations for planning and implementing policies, programs or services that serve the Shire’s diverse community. |

According to internal research conducted by Golden Plains Shire Council, 87.5% of Champion Network members found the training sessions very helpful in understanding the nature of gender equality, the purpose of GIAs, using the GIA toolkit and inclusion beyond gender (intersectionality).

## ‘Tick Box’ Exercise

A large majority of interviewees expressed concern that implementation of the Act will be a ‘tick the box’ or ‘tick and flick’ exercise, where work will be done to meet the deadlines and develop the GEAPS etc, but then will just end up on the shelf until the next round of reports are due, and then people will scramble to show they have made progress.[[67]](#footnote-67)

Some suggested a more staged approach to implementation of the Act may have resulted in a more thorough engagement and implementation process, however there was some disagreement amongst participants as to whether the GIAs or the GEAPs and audits should have come first.

## Intersectionality

Respondents were asked to give a definition of what intersectionality means to them. While there were many similarities across responses, there were also vast differences between levels of understanding.

While all respondents were able to give a definition of intersectionality, many acknowledged that beyond their immediate work with the Gender Equality Act, the concept was not broadly known or understood within their organisations.

One respondent said:

‘I don't think many people have a really practical view of what it means. … I think it's an issue that people need to spend more time on. And people don't want to spend more time on it. Because a) they're embarrassed, they don't know about it, or b) they think they should, or they just do that additive thing. Oh, yeah, she's a black woman. So therefore, it's going to be different. But they don't really go, well … it's different in a very fundamental way.’[[68]](#footnote-68)

All respondents identified (to varying degrees) that their organisation’s systems and processes were either not able or not geared up to collect disaggregated intersectional data to support their gender workplace audit.

One respondent acknowledged that

‘I think common to the rest of the public sector, we're probably not great at collecting anything beyond gender’[[69]](#footnote-69)

Another from a metro council shared

‘we're not set up at all, we only have the two dimensions, we were able to do our workforce plan on gender, and very binary about it and age with it, too. So yeah, we don't capture any data around anything else. So that's something that we'll need to work on in time.’[[70]](#footnote-70)

Another respondent from a government department said

‘our systems are appalling. This is just like everybody else's I think, and they collect the usual things, the age, gender, Aboriginal Torres Strait Islander status, if people wanted to ... but limited, very limited. So yes, there's a lot of work to be done in that space.’[[71]](#footnote-71)

Some voiced concerns about privacy issues in collecting this data, and others shared that – despite a desire to make these changes – HR payroll systems and suppliers were currently not willing to make the necessary changes to allow this to occur.

One respondent shared that

‘we've asked questions to our Human Resource Management and there's resistance there as well … around just how we identify, you know, male, female. I think we've got indeterminate and unspecified as our options at the moment, which is just horrible ... that's not inclusive at all.’[[72]](#footnote-72)

**Recommendation:** that the Victorian Government investigate the adoption of public sector wide data systems that will enable the collection of intersectional workforce data.

**Recommendation:** that the Commission work with defined entities to create targeted strategies to engage a more diverse workforce to undertake the implementation of the Act.

## Managing Resistance to Change

Some respondents, particularly those in rural and regional communities, acknowledged that they faced significant resistance when trying to engage both internal and external stakeholders in the implementation of the Act. At least two entities sought to address this resistance by changing the language they used in their communications, to make it about equality in general, and less about women and gender. Specifically, they expressed a need to simplify or ‘tone-down’ the language that they used to get traction and support for the Act.

These respondents felt people in their communities were not sufficiently ready/aware/understanding of some of the more complex issues enshrined in the Act, such as intersectionality and LGBTQIA inclusion. Even the regular use of the term ‘gender equality’ was met with backlash, and respondents found it easier to work with the term *inclusion*, because it was deemed to be less threatening. One rurally based respondent shared

‘even the phrase gender equality is really difficult. So we've sort of gone down the path of talking about inclusion. And I don't want to take away from the integrity of the Act or the work. But I've started to have a lot more meaningful conversations around when we talk about inclusion with a spotlight on women, and gender diverse people.’[[73]](#footnote-73)

Another example of this risk management approach was in one entity’s renaming of Gender Impact Assessments as Community Impact Assessments, in a bid to be seen as more inclusive (and thus less gender focused). This entity renamed their Gender Equality Action Plan as a People Equality Action Plan. The goal here, stated the respondent, was ‘removing the gendered terminology, but keeping the intent.’[[74]](#footnote-74)

While finding ways to ensure effective engagement and tailoring the Act’s implementation to suit local environments is critical, there is a risk that this approach is seen as watering down the integrity of the Act and its overarching intentions with respect to gender equality. That said, this approach to language usage could be seen as more inclusive, and has the potential to engage more fully and holistically with intersectionality.

## Feedback on the Commission’s Support and Resources

Respondents noted that the support, resources and information sessions provided by the Commission had been highly valuable and appreciated, and critical to supporting the implementation of the Act. Many also recognised the demands placed on the Commission and expressed understanding for the pressure that the Commission was under with respect to workload and internal resourcing.

Respondents identified areas in which Commission support could be improved or better tailored to the needs of defined entities, which may help to target the Commission’s activities going forward. For example, some respondents expressed frustration with the delayed timing of the release of supporting documents. Late changes made to the audit template caused a lot of stress and frustration, with some respondents indicating that it came too late in the process as they had already completed that task to meet the previous data requirements. Similarly, while the extension to reporting deadlines from the Commission (in recognition of the disruption from COVID-19) was greatly appreciated by some, for others it was ‘too little, too late’ as they had already been pushing themselves and their teams extremely hard to meet the original deadlines.

Some respondents had found it difficult to get timely feedback and responses to questions from the Commission, which in turn hindered their implementation processes and progress. Respondents felt the Commission could provide more sector specific templates and case studies (to draw out, for example, the differences between how a small regional council would approach implementation, compared with a large public service department.) Respondents also requested more clarity and detail in the supporting documentation.

**Recommendation:** that the Commission be given additional funding to better support defined entities in their implementation of the Act.

**Recommendation:** that the Commission focus their support in future rounds on 1) timely responses to queries and questions; 2) sector-specific templates and case studies; 3) more detailed supporting documentation, drawing on good practice in previous rounds.

## A Data Snapshot: Tracking Gender Equality Across Jurisdictions

In addition to the rich insights provided in the qualitative analysis above, the research project sought to compare Victoria’s progress towards gender equality across key quantitative metrics with other states and territories and international jurisdictions. These metrics built upon the Act and the gender equality indicators. The dataset has been transformed into an online interactive dashboard, accessible to the public and other researchers, available at: <https://go.unimelb.edu.au/x93i>

The gathering of comparative data proved to be challenging, due to a lack of comparable data across jurisdictions, and the lack of centralised data sources. Members of the research team spent significant time trawling through websites and reports to find relevant data, often to then find that the metrics used in each case were slightly different or that there were significant gaps in the availability of data. These challenges highlight the need for systematic collection and aggregation of data across Australia (and internationally) to help track progress and the effectiveness of the Act across time.

**Recommendation:** that the Commission and Victorian Government work with their interstate counterparts to support the gathering and aggregation of comparable data on progress towards gender equality.

1. The Future of the Act

This final section of the report asks: *given comparative experiences, what will secure the future success of the Act?* It draws on the qualitative interviews and quantitative data analysis, a comparative literature review of international jurisdictions with similar legislation (namely Great Britain (GB), Northern Ireland and Canada), and a systematic review of submissions to the GB government’s review of the PSED.

## Compliance or Substantive Change?

There is a risk that positive duties — particularly positive duties that are oriented towards decision-making processes rather than the content of decisions themselves[[75]](#footnote-75) — lead to a focus on procedural compliance[[76]](#footnote-76) rather than substantive change. Both the GB and Northern Ireland equality duties reflect this model. Such duties often only require authorities to show that equality considerations have been taken into account in decision-making, but not that these considerations ultimately affected the decisions made.[[77]](#footnote-77) The risk of ‘tick box’ responses was a particular problem identified in public submissions to the 2013 UK PSED Review. Consultation may then become ‘superficial’ rather than meaningful.[[78]](#footnote-78)

Going beyond this focus on procedure, the setting of definite targets and outcomes, along with obligations on authorities to make and report upon their progress, is necessary to ensure compliance is transposed into substantive change.[[79]](#footnote-79) The Act includes these necessary preconditions for substantive change; it imposes on defined entities the duty to take specific action towards achieving gender equality, while also necessitating ‘reasonable and material progress’ towards workplace gender equality indicators. This ensures a more onerous standard than that of the PSED, that is likely to be more effective in ensuring the translation of legislative objectives into practice. However, future research should continue to monitor how the Act is being implemented, given the enduring risk of defined entities adopting a ‘tick box’ mentality and superficial consultation in implementation.

**Recommendation:** that future research continue to monitor the implementation of the Act, focusing particularly on the degree to which it supports substantive organisational change and meaningful consultation.

## Powers of the Commission

Given the comparative experience in Canada, actual progress towards gender equality in the Victorian public sector is likely to hinge on the extent to which the Commission utilises its statutory enforcement powers in cases of non-compliance. These include the power to issue a compliance notice,[[80]](#footnote-80) to recommend that the Minister takes action against the organisation,[[81]](#footnote-81) to name the organisation and their failure to comply on the Commission’s website,[[82]](#footnote-82) and to apply to the Victorian Civil and Administrative Tribunal (VCAT) for an order directing the organisation to comply.[[83]](#footnote-83) A reflexive law framework puts forward an ‘enforcement pyramid’ to guide statutory agencies as to when to punish, and when to persuade. Critical to this, though, is that the Commission is seen as able and willing to exercise its powers in the case of non-compliance.

## Addressing Confusion and Misunderstandings

From our systematic review of a sample of public submissions to the 2013 UK PSED Review, a number of recurring themes emerge, which echo our findings relating to the initial experience of the Act in Victoria.

In particular, submissions in the UK noted a lack of clear guidance as to the requirements of the PSED. This created confusion and misconceptions about the requirements of the PSED and what is necessary for effective implementation.

This confusion and misconceptions might explain, in part, the level of stress, anxiety and burnout among many respondents in Victoria. Uncertainty is likely to be most acute in the early days of implementation; going forward, however, this emphasises the need for targeted, tailored and practical support from the Commission.

**Recommendation:** that the Commission consider reframing the language used in guidance documents and outreach to emphasise that this is a process of ongoing mutual learning.

The UK PSED review also identified concerns about restructuring and reductions in workforce numbers in the civil service and public sector, frequent budget cuts and a lack of adequate resourcing. Again, this echoes the need to ensure those implementing the Act are engaged in secure ‘good jobs’. Without this resourcing, critical institutional knowledge is likely to be lost, and progress towards gender equality is likely to be limited. As noted in previous recommendations, this demands recurrent funding to advance gender equality.





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2. Victoria, *Parliamentary Debates*, Legislative Assembly, 6 February 2020, 220 (Pauline Richards). [↑](#footnote-ref-2)
3. *Gender Equality Act 2020* (Vic) s 20; Victoria, *Parliamentary Debates*, Legislative Council, 20 February 2020, 486 (Ingrid Stitt). [↑](#footnote-ref-3)
4. Victoria, *Parliamentary Debates*, Legislative Council, 20 February 2020, 497 (Sonja Terpstra). [↑](#footnote-ref-4)
5. Victoria, *Parliamentary Debates*, Legislative Assembly, 6 February 2020, 219 (Pauline Richards). [↑](#footnote-ref-5)
6. Victoria, *Parliamentary Debates*, Legislative Council, 20 February 2020, 482 (Georgie Crozier); State Government of Victoria, *Gender Equality Bill: Consultation Feedback Report* (Report, January 2020) 11, 17. [↑](#footnote-ref-6)
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12. Bob Hepple, ‘Enforcing Equality Law: Two Steps Forward and Two Steps Backwards for Reflexive Regulation’ (2011) 40(4) *Industrial Law Journal* 315, 321; Manfredi, Vickers and Clayton-Hathway (n 10) 372–3. [↑](#footnote-ref-12)
13. Hepple (n 12) 321. [↑](#footnote-ref-13)
14. *Gender Equality Act 2020* (Vic) s 10(2)(b). [↑](#footnote-ref-14)
15. Ibid s 12(3). [↑](#footnote-ref-15)
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17. Ibid. [↑](#footnote-ref-17)
18. *Gender Equality Act 2020* (Vic) s 2, *Gender Equality Bill: Consultation Feedback Report* 8. [↑](#footnote-ref-18)
19. Hepple (n 12) 321; Manfredi, Vickers and Clayton-Hathway (n 10) 372–3. [↑](#footnote-ref-19)
20. R15. [↑](#footnote-ref-20)
21. R44. [↑](#footnote-ref-21)
22. R29. [↑](#footnote-ref-22)
23. R2. [↑](#footnote-ref-23)
24. R2. [↑](#footnote-ref-24)
25. R15. [↑](#footnote-ref-25)
26. R37. [↑](#footnote-ref-26)
27. R37. [↑](#footnote-ref-27)
28. R41. [↑](#footnote-ref-28)
29. R19. [↑](#footnote-ref-29)
30. R43, R19, R32, R38. [↑](#footnote-ref-30)
31. R34. [↑](#footnote-ref-31)
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33. R27. [↑](#footnote-ref-33)
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60. R11. [↑](#footnote-ref-60)
61. R43. [↑](#footnote-ref-61)
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63. R28. [↑](#footnote-ref-63)
64. R33. [↑](#footnote-ref-64)
65. R42. [↑](#footnote-ref-65)
66. Permission received on 16/2/22 from the relevant respondent to name the entity in this case study. [↑](#footnote-ref-66)
67. R4, R11, R17, R25, R33, R27, R29, R37, R44, R38, R40, R31. [↑](#footnote-ref-67)
68. R32. [↑](#footnote-ref-68)
69. R8. [↑](#footnote-ref-69)
70. R17. [↑](#footnote-ref-70)
71. R14. [↑](#footnote-ref-71)
72. R17. [↑](#footnote-ref-72)
73. R40. [↑](#footnote-ref-73)
74. R40. [↑](#footnote-ref-74)
75. Ibid. [↑](#footnote-ref-75)
76. Colm O’Cinneide, ‘Positive Duties and Gender Equality’ (2005) 8 *International Journal of Discrimination and the Law* 91, 102–3. [↑](#footnote-ref-76)
77. Ibid. [↑](#footnote-ref-77)
78. Eithne McLaughlin, ‘From Negative to Positive Equality Duties: The Development and Constitutionalisation of Equality Provisions in the UK’ (2007) 6(1) *Social Policy and Society* 111, 119. [↑](#footnote-ref-78)
79. Ibid 103. [↑](#footnote-ref-79)
80. *Gender Equality Act 2020* (Vic) s 22(1). [↑](#footnote-ref-80)
81. Ibid s 26(b). [↑](#footnote-ref-81)
82. Ibid s 26(c). [↑](#footnote-ref-82)
83. Ibid ss 26(d), 27(5). [↑](#footnote-ref-83)