

ECCV Response to The Victorian Government's Consultations on the Gender Equality Bill – *Exposure Draft*

September 2018

The Ethnic Communities' Council of Victoria Inc. (ECCV) is the voice of multicultural Victoria and the peak advocacy body for eight regional ethnic community councils and 240 member organisations including ethnic and multicultural organisations across Victoria. For over 40 years, we have been the link between multicultural communities, government and the wider community.

ECCV has a strong history in advocating for the rights of multicultural communities, informing industry practice and influencing Government on a range of issues including health, workforce participation, equitable access and social cohesion.

This submission builds on previous activities conducted by ECCV including submissions to the Victorian Government's Royal Commission into Family Violence Report and ECCV's Submission to the Victorian Gender Equality Strategy. ECCV is pleased to provide this submission towards the development of the Victorian Government's Gender Equality Bill (Bill).

Summary responses to questions raised in the Gender Equality Bill Discussion Paper

'I can't even focus on my disadvantage or discrimination that I face as a woman because this is second to what I feel as a women of colour.'

ECCV supports the intent of this important Bill

ECCV believes that legislation which imposes positive duties on public authorities and other sectors to promote gender equality has much merit and is urgently required. Many countries that lead in this area internationally have similar types of legislation. ECCV believes this Bill represents a first, important step to proactively addressing the issue of achieving gender equality and equity.

Critical actions to achieve effective gender equality

ECCV strongly advocates that the Bill and the associated Gender Equality Bill Discussion Paper (Discussion Paper) include *an intersectional perspective* on matters of gender equality and equity.

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.¹ ECCV's recent consultations with culturally diverse women confirm this assertion, with many 'women of colour' feeling as much (if not more) marginalised by their 'colour' than by their gender.

¹ Multicultural Centre for Women's Health, March 2016, Submission to the Victorian Gender Equality Strategy.

ECCV acknowledges that the second last principle in the Discussion Paper rightly states that the Bill needs to *'have regard to the fact that an individual's experience of gender inequality may be compounded by other forms of discrimination and disadvantage'*.² Taking an intersectional focus, ECCV believes that this principle needs to be much more explicit. For example, it is of great importance to name community groups that face over-proportional levels of discrimination and disadvantage in Australia and recognise the diversity of Victoria's female population. However, there is no consistent perspective taken in the Discussion Paper to acknowledge the cultural diversity of women. Victoria's diverse female population also includes Lesbian, Gay, Bisexual, Trans and Intersex People, Aboriginal and Torres Strait Islander People, homeless people, people with disability and other social groups. All such diversity between women needs to be recognised, both in the Bill's principles and in the overall development of the Bill.

Recommendation 1:

That an intersectional approach is adopted by the Bill to ensure that future gender equality legislation and subsequent legal and policy frameworks and actions are appropriate and meaningful for *all* women.

Recommendation 2:

That the Bill therefore specifically mentions cultural diversity and other forms of intersectionality in its underlying principles and proposes that Gender Equality Action Plans address the impact of discrimination and disadvantage on achieving gender equality for *all* women.

The Bill also takes a binary option of gender, only making a distinction between men and women, without acknowledging other genders. ECCV believes that a change of the language in the Bill is necessary to address such gender binary language. Meaningful gender equality targets can only be developed and met if they include more diverse characteristics of gender.

Recommendation 3:

That the language of the Bill is changed to be more gender inclusive.

Practical steps to apply gender equality principles in different organisational contexts

To ensure the intent of the Bill is achieved, the training, capacity building and education of all organisations covered by the Bill should be a key consideration. Organisations that are resource poor but want to introduce voluntary measures to improve gender equality outcomes need to be supported with appropriate resources to do so.

Training for senior leadership, management and human resources units should be introduced on how the Bill ought to be implemented in particular operational environments. There should also be training offered on:

² Victorian Department of Health and Human Services, August 2018, Gender Equality Bill - *Exposure Draft Discussion Paper*, p. 11.

- Understanding the responsibilities under the Bill and what’s required to comply;
- Practical actions on how organisations can become more inclusive and gender equal;
- Whole of workforce training to prevent bullying and discrimination, including on unconscious bias (through interactive and reflective exercises, including storytelling);
- Undertaking effective organisational evaluation; and
- Reporting on data gathered and progress made.

Recommendation 4:

That ongoing training is provided to management, human resources and all other levels of the workforce to ensure effective implementation of the Bill, so that gender equality outcomes are realised at all levels of an organisation.

Other activities the government should undertake to support this legislation

ECCV supports the actions the Government committed to support the Bill, for example to propose, monitor and review new governance structures and to develop a gender equality baseline and set gender equality targets.³ Our consultations with multicultural women identified a strong expectation that ‘the right people’ with diverse representation and perspectives are required and put in charge of developing those new governance structures and targets.

Feedback provided to ECCV emphasises that cultural diversity can present unique barriers and challenges to achieving gender equity and equality. For example, women from migrant and refugee communities face systemic barriers in accessing mainstream services including language barriers, difficulty navigating an unfamiliar social services system, financial issues and other restrictions.⁴

Importantly, these complex experiences and needs need to be acknowledged and addressed, including when consulting with the community and providing gender equality training and education. When developing gender equality consultations and programs it is important that trusted organisations and community representatives are involved who know how to address the unique barriers and challenges that culturally diverse women face. To facilitate this process, extra funding should be provided for ‘train the trainer’ models that are rolled out by ECCV or other multicultural organisations ‘on the ground’ to assist multicultural agencies to address gender equality issues within their communities.

Recommendation 5:

That gender equality training and education programs for multicultural communities and workplaces are developed and implemented by trusted ethnic organisations and community representatives (with support by ethnic agencies such as ECCV) as they have the in-depth knowledge of how to work with their local diverse communities.

³ Victorian Government, *What Government will do. Reducing violence against women.* <https://www.vic.gov.au/women/gender-equality/a-victorian-gender-equality-strategy/what-government-will-do.html> (Accessed 28 September 2018).

⁴ Multicultural Centre for Women’s Health, 2017, *Intersectionality Matters: A guide to engaging immigrant and refugee communities to prevent violence against women*, p. 28.

Best practice measures to support the Bill’s implementation to drive lasting social change

Preventing discrimination against women and achieving gender equality is an ongoing task and requires long-term thinking.⁵ Initiatives to change attitudes and behaviour may require multiple and repeated approaches, and should be reviewed in the light of new evidence on ‘what works best’.

ECCV believes that more research into best practice models, particularly within ethnic communities, is necessary to achieve effective measures and drive lasting social change. Importantly, best practice examples need to be shared widely within the community to assist organisations to implement successful models and facilitate better gender equality outcomes.

Critically, any best practice measures that are developed and adopted in gender equality legislation, policy frameworks and training programs need to communicate the importance of addressing *gender equity*.⁶ To achieve and create *gender equality* (as an end goal) in the workforce or at workplaces, equity issues, also need to be addressed, for example discrimination on grounds of ethnicity. As mentioned, because migrant and refugee women face additional barriers to access, *equal* treatment of such women could result in excluding them from opportunities other privileged female community members enjoy, for example through removing and not addressing their differences. One respondent to ECCV’s consultations stated:

“I can’t even focus on my disadvantage or discrimination that I face as a woman because this is second to what I feel as a woman of colour. Right now, equity is more important for me than equality... The Gender Equality Bill seems to take quite a narrow, Western perspective. This initiative will only be successful if we have a diversity of women that make up Australia around the table.”

ECCV therefore believes that for the Bill to achieve and promote *gender equality*, it needs to adopt the language of *gender equity* to address the fairness of treatment issues faced by different women’s groups, according to their respective needs.

Recommendation 6:

That – as a measure of best practice – the Bill adopts the language of *gender equity* to address the fairness of opportunity and treatment issues faced by different women populations to achieve long term *gender equality*.

ECCV also believes that every organisation that receives funding from the Victorian Government, including organisations not covered by the current draft Bill, should be encouraged to comply with and report on achieving gender equality. For these organisations, incentives need to be created to take proactive steps and implement measures as quickly as possible. Consideration should be given to broadening the scope of organisations not currently included and/ or providing additional funding to assist this broader group of organisations with training and support to improve gender equality practices.

⁵ Ibid, p. 18.

⁶ Currently, the Gender Equality Bill Exposure Draft makes no mention of the principle of *gender equity*.

Recommendation 7:

That – as a measure of best practice – the Victorian Government assist organisations that want to voluntarily adopt gender equality measures and action with resources for training, reporting and evaluation and to implement best practice models.

Public sector targets and representation of women from diverse backgrounds

Positively, the Discussion Paper notes the importance of ensuring that culturally diverse women are represented in public sector organisations. However, any meaningful public sector targets on gender equality need to include targets for diverse populations of women, including cultural and gender diversity and diversity in ability.

Feedback provided to ECCV states that culturally diverse women want to see 50 per cent of women being appointed into leadership positions, for example as government executives. However, it needs to be ensured that female appointments are representative of the whole population. To avoid being tokenistic and exclusively representative of Victoria's majority population, there need to be measures ensuring a diversity of women being included in all levels of decision-making within organisations and workplaces. Multicultural women, for example, will feel safer, supported and acknowledged if they are not the only representative of diversity at leadership teams, board rooms and other places of influence. For example, one consultation respondent stated:

"If you are the tokenistic person of colour, you just don't feel comfortable with the people around you. It happened to me and in these situations; I can't really say anything because I don't feel comfortable. Because I don't feel taken seriously being a token representative of, say an 'ethnic person'. You need to feel that you're in a safe space and if they would have other diverse women in the room that would make me feel much better. They don't even have to be CALD. It's just easier because you feel it's a safe space and you are together not being part of the majority group."

Recommendation 8:

That the Victorian Government ensures that key indicators and targets prescribed in future gender equality laws and regulations include and enable participation of women from diverse backgrounds, including that migrant and refugee women are represented in public sector organisations, particularly on executive level, committees and paid public boards.

Gendered barriers and the Ministerial Council

In addition to public sector committees and boards, ECCV believes that another way to minimise gendered and cultural barriers is to ensure that high-profile bodies such as the Ministerial Council (the Council) ensure broad societal representation and participation, not only on gender but also in terms of cultural diversity, different abilities, ages, and socio-economic status.

In addition, to ensure whole-of-government buy-in, the Council should work on a gender equality framework and action plans that are implemented across government and advise Ministers on how to achieve gender equality across public sector organisations. The Council and the Minister for Women should make regular representations to other Ministers and government departments to

regularly update them on progress, achieve the adoption of gender equality principles in multiple social and economic areas and ensure ongoing support for the Bill's objectives.

Recommendation 9:

That the Ministerial Council itself includes representation of a diversity of women groups (including cultural diversity) as a strong symbol of equity. The Council should also work to advise other Ministers on progress and support ongoing implementation through the gender equality framework and action plans.

Gender Equality Action Plans

ECCV reiterates that gender equality measures, like Gender Equality Action Plans should include training on the impact of intersectionality on gender equity and equality and also guidance materials and resources for effective reporting and evaluation. ECCV believes that the Government also needs to establish mechanisms for people to report breaches of gender equality standards and discrimination at workplaces covered by the Bill. Also, Diversity Liaison Officers should be employed which could assist public sector organisations and other agencies to implement the action plans and to achieve prompt and comprehensive adoption and implementation of targets.

Recommendation 10:

That the Government establishes mechanisms for people to report breaches of gender equality standards and discrimination at workplaces covered by the Bill.

That the Victorian Government employs and trains Diversity Liaison Officers which assist organisations to achieve their Gender Equality Action Plans' measures and targets.

Conclusion

Finally, ECCV would like to emphasise the importance of opportunities to provide anonymous feedback to Government that are empowering and culturally safe. Several respondents to these consultations voiced serious concerns of feeling sidelined and ignored when they accessed previous consultations that were dominated by mainstream processes, such as stakeholder forums dominated by majority voices, only allowing for written submissions and not providing other feedback options such as online surveys. One respondent highlighted that her most preferred option to participate in this public consultation was by talking to the ethnic peak organisation, the ECCV, which she perceived to represent her interests most appropriately.

"It's like this consultation for example. I think I wouldn't have participated if it wasn't for the ECCV. I wouldn't have been able to say what I wanted to say. Because you're coming from an ethnic background and the ECCV, it's the peak body for us, really. It feels like the space is provided for me making me feel you want to listen to me and want to hear these things. You're the organisation that wants to hear what we have to say."

ECCV looks forward to continuing to provide input as this vital legislation develops and is committed to assisting Government to realise the full potential and intent of gender equity and equality in Victoria.

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