

Fact sheet: Gender Equality Act (2020) and local government

Summary

The Gender Equality Act was passed in late February and is the first of its kind in Australia. It requires Victorian public sector agencies including universities and councils to measure, report on, plan for and progress gender equality in their organisations. Importantly, the Gender Equality Act requires councils to consider gender equality not only in their workforce but in the policies, programs and services that they deliver.

What does the Act do?

The Act establishes a Public Sector Gender Equality Commissioner, who will oversee the requirements for the public sector, Councils and universities to take positive action towards gender equality in two respects:

- Workplace gender equality
- Promoting gender equality in their policies, programs and services

When does it take effect?

The Act takes effect from 31 March 2021, with entities required to report on their Gender Equality Action Plans in 2021 and each subsequent 4th year (2025, 2029...).

How is gender equality defined under the Act?

Under the Act, “Gender equality means equality of rights, opportunities, responsibilities and outcomes under between persons of different genders.”

What are the workplace gender equality indicators?

- Gender composition of all levels of the workforce
- Gender composition of governing bodies (i.e. the council, comprised of councillors)
- Equal remuneration for work of equal or comparable value across all levels of the workforce, irrespective of gender
- Sexual harassment in the workplace
- Recruitment and promotion practices in the workplace
- Availability and utilisation of terms, conditions and practices relating to family violence leave, flexible working arrangements, and working arrangements supporting employees with family or caring responsibilities
- Gendered segregation within the workplace

How does the Victorian Local Government Women’s Charter fit into this?

The three principles of the Victorian Local Government Women’s Charter (‘the Charter’) – *gender equity, diversity and active participation* - are inextricably linked to the principles at the heart of the Gender Equality Act.

Until the Gender Equality Act comes into effect in 2021, Victorian councils can continue to use the Charter as an authorising document for their work in gender equality, diversity and active participation and utilise the Charter resources to support their actions to progress gender equality.

Once the Act comes into effect, the Charter will work in tandem with the Gender Equality Act. The Charter principles and actions provide a lens through which to focus on women’s involvement in local government decision-making and increasing opportunities for women’s participation at all levels of civic life.

How will the VLGA support councils?

The VLGA will continue to hold Charter events and distribute a monthly newsletter to all Charter signatory councils. Charter signatory councils are also invited to join the VLGA's Women's Charter Champions Working Group, which will meet regularly to provide an opportunity for council officers to network, collaborate and discuss the initiatives that their councils are undertaking to meet their requirements under the Act.

For more information, please contact Deborah Wu (Women's Engagement & Project Officer) at deborah@vlga.org.au. For information on the Charter, click [here](#).

Victoria's new gender equality principles

1. All Victorians should live in a **safe and equal** society, have access to equal power, resources and opportunities and be treated with dignity, respect and fairness.
2. Gender equality **benefits all Victorians** regardless of gender.
3. Gender equality is a **human right** and precondition to social justice.
4. Gender equality brings **significant economic, social and health benefits** for Victoria.
5. Gender equality is a **precondition for the prevention of family violence** and other forms of violence against women and girls.
6. Advancing gender equality is a **shared responsibility** across the Victorian community.
7. All human beings, regardless of gender, should be free to develop their personal abilities, pursue their professional careers and make choices about their lives **without being limited by gender stereotypes, gender roles or prejudices**.
8. Gender inequality may be **compounded by other forms of disadvantage or discrimination** that a person may experience on the basis of Aboriginality, race, religion, sexual orientation and other attributes.
9. Women have historically experienced discrimination and disadvantage on the basis of sex and gender.
10. Special measures may be necessary to achieve gender equality.

Victorian Gender Equality Act (2020)



What will councils have to do?

- **Gender impact assessments:**

When developing or reviewing any policy, program or service, councils must undertake a gender impact assessment.

Gender impact assessments must assess the effects that each policy, program or service may have on persons of different genders, and state how the policy, program or service will be developed/varied to meet the needs of persons of different genders, address gender inequality and promote gender equality.

Where possible, the assessments should also take into account that gender inequality may be compounded by additional disadvantage or discrimination that a person may experience on the basis of Aboriginality, age, disability, ethnicity, gender identity, race, religion and sexual orientation.

- **Workplace Gender Audit**

Councils must undertake a workplace gender audit against the workplace gender equality indicators, prescribed gender equality targets or gender equality quotas and additional disadvantage or discrimination (on the basis of factors outlined above) that a person may experience.

The audit must be based on gender-disaggregated data, and (if available) data about Aboriginality, age, disability, ethnicity, gender identity, race, religion and sexual orientation.

- **Gender Equality Action Plan**

Each council must prepare a Gender Equality Action Plan that includes the results of the workplace gender audit and strategies and measures for promoting gender equality in the workplace.

The Gender Equality Action Plan must take into account the gender equality principles and consult with the council (made up of the councillors; 'the governing body'), the employees, employee representatives and other relevant stakeholders.

Under the Act, adequate resources must be allocated to developing and implementing the Gender Equality Action Plan.

- **Publication of the Gender Equality Action Plan**

In each reporting year (2021, 2025, 2029 etc), the workplace gender audit must capture the state and nature of gender inequality in the workplace as at 30 June. The Gender Equality Action Plan must be submitted to the Commissioner by 31 October.

After submitting the Gender Equality Action Plan to the Commissioner, councils must publish the plan on their websites and notify the councillors, employees and employee representatives.

If councils have an existing Gender Equality Action Plan, they may submit to the Commissioner for the document to be taken to be a Gender Equality Action Plan, provided that it meets the requirements for a Gender Equality Action Plan as outlined in the Act.

- **Report on progress**

Councils must submit a progress report by 31 October every second year after the submission of a Gender Equality Action Plan.

The report must address progress in relation to measures and strategies set out in the Gender Equality Action Plan, against the workplace gender equality indicators and any relevant gender equality targets.

Additionally, the progress report must include information about any gender impact assessments undertaken on councils' policies, programs and services, and any actions taken in response to these assessments.