

Workplace Gender Equality Policies in Practice: Implementation of Victoria's Gender Equality Legislation and Strategies, and Implications for South Korea

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Abstract

- The Gender Equality Act 2020, the first of its kind in Australia, was passed by the Victorian Parliament and came into effect on March 31, 2021.
 - This law mandates defined public entities to set and achieve gender equality goals. Entities that fail to report adequate progress to the Commission for Gender Equality in the Public Sector may be subject to enforcement orders.
 - The act applies to approximately 300 public entities in Victoria, collectively employing around 300,000 people (e.g., local governments, universities, rail corporations, etc.).
- This study aims to introduce Victoria's Gender Equality Act 2020 and analyze its implementation and progress. Based on the findings, the study seeks to propose policy recommendations that can be utilized in developing gender equality policies in Korea's public sector.

1) This study was developed by Monash University, Australia, based on the results of a research project commissioned by the Korean Women's Development Institute in 2024, under the theme "Advancing Gender Equality in the Australian Public Sector: Policies and Practices".

Development of Victoria's Gender Equality Act 2020 (the Victorian Act)

- The Gender Equality Act 2020 (the Victorian Act) was passed by the Victorian state government in 2020 and commenced from 31 March 2021. The Victorian Act is the first of its kind in Australia and will address gender inequality in the Victorian public sector (VPS). The Victorian Act applies to organisations with 50 or more employees in the VPS (e.g., public sector organisations and bodies, universities, and local councils).
- In 2016, Victoria's Royal Commission into Family Violence was completed and determined that to reduce high levels of violence against women it is necessary that Victoria addresses gender inequality. The Victorian state government implemented this recommendation through Australia's first government gender equality strategy, *Safe and Strong: A Victorian Gender Equality Strategy*¹⁾ As part of this strategy, the Victorian state government committed to legislative changes to promote gender equality, most notably the Victorian Act.
- The Victorian Act was informed by extensive public and relevant stakeholder consultation. It had support from influential individuals and organisations which included academics, trade unions, and the Victorian women's health sector.
- Once the Victorian Act was passed, the Victorian Commission for Gender Equality in the Public Sector (Commission) was established to oversee implementation of the Victorian Act and promote the objectives of the Victorian Act.

Significant Aspects of the Victorian Act and the Commission

- The Victorian Act addresses gender inequality in the VPS by:
 - Requiring 'defined entities' to take positive action towards achieving gender equality in their workplace.
 - Requiring these organisations to include consideration of gender equality in all policies, programs and services.
 - Establishing the Commission to provide education, support implementation and ensure compliance with the Victorian Act.

1) Victoria has since implemented its second gender equality strategy: *Our Equal State: Victoria's gender equality strategy and action plan 2023-2027*.

- **Under the Victorian Act, defined entities are required to:**
 - Develop and implement a Gender Equality Action Plan, which includes:
 - ▶ results of a workplace gender audit.
 - ▶ strategies the entity will implement, based on the audit, for achieving workplace gender equality.
 - Report on their gender equality progress, results of which will be made publicly available.
 - Consider and promote gender equality in all policies, programs and services that directly and indirectly impact the public.
 - Complete gender impact assessments.

- **When developing approaches and measures to address gender inequality in their workplace, the Victorian Act requires defined entities to adopt an intersectional lens, by considering how gender inequality may be compounded through factors of disadvantage and discrimination due to other characteristics, including race, religion, ethnicity, disability, age, sexual orientation and gender identity.**

- **The Commission was established under the Victorian Act with the role to:**
 - Promote and advance the objectives of the Victorian Act.
 - Support defined entities to improve gender equality and comply with the Victorian Act.
 - Provide advice and education to defined entities to encourage best practice.
 - Resolve disputes in workplaces relating to systemic gender equality issues.
 - Publish and share Gender Equality Action Plans and progress reports.

- **Progress and success of the Victorian Act will depend on the Commission's ability to ensure that all defined entities comply with requirements under the Victorian Act (Ryan et al. 2022). In this regard, Part 6 of the Victorian Act provides the Commission with powers to monitor and encourage compliance, through the issuing of compliance notices. The Commission may issue a compliance notice to a defined entity if the Commission reasonably believes that the defined entity, without reasonable excuse, has not complied with the Victorian Act. A defined entity must comply with a compliance notice which may require them to prepare and submit the relevant documents under the Victorian Act, including a Gender Equality Action Plan or a progress report, or take any other action that is necessary to comply with the legislative requirements. The Commission has further powers to take action if a compliance notice is not complied with, including:**
 - Recommend the Victorian Minister for Women take any reasonable action as recommended by the Commission to ensure the defined entity complies with all legislative requirements under the Victorian Act.
 - Publish on the Commission's website the name of the defined entity section of the Victorian Act that the entity has not adequately complied with.
 - Make an application to the Victorian Civil and Administrative Tribunal for a legally binding directive that the defined entity must comply with the notice.

- **In addition to compliance mechanisms, adequate resourcing of the Commission and for defined entities has been found as a key hurdle to ensuring progress and success of the Victorian Act (Ryan et al. 2022).**

Progress of the Victorian Act and Current Status of Gender Equality in the Victorian Public Sector

- The legislation requires defined entities to have individual obligations to promote workplace gender equality within their own context and to consider gender equality in their policies, programs, and services. Defined entities must conduct gender impact assessments, undertake a workplace gender audit every four years, create a Gender Equality Action Plan every four years and submit progress reports to the Public Sector Gender Equality Commissioner every two years.



■ Baseline report - 2021 workplace gender audit data analysis

- Defined entities were required to submit their first workplace gender audit in 2021. The data collected from these audits was used to compile the Baseline report - 2021 workplace gender audit data analysis (Baseline Report).
- The Baseline Report highlighted key findings that demonstrated that there is a 15.6% average pay gap between men and women in the VPS; there is significant underrepresentation of women in leadership positions (45% and more than 3 in 4 CEOs were men); women are overrepresented in part-time work; it is far more likely that women will experience sexual harassment in the workplace than men and there is a lack of formal reporting of incidents; caring responsibilities impact the participation of women in the workforce, including flexible working options not being used by men that only serves to embed stereotypical gender roles at both the workplace and at home; and there is limited availability of data and poor data quality.
- Based on the Baseline Report, the Commission made a total of 14 recommendations for defined entities to address issues of gender inequality across five key areas: workforce gender composition and segregation; equal pay; workplace sexual harassment; recruitment and promotion practices; and leave and flexible work. The Baseline Report provides evidence of the current nature of gender inequality in the VPS to establish the baseline for ongoing progress and enable defined entities to make informed decisions when implementing gender equality practices in their organisations.

■ Intersectionality at Work report

- As discussed above, the Victorian Act also requires defined entities to adopt an intersectional lens and consider the impact of other forms of discrimination such as disability and ageism on gender equality, rather than sexism in isolation. In this regard, the Commission produced a companion report to the Baseline Report, being the Intersectionality at Work report (Intersectionality Report), which focuses on the analysis of its intersectional data and incorporating key findings and recommendations from relevant research it commissioned.

- The Intersectionality Report assists the Commission and defined entities to understand how disadvantage and discrimination based on intersectional attributes may compound experiences of gender inequality and therefore where entities should focus to ensure improvement. The Intersectionality Report found that when groups of people face intersecting forms of discrimination and disadvantage, they also typically experience increased inequality and significant pay gaps. For example, age is a factor which continues to increase women's experiences of workplace gender inequality, with women at the midpoint of their careers experiencing larger pay gaps and less leadership opportunities. Further, the Intersectionality Report found that more must be done to address the negative workplace experiences of LGBTIQ+ employees.
- Based on the Intersectionality Report, the Commission made a total of 12 recommendations that focus on how to improve intersectional data collection in defined entities. The recommendations do not provide advice on how to improve intersectional inequalities that organisations might uncover through their data collection, or other methods. The reason that the recommendations focus on data collection, analysis and interpretation is because many defined entities were unable to provide intersectional workforce data in the inaugural 2021 workplace gender audit.
- The Intersectionality Report represents the outcome from the first time defined entities have had to collect and report on workforce data about many of the attributes listed in the Victorian Act (Aboriginality, age, disability, ethnicity, gender identity, race, religion, and sexual orientation). For this reason, the Commission was able to identify key gaps in intersectional data and acknowledge that there remains work to do to build the systems to collect and store this data, to build employee trust around data collection and management, and to fill the gaps in data available. Without accurate and meaningful data about how different forms of inequality intersect to shape the working lives of employees, barriers to gender equality cannot be addressed.

Implications and Recommendations for South Korea

- Addressing gender inequality requires equal focus on a range of areas, for both men and women. As there is a tendency to focus on workforce gender composition or quotas in the Korean policies and practices, a similar piece of legislation to the Victorian Act could help address gender inequality more broadly in the South Korean public sector.
- Victoria's Intersectionality at Work report reveals how layers of discrimination can intensify gender inequality. Implementing similar strategies in Korea would require a strong legal framework supporting anti-discrimination policies. Without comprehensive anti-discrimination laws that recognise and protect against multiple forms of discrimination, it would be challenging to effectively address these structural and intersectional issues.
- Although the Victorian Act may directly mandate actions only within the public sector, its influence will extend indirectly to private sector businesses, particularly those who work as contractors or suppliers for the public sector. These businesses might be expected to align with the gender equality objectives and standards upheld by their public sector partners. Implementing a similar mechanism would not only promote gender equality in Korea's public sector but may also encourage greater acceptance and promotion of gender equality practices in private sector organisations.
- The Baseline Report provides an important collation of evidence and a starting point for creating targeted focus areas for gender equality progress. Based on the case of Victoria's Baseline Report process, we offer the following recommendations:
 - **Recommendation 1:** The success of gender equality strategies will be dependent on strong compliance mechanisms. If there are no consequences for failing to comply, the legislation loses its power. For example, establishment of relevant compliance mechanisms, such as Victoria's independent commissioner, would not only ensure that the public sector meet their obligations, but also support the sector in developing meaningful action plans and effective monitoring and evaluation processes.
 - **Recommendation 2:** There should be increased investment in evidence-building to capture and address gender inequality in the public sector with more detailed data. For example, regularly collecting, analysing, and reporting accurate data on workforce gender numbers and makeup, segregation, remuneration gaps, and workplace sexual harassment will be essential for improving gender equality in workforce.
 - **Recommendation 3:** The implementation of flexible work arrangements (e.g., work hour and location) and an expanded leave system, along with gathering feedback from employees and leadership team on how to improve uptake will be critical.
 - **Recommendation 4:** Collecting gender equality data across recruitment, selection, onboarding processes, promotion process is essential. In particular, there is a lack of retention policies in both the Australian and Korean contexts.

● References

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● Short Bio

Jacky Watt is a PhD Student in Korean Studies at Monash University, Melbourne; her project considers the impacts of consuming Korean popular culture on the gender attitudes of Australian audiences. Jacky is an Australian lawyer and holds a Master of Politics and Policy from Deakin University, Melbourne, most recently working as a senior policy officer for the Victorian state government in prevention of family violence.

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