

# The Gender Equality Act 2020

## A guide for health service leaders

The *Gender Equality Act 2020* (the Act) commenced on 31 March 2021. The Act is the first, and currently only, piece of legislation in Australia that requires public sector organisations to make progress towards improving gender equality. It positions Victoria as a world leader in gender equality in the public sector at a time when many are calling for safer, more respectful, and more equal workplaces and communities.

### What are the requirements of the Act?

[Defined entities](#) have obligations to promote workplace gender equality and consider gender equality in their policies, programs, and services. Defined entities include public entities, such as public health services, that have 50 or more employees.

Defined entities must:

- complete a [workplace gender audit](#) and submit to the Commission for Gender Equality in the Public Sector by 1 December 2021
- develop a [Gender Equality Action Plan](#) by 31 March 2022
- undertake [gender impact assessments](#) of all new policies, programs, and services that directly and significantly impact the public, as well as those up for review (ongoing requirement, commencing March 2021)
- publicly [report on progress](#) in relation to workplace gender equality on 31 October 2023 and then every two years.



These obligations will be enforced by the [Public Sector Gender Equality Commissioner](#), Dr Niki Vincent. The Commissioner will support defined entities to improve gender equality and comply with the Act, and will have powers to help resolve systemic workplace gender equality issues.

### Why do we need to increase the focus on gender equality in the healthcare system?



Even though healthcare is an industry dominated by women, the national gender pay gap for healthcare workers currently sits at **20.7%** compared to the national average of **14.2%** <sup>1</sup>



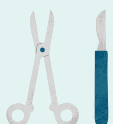
A recent study of female healthcare workers in Australia has found that almost half of them (**45%**) have experienced family violence, compared to **34.2%** of the general population <sup>2</sup>



Studies examining the experiences of female nurses have consistently demonstrated that workplace sexual harassment is prevalent globally <sup>3</sup>



In 2019, approximately **30%** of deans, chief medical officers, and medical college board or committee members were women, and **12.5%** of CEOs in large hospitals were women <sup>4</sup>



Women are under-represented in surgery and leave training in higher proportions than men <sup>5</sup>



Gender-sensitive care leads to better patient outcomes and recovery from mental and physical conditions <sup>6</sup>



Gender bias has a significant negative effect on medical diagnosis and the quality of healthcare people receive. It can lead to substantial delays in diagnosis, as well as misdiagnosis and even death <sup>7</sup>



Medical research is typically carried out on men, with the results then generalised for both men, women, and gender-diverse people <sup>8</sup>



A study of transgender people found that **28%** had postponed necessary medical care when sick or injured, and **33%** delayed or did not try to get preventive health care due to discrimination by health care providers <sup>9</sup>

## How will the Act benefit your service and the community you serve?

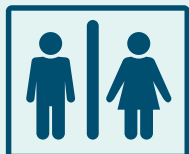
The anticipated long-term outcomes of the Gender Equality Act for healthcare services include:

- ✓ more efficient and effective policies, programs, and services that will result in longer-term cost-savings
- ✓ health service leadership that mirrors community diversity and better understands the community's needs
- ✓ greater staff wellbeing and retention, reduced absenteeism, increased productivity and profitability in the workforce, and increased employee engagement
- ✓ greater work-life balance for all staff
- ✓ decreased gender pay gap within health services, which will increase the economic security for women and gender-diverse staff members
- ✓ the ability to track progress more accurately against workplace gender equality indicators
- ✓ increased organisational accountability and transparency relating to progress and systemic challenges relating to workplace gender equality
- ✓ policies, programs, and services will be more gender-sensitive and be of equal benefit to those who need them. This will result in better outcomes for the community.

## As a health service leader, what should I be considering?

- Are gender equality issues, and the Act, being regularly discussed at executive and board meetings?
- Who is championing or sponsoring this work within your leadership team?
- How are you engaging staff across your organisation to ensure cultural change happens at all levels?
- Has there been a strong response rate (above 50 per cent) to the Staff Experience Survey undertaken as part of your organisation's Workplace Gender Audit? If not, why not?
- A defined entity must ensure adequate resources are allocated to developing and implementing the Gender Equality Action Plan (GEAP). Has your service committed funds to implementing your GEAP?
- Have you allocated resources towards staff training across all levels of the organisation to ensure that responsibility for driving your GEAP is evenly shared?
- How are you creating and sustaining a culture that promotes and values gender equality within your organisation?
- Rather than seeing it as an add-on, how are you building gender equity into every aspect of your work?
- What steps are you taking to learn about the impacts of simultaneous and compounding experiences of discrimination and disadvantage for groups and communities, including women, and reflecting on systemic biases and inequalities across policies and procedures?
- Does your organisation have policies and procedures in place to enable the success of your GEAP? (E.g. paid family violence leave for staff that is promoted and recorded, flexible work policies that support all family members to take parental and carers leave, breastfeeding and lactation policies and facilities for staff, a sexual harassment policy that includes training in prevention and response.)
- What plans do you have in place to deal with potential backlash and resistance to the Act and equality more broadly from within your organisation?
- How are you supporting women and gender-diverse employees to step up into leadership roles? And how are you backing them when they are there?
- How are you celebrating the achievements of women and gender-diverse people from within your organisation?

## Definitions



### Gender

The socially constructed differences between men and women, as distinct from 'sex', which refers to their biological differences. The term is also used more broadly to denote a range of identities that do not correspond to established ideas of male and female.



### Gender equality

The equal rights, responsibilities, and opportunities of women, men and trans and gender-diverse people. Equality does not mean that women, men and trans and gender-diverse people will become the same but that their rights, responsibilities, and opportunities will not depend on their gender.



### Gender equity

Gender equity entails the provision of fairness and justice in the distribution of benefits and responsibilities based on gender. The concept recognises that people may have different needs and power related to their gender, and that these differences should be identified and addressed in a manner that rectifies gender-related imbalances.



### Intersectionality

Gender, ethnicity, ability, sexual orientation, gender identity, religion, disability or age, can interact on multiple levels to create overlapping forms of discrimination and power imbalances. This often results in simultaneous and compounding experiences of discrimination and disadvantage for groups and communities, including women.

## More information

Information and guidance materials to support defined entities successfully meet their obligations are available on the Commission for Gender Equality in the Public Sector website: [www.genderequalitycommission.vic.gov.au](http://www.genderequalitycommission.vic.gov.au)

### The Victorian Health Organisations Gender Equality Network (VHOGEN)

The Victorian Health Organisations Gender Equality Network (VHOGEN) is an informal network supporting staff from health services that are responsible for delivering the requirements of the Act (e.g. HR and OD professionals, policy and planning officers). The network was established by the Peter MacCallum Cancer Centre, The Alfred and The Royal Women's Hospital, and has expanded to support services across the state (to join, please email Sarah Hill, Gender Equity Project Lead at The Alfred on [Sa.hill@alfred.org.au](mailto:Sa.hill@alfred.org.au)).

The VHA also welcomes questions from members relating to the Act. Please contact Joanna Hatcher on [joanna.hatcher@vha.org.au](mailto:joanna.hatcher@vha.org.au)

## References

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