



## Take on Board

# Transcript – Dr Niki Vincent

Helga Svendsen 0:00

Today on the Take on Board podcast, I'm speaking with Dr. Niki Vincent, about the new Victorian Gender Equality Act, and the requirement for some organisations to have a Gender Action Plan. First, let me tell you about Niki. Dr. Niki Vincent commenced in the role of Victoria's first public sector gender equality commissioner in October 2020. She is currently on the board of InTouch and has an extensive list of previous directorships. Niki has a wealth of experience in gender equality and organisational leadership. This includes most recently serving as the South Australian Commissioner for equal opportunity from May 2016. Prior to that appointment, Niki held the position of CEO of the Leaders Institute of South Australia as well as a concurrent appointment as a member of the South Australian remuneration tribunal. She has an award winning PhD in psychology in adult development and leadership. And I think I was one of the subjects for that one when I did the Williams and Community Leadership Program many years ago. She's the mother of four adult children, nine grandchildren and two adult stepchildren. Niki has also been a foster mom for five years, her now 18 year old foster daughter joined her for the move to Melbourne. Niki spends her sparse free time walking and hiking, seeing films, listening to radio, national podcasts, and audiobooks and camping in remote places. She's currently on the hunt for walking and hiking buddies in Victoria, especially the variety that are not early morning people. And as I said earlier, Niki, I think I can probably help you out there. Welcome to the Take on Board podcast. Niki,

Dr. Niki Vincent 1:34

Thank you very much. Thank you.

Helga Svendsen 1:37

So it's awesome to have you here to have a conversation about gender action plans and the Gender Equality Act. But before we do that, as always, I'd love to dig a little bit deeper about you. Can you tell me a story about young Niki that tells us a bit about how you got to where you are today?

Dr. Niki Vincent 1:54

Yeah, yeah, sure. It's a sort of long and rambling journey. I came to Australia as a 10 pound pom. In the 70s. We didn't know anyone here. My brother, my mother and father and I, I was 11 at the time. And I had a pretty rough time, I found it very difficult to adapt to Australia. I was also sexually assaulted by my best friend's father when I was 12. And then I kind of had a quite a tumultuous sort

of teenage years and ended up getting kicked out of home when I was 15, supporting myself through year 12, at school, studying a year at university, but deciding to get married at 18. I think just to have some stability in my life. I then got pregnant almost immediately, I had four kids by the time I was 25. And then I went to university. And when the kids were 0, 2, 4, and 6, so that that was challenging. My kids often describe me as me being in my study as most of the child because I was trying to do my degrees there or degree then I suppose one of the pivotal experiences was, when I just about graduated from honors in psychology, I think I either had or was about to, I bumped into a woman in the library at the bar Smith Library at the University of Adelaide, and we both had the same envelopes. And we were both it turned out going for the same job. We got talking and we really liked each other and she didn't want to work full time, she was still finishing off uni, I had four kids, we decided in that conversation to go for the job together. And we got it. And this was like 1994. So it was unheard of. And we didn't realize it was unheard of. And we we just thought what a brilliant idea. We can job share this didn't know it was a thing or wasn't a thing. And we went along and we got the job. And we're still really good friends. Now we live in different states, but we're very good friends very, very good friends. And so the boss that I had, then they my marriage broke up, I became a single parent, it was very tumultuous time for me. But my boss was amazing. Through that time. We chatted for a while and then I went on to a bigger project and my friend went to a different job. But by that stage, I was handling quite a major project of research and he just said, look, it's gonna be hard for you with the kids like I don't care when you're here. There's no need for you to be in the office, you can work from home, you can work when the kids are asleep like you deliver and as long as you keep delivering. That's all I care about. And that was so kind of out there back then. And really shaped the way I thought about organisations without even realizing and workplaces and you know, flexibility and all of that without me realizing it was just a no brainer as far as I was concerned that we need flexibility in that and it doesn't mean that we're not as good at our jobs or we care less about our jobs we can do both really well if we are given that flexibility. Oh then went on did research all over the place ended up in Sydney in various research organisations running big projects at it sort of state level and internationally with WHO then I ended up running not for profit organisations in Sydney, then came back to Adelaide, which is my home state at the time to set up the Leaders Institute of South Australia, the equivalent of the Williamson program, I felt very passionately about equality of access into that program. It was a very exclusive program. I wanted leaders with a disability, more women leaders, more rural and regional people in the program, people of colour Aboriginal people. And so I set up a lot of scholarships. So in the end, I think about quarter of the places in that program were for people who were supported into the program. But I did a lot of talking through that on gender equality. And I was always very passionate about it. I ended up being there for about 12-13 years. And then I saw the the job of the Equal Opportunity Commissioner come up, and I applied for it thinking I won't even stand a chance and I got the job was given to me after the first interview. And it was a baptism of fire. I've never worked in a statutory position, I'd never worked inside of government kind of processes before. The commissioner that was acting in the role was going on an overseas trip the next day after I was appointed. So I had no proper handover, no introduction to government processes. I just basically hit the ground thinking I'll figure it out, and sort of did, sometimes the hard way. Then I chaired the national peak body for all of the Commission's around Australia, all of the Human Rights and Equal Opportunity Commission's, we would meet twice a year as a group, they ended up saying, Would you be the chair of this for a couple of years, I got to know everybody and understand what was happening in all of the different jurisdictions. And I knew what was coming up in Victoria through the

Human Rights and Equal Opportunity Commissioner Christian Hilton at the time. And I was really excited by it. And I just thought, I think I'd really like that job.

And so I kept my eye and you know, a few people kind of said to me, when the job was advertised as advertised, you might want to, you know, give it a go. And so that's what I did. And I was lucky enough to get the job in Victoria. And it was, I've had a challenging time in South Australia in the lead up to that anyway. So I was in I was taught coming towards the end of my five year term, I was at four and a half years, and I loved what I was doing in South Australia. I loved it with a passion. I loved my team, they were absolutely amazing. But we had very little money, we had a fairly antagonistic sort of environment politically, in terms of what I was trying to achieve. And this was well funded legislation, it was groundbreaking, it was the opportunity to implement something from the very beginning. And to really make an impact in gender equality, which has always been my absolute passion. So yeah, so here I am setting up during COVID. So all of my team have been virtual, we've implemented this legislation or with a remote team. So I haven't met some of my team in person. And even though I have it's only been a couple of times. So you know, it's been extraordinary has been locked into our houses a lot of the time. We haven't done it perfectly. But it's a small and incredible team here, led by Kate Berry, who's the director of the commission, and they've just done an amazing, amazing job. There's only 15 of us, I think so and not not 15 full time either 15 people, it's been an extraordinary challenge, but an extraordinary opportunity

Helga Svendsen 8:39

As a Victorian likewise, when this roll was announced, I mean, it is just I mean, the Victorian Government is clearly very committed to equality. They're putting their money where their mouth is, they're putting their policy where their mouth is. And these roll is just one part of that. I'm super excited that the roll is in place. So maybe tell us about the act more broadly, and in particular, what directors might need to think about, and then it'd be great if we can turn to Gender Action Plans.

Dr. Niki Vincent 9:08

Yeah, well, I'll preface it by saying obviously, directors have defined entities under the act. So the Act covers 300 public sector organisations, including all nine universities, and all of local government. So anyone involved in those organisations, including those who are on governing bodies, and councils need to understand the act. Absolutely. The act also has some tentacles, outside of the public sector, so potentially into the private sector and so forth. But it is also I would say, for directors who aren't part of defined entities under the Act, it's a signal that things are changing. The gender equality is no longer a nice to have, it's a must have. And it says that government now in Victoria is taking it seriously. And you know, this is something that everyone needs to pay attention to because it's coming down the line, you know, and if you didn't know that, given the media and the focus of attention on it over the last year, you know, and certainly over the last few years, but in the last 12 months has been extraordinary. It's another signal in that environment, I think. And it's an important signal because it's legislation and it's legislation with teeth. When I say it's legislation with teeth, it's

got the strongest teeth of any equality, equal opportunity, anti discrimination or human rights legislation in this country. In terms of compliance, how's that I have. So just give you a bit of an overview. So 300 organisations, 380,000 workers, 11% of the Victorian workforce are covered by the Act. So it's not a small, small part. So it's a it's a decent proportion. And as I said, tentacles beyond the main obligations are in there, they are due at certain times that are in the legislation. So the first one is to undertake a Workplace Gender Equality audit, across seven key indicators. So each organisation has to look at their data in their organisations as of June 30, this year, and they look at gender composition at all levels of the workforce. And in governing bodies. They look at workplace sexual harassment, both reported and in a people matters survey. So what kind of qualitative employee experience survey so that we'll look at unreported, but experienced but unreported and why it wasn't reported. All of that sort of stuff needs to be reported in the audit, recruitment and promotion practices, gendered segregation of the workforce. So where are women and men sort of clustered in particular industries, or areas or, or jobs, like administration, and then access to leave and flexibility, things like domestic and family violence leave, carers leave, and flexible work. The final one, which is so important is gender pay equity. They assess the state and nature of gender inequality in their organisations across those seven key indicators. And then they analyze that data. They then go to their workforce and their governing bodies and any union reps that they have in their workplace, and they consult them about what they think should happen. As a result of these findings to address any inequality that they find. The actions that come out of those consultations go into their gender equality action plan now that normally all of that would be done in the fourth quarter of this financial year, because of COVID. I've extended those deadlines, so they would normally be due to me on the 31st of October. Now I split it. So the data is due to me on the first of December this year. So very shortly, we will next week, I think launch our reporting platform, organisations will put that data in the reporting platform has 67 million, it is data points, skewed, we've built that it's been extraordinary, they then get to do their consultation over Christmas and the New Year and their action plans are due to me on the 31st of March next year. They then have to make reasonable and material progress under the act. That's what it says on any gender equality actions that they said they would do. So every two years from them, they report to me so 31st of October 2023. They provide me with a progress report. They demonstrate that they've made reasonable material progress on everything that they said they were going to do, and if not, why not. They also in that progress report must report to me on their gender impact assessment. At third obligation is to look at every program policy or service that has a direct and significant impact on the public. And they must put a gender lens over it from the 31st of March this year when the Act came into effect. So when you think about it, these are public organisations, universities, local government, most of what they do has a direct and so much of what they do has a direct and significant impact on the public for universities that split students, for public sector organisations, it's the community and set and likewise with council. So everything from now on that has a direct and significant impact on the public has agenda lenses agenda impact assessment done on us. And anything that comes up for review. So any existing policy program services, including budgets that come up for review post 31st of March, so existing stuff, must also have a gender lens that's big, and it's forever forward. So you think about the impact that's gonna have at a community level that's massive, and they report on those from their progress reports each year. One of the other important powers that I have is a dispute resolution function. So this is really unique. This is where organisations so employers or groups of employees can bring a dispute to me that relates to one of those seven key indicators like pay equity, sexual harassment and so forth. if it affects a class or

group of people, so this is about tackling systemic inequalities imbedded in institutions. Now normally, if you get sexually harassed, you can take your complaint to very arc or to VCAT. In the case of Victorian civil Administrative Tribunal, in case of Victoria and others, like the Equal Opportunity Commission in South Australia, my dispute resolution function is not about individual complaints. If you have a culture in your organisation that has allowed people to get sexually harassed, and you feel like you and a bunch of other employees might be at risk because of that culture, you could bring that dispute to me for my assistance in resolving it, I can make recommendations I can conduct conciliation I can do, I can handle the complaint in any way I like, except for arbitration. It's the first time a state statutory official has been given powers and federal abs. For me to be able to intervene, the EPA must have a clause in it that allows me to do that. But that there's a, there's a standard clause being developed in Victoria, that unions and employers can just drop into their EBAs now CPSU, which covers all of the Public Service has it in there. And so we're building the infrastructure on all of that, right now. It's quite a process to get a complaint to me, you have to try and resolve it with the employer first. And it's a voluntary process. So both parties have to agree to bring it to me, and my recommendations and resolutions are non binding. But from there, it might go to fair work. So you know, it could be quite useful to have this more less formal process. We're taking a less adversarial approach to it, because we're talking about structural issues that have existed for, you know, since workplaces were invented, that we want to create changing, where no one's actually to blame, you know what I mean, no one did it. But it went over time. And now we need to fix it. So some employers already expressed an interest in coming just because they want best practice advice around what they should do in this area as well. But obviously, there's a lot of interest in that. We can also develop targets and quotas, and put those in place, we won't be doing that until we've got some data on, we know where that could usefully be used. But you know, those targets and quotas work in certain areas. And we will certainly be looking at that as one of the levers. And then we've got things like we can develop procurement guidelines and funding guidelines, we're running a pilot on funding currently, that will impact the private sector and not for profit sector if they get implemented. So we're certainly very interested in that. And there seems to be a lot of community. When I say community, I mean, private sector interest in procurement driving change. And probably I'd say I've had less positive response from the public sector when I talk about procurement than I've had from the private sector. That's kind of like, yeah, why aren't you using that? Why are you doing that already? You know, but I certainly think there's an appetite building in some sectors of the community for things like procurement guidelines to drive. Because in some areas, you won't get changed unless you force. And I suppose that's probably a hint for boards, I think in terms of getting on the front foot and getting themselves sorted around this stuff. So that it's not a big arduous task.

Helga Svendsen 18:27

I was going to ask about that. Because you know, for those like myself, who are on public sector boards, if your organisation is already not well down the path of this stuff, you've got some fancy footwork to do in the next couple of weeks for the first deadline. But I imagine most of the public sector organisations are down the path. But for those that are not required to do this, but in the future may be required, or in the future, there might be some carrots, if they are under procurement

guidelines, or targets, quotas, whatever it may be, at this stage, are they able to voluntarily do reporting?

Dr. Niki Vincent 18:59

Certainly, we have developed guidance materials for organisations to help them comply with the obligations under the act. So they're comprehensive guidelines, they're comprehensive templates. They're all on our website. They're all freely available, so anyone can go and get them and use them. And a lot of organisations have said to us that they are using an even though they don't have to report to us. At this stage. We aren't taking their data per se, because we don't have the capacity to do that. Although organisations have said they want to voluntarily report to us and we will develop that over time. It was just trying to do everything in this kind of locked down period. With all of these deadlines. We went. Let's just get what we have to get done.

Helga Svendsen 19:41

Oh, come on Niki.

Dr. Niki Vincent 19:43

We'll talk about expansions my poor team, like don't talk about expansion Niki like we just need to get this done. We certainly had interest. We're certainly having conversations about how we might have some voluntary reporting from some areas and we've been talking to VCOS we've been talking due to construction, we've been talking to women in trades and so forth. And there is interest in that regard. So, and then we'll be voluntary, so it shouldn't threaten anyone, it's a good way to start getting yourself ready for, for what you might need to do in the future. And I think this is a signal that this is coming. This is not just a nice to have anymore. I mean, we're talking about more than 50% of the population, I don't think it should be too problematic to kind of think that equality is important in the in regards of it. And in the population.

Helga Svendsen 20:33

Can I just check something. So public sector organisations are required to do Gender Action Plans, when you were talking about the dispute settlement process? That's not just public sector organisations, if I understood correctly, it's those organisations that have the permission for want of a better word in their enterprise bargaining agreement can bring a dispute to you is that right?

Dr. Niki Vincent 20:54

It is all of the organisation's covered. At the moment. It's only local government and public sector organisations. It doesn't include universities at this stage, but we've just received feedback on regulations that will include universities, and we didn't get any negative feedback about that. So they will come under the legislation under the new regulations. So the Act applies from organisations of 50 people and over, but the dispute resolution applies to all of those organisations that are public sector, local government, etc, who are less than 50. So it's a bit broader, but it's not it doesn't go beyond the public sector at this stage. But it's so new and innovative, I'm really excited about the prospects for it in terms of wrong modeling, what can be done in organisations to create those really systemic changes that need to happen, the workplace has many, I'm sure many people will have said to you, and you probably say So have there been designed by men for men, those men, they were designed for women who had wives at home, looking after the kids and doing all the work, we've seen this huge transition of women into the workforce, nothing much going the other way. So women mostly have two jobs to do. And it's completely unsustainable. We ask of women, much more than we ask of men, we ask them both to be paid workers and do this substantial portion of unpaid work that you're required in caring for children caring for other family members, all of the housework. And when women go to work with all of those other burdens, which are about gender stereotypes that they need to change as well, they can't get ahead because they can't manage and juggle all of those things, unless they're lucky enough to have a housekeeper or a husband that is prepared to, you know, a partner that's prepared to stay home and do those things. So workplaces need to shift where it's not women, as Katherine Fox says, and her great book, 'Stop fixing women'. It's not women that need to change, it's workplaces that need to change. And this is about getting it and demonstrating that they can change. Now I'm saying all of that. And we haven't even had a complaint or dispute to resolve yet. But I'm actually really excited about it. And I'm hoping that, you know, we'll get them at the moment. We have strict secrecy provisions in our act around being able to sort of talk about those, but we're going to try and get those change very quickly. So that we'll be able to put out case studies and so forth about where this has occurred, so that we can demonstrate the change for other organisations.

Helga Svendsen 23:32

Oh, Niki, amazing. Exciting, isn't it? It is so exciting. So you've taken us on a beautiful kind of rollicking tour through the Gender Equality Act? What are the key things you want people to take away from the conversation that we've had today?

Dr. Niki Vincent 23:48

Oh, well, I've said I think I've said a couple of times that you know, this isn't a nice to have any more it is it is a must have. So my takeaway for boards would be take this seriously. And when I say take it seriously, don't consider it just a tick, what we what what do we have to do? What's the minimum requirement we can do to look like we are gender. And so when I say take it seriously, I mean, educate yourself. And I'm going to recommend the book invisible women, which is probably the most powerful book I've ever read in terms of gender equality, and it is great. It sets out logically and clearly. And it's evidence based research based, all of the ways in which women have not been taken

into account in everything we've designed in the world, you know, from cars, from traffic systems, road systems, snow plowing systems is a great example medicine, everything that has incredible disadvantages for women like cars crash tested with male crash test dummies and women are more likely to die in accidents or be permanently injured as a result of that. And that's today that's not you know, decades ago when we didn't understand you know, this stuff. So when you read that book, you can never go back, you can't unknow it. And you'll just have so many examples, that you'll be able to give an I, my partner read it, and he's an absolute convert absolutely loves it. So I, I recommended as a book for men as well as women, women, it will make you furious. You will just be like, really, really angry and stomping around with and you'll be exploding with everybody, you know, giving them examples. Did you know this? Did you know this? But men will just be like, Oh, now I know why you're a feminist, you know. So have those examples. You know, we've really got to think like I said about this is not about fixing women, this is actually about redesigning workplaces, we've got this revolution happening now as a result of COVID, particularly in states like, Victoria, probably in New South Wales as well, less so in South Australia haven't been disrupted as much by COVID as, as the other states, but big differences now, between the conversations I have in Victoria and our state of mind around the workplace, then there is with my friends in South Australia that have been less impacted and kind of mostly gone back to not exactly the way it was before, obviously, but you know, still gone back into offices and so forth. Whereas we've been out so long, I don't even know how that's gonna go when we try to get back in there. And the gender thing just feeds and the flexibility, just kind of it's all part of that. So make the most of it, measure this stuff, go to our website, get all of our auditing materials, download them, use them free, they're free, you don't need expensive consultants, it's all there for you. And use them to measure stuff in your own workplace because I talk to boards all the time, and they think it's it's somebody else's workplace that is unequal, that has a gender pay gap. And I when I asked, Did you ever measure it? No, no, no, we don't need to. And honestly, whenever they do, they fight, they have won, almost every organisation has a gender pay gap. And so denial isn't a good response anymore, get out there and measure it and do something about it. So those are my messages.

Helga Svendsen 27:09

I love it. There's a call to action, which I wholeheartedly agree with. And, folks, as you're listening to this, I will put a link to the gender equality commission in the show notes so that you can have a look at all of these magnificent resources. I'll also put a link to invisible women because that is a fabulous book, I listened to the audio book, and it was so wonderful to hear her speaking, it was read by the author and I loved it. Mickey, thank you so much. This has been not just an incredibly useful conversation and inspiring one, and we might get you back on in about 12 months time if that's okay, because it would be great to hear once reports are in and what's starting to happen in that way. It'd be great to get some reflections from you about how it's progressing as well. Great. So thank you so much for sharing your wisdom with the take on board community today. And once I'm back in Victoria, let's go for an afternoon hike somewhere.

Dr. Niki Vincent 28:03

That'd be fantastic. I'd love that. Thank you.

Helga Svendsen 28:06

Great. Thanks Vicki.