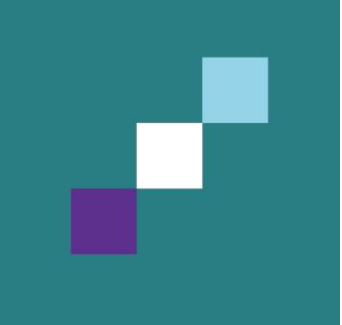




Second Action Plan (National Plan to End Violence against Women and Children 2022–2032)

Submission of the Public Sector Gender Equality Commissioner

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1. Introduction

As Victoria's inaugural Public Sector Gender Equality Commissioner (Commissioner), I welcome the opportunity to make this submission to the Department of Social Services in relation to the development of the Second Action Plan (National Plan to End Violence against Women and Children 2022–2032) (Second Action Plan).

As Commissioner, I am responsible for the implementation of the nation-leading *Gender Equality Act 2020* (Vic) (the Victorian GE Act) and for promoting gender equality across public sector workplaces and in the broader Victorian community. I make this submission based on my experience in implementing the Victorian GE Act, as well as my previous experience serving as the South Australian Commissioner for Equal Opportunity.

The Victorian GE Act: leading the way in primary prevention

In 2016, Victoria's Royal Commission into Family Violence found that Victoria must address gender inequality to reduce family violence and all forms of violence against women. In response, the Victorian Government released Victoria's first gender equality strategy, *Safe and Strong*, which committed to legislative change to promote gender equality. It acknowledged the unique, powerful position of the public sector is to set an example to the whole Victorian workforce and lead the way in primary prevention.

In 2018, the Victorian Government released an exposure draft of the Gender Equality Bill for extensive community engagement and public consultation, including a Citizen's Jury of Victorians. The feedback from

consultation was overwhelmingly positive, with stakeholders recognising the Bill as a one-in-a-generation opportunity to influence gender equality policy, culture and attitudes across Victoria.

The Victorian GE Act passed the Victorian Parliament in February 2020 and came into force on 31 March 2021. It covers approximately 300 Victorian public sector organisations, universities and local councils (employing 500,000 staff) that are required to make gender equality progress in their workplaces and public-facing policies, programs and services. Duty holders are required to:

- consider and promote gender equality and take necessary and proportionate action towards achieving workplace gender equality;
- undertake a gender impact assessment (GIA) when developing or reviewing policies, programs and services that have a direct and significant impact on the public, and report on these GIAs in their progress reports;
- conduct a workplace gender audit and develop a Gender Equality Action Plan (GEAP) every four years; and
- make reasonable and material progress in relation to the seven workplace gender equality indicators and their GEAP strategies and measures, and report on this progress every two years.

The Victorian GE Act is ground-breaking in its recognition that gender inequality may be compounded by other forms of disadvantage or discrimination that a person may experience on the basis of their Aboriginality, age, disability, ethnicity, gender identity, race, religion, sexual orientation, and other attributes. As part of fulfilling their requirements under the Victorian GE Act, duty holders are required to consider intersectionality when conducting their workplace gender audits, in the development of their GEAPs, and where practicable, when undertaking GIAs.

2. Overview and summary of recommendations

Workplace gender equality and gender-based violence

Ending family, domestic, and sexual violence within a generation requires targeted interventions addressing sexual and gender-based violence and harassment (SGBVH) in all areas of life, including in the world of work.

At the individual level, workplace SGBVH impacts a victim-survivor's physical, psychological and sexual health, as well as their career trajectory, family and social relationships, and dignity (ILO, 2019). At the organisational level, workplace SGBVH negatively impacts workplace relations, employee engagement, organisational culture and reputation, and productivity (ILO 2019). At the societal level, workplace gender inequality and SGBVH is deeply connected to gender-based violence experienced in other settings — they:

- **Exist along the same continuum of gender-based violence:** Sexual harassment, including that experienced in workplaces, is part of the continuum of sexual violence (Kelly, 1987, 2012). This continuum is not linear, nor is it a hierarchy. Rather, it links all forms of gender-based violence (including socially sanctioned forms of violence, such as misogynistic jokes, and extreme uses of physical force and aggression, such as femicide) and illustrates that gender inequality sets the underlying context for all violence against women and girls.
- **Share the same root causes and drivers:** Gender-based violence is a manifestation of gender inequality and other forms of oppression, discrimination, and power imbalances (Commonwealth, 2022). It is driven by rigid gender stereotypes, the condoning of violence against women, men's disproportionate decision-making power, and cultures of masculinity that valorise control, dominance and aggression (Our Watch, 2021).
- **Disproportionately impact the same individuals.** Women, girls, gender diverse people, and individuals who face compounding forms of discrimination and disadvantage continue to experience family, domestic and sexual violence and workplace SGBVH at disproportionate rates to men (AHRC, 2020, 2025; Commonwealth, 2022).

Indeed, the *National Plan to End Violence against Women and Children 2022–2032* explicitly acknowledges that workplaces ‘have a role in preventing gender-based violence, as well as providing a workplace environment that is safe and free from harassment and abuse’ (Commonwealth, 2022, p. 57).

Recommendations

To address workplace SGBVH, I make seven key recommendations in this submission. In particular, I recommend that the Commonwealth commit, through the Second Action Plan:

- To amending the *Fair Work Act 2009* (Cth) (FW Act) to create a distinct entitlement for victim-survivors of workplace SGBVH. This should include: a) an entitlement ten days’ paid leave to deal with the impacts of work-related SGBVH; and b) a right to request flexible working arrangements. These provisions should be modelled on the existing family and domestic violence leave and related entitlements under the FW Act (ss. 106A - 106E). The Commonwealth should commit to robust consultation with victim-survivors and victim-survivor advocacy groups, alongside unions, businesses and the broader community.
- To strengthening its own Gender Responsive Budgeting (GRB) and GIA commitments and to driving more consistent national application through federal funding agreements. At the Commonwealth level, the Government should lower the current \$250 million financial implication threshold and explicitly mandate a GIA for the procurement, development, or deployment of any generative artificial intelligence (AI) technology. Nationally, the Commonwealth should use National Partnership Agreements (NPAs) and other intergovernmental funding agreements to require federally funded programs, policies, or service delivery initiatives administered by states, territories, or external providers to be subject to mandatory intersectional GIAs.
- To enhancing the Paid Parental Leave scheme, beyond its current planned expansion, by increasing both the duration and rate of payment over time. To support sustained improvements in gender equality and women’s workforce participation, this should be paired with Commonwealth investment to close the gap in the availability and accessibility of high-quality early childhood education and care.
- To coordinating with states and territories to embed Respectful Relationships Education (RRE) as a core feature of the national curriculum. This should include using higher education, accreditation and funding levers to support embedding RRE within Initial Teacher Education (ITE) qualification requirements.
- To amending the *Sex Discrimination Act 1984* (Cth) (SD Act) and FW Act to restrict the use of non-disclosure agreements (NDAs) in workplace SGBVH matters, drawing on the *Restricting Non-disclosure Agreements (Sexual Harassment at Work) Act 2025* (Vic) (NDA Act).
- To amending the *Australian Human Rights Commission Act 1986* (Cth) (AHRC Act) to empower the Australian Human Rights Commission (AHRC) to apply to the federal courts for a civil penalty order in relation to serious or repeated contraventions of the positive duty to eliminate SGBVH under the SD Act.
- To establishing within the Federal Office for Women a clear national coordination role, backed by dedicated funding, to work collaboratively with state and territory governments to develop and enact consistent gender equality legislation, modelled on the Victorian GE Act (noting the recommendations for legislative amendment contained in [my recent submission to the independent review of the Victorian GE Act](#)).

3. Submission

Priority Area 1: Victim-Survivors

Introduce minimum standard workplace supports for victim-survivors who experience workplace SGBVH

SGBVH in Australian workplaces is persistent and pervasive (AHRC 2020). Data submitted to me under the Victorian GE Act reveals that experience rates of sexual harassment in Victorian public sector workforces remain largely unchanged between 2021–2025 for women and men. Concerningly, they have significantly increased for employees who experience intersecting forms of discrimination and disadvantage, including First Nations women and gender diverse and non-binary people. Despite years of awareness-raising and policy attention, many organisations are not yet demonstrating sufficient progress in prevention.

Workplace SGBVH has severe negative impacts on a victim-survivor's physical and psychological health, as well as to their career progression and intimate relationships (e.g. Fitzgerald et al. 1997, Khubchandani & Price 2015, Lahelma et al. 2000, Nasir & Shaukat 2013, Sojo et al. 2016). The trauma associated with workplace SGBVH is directly linked to long-term chronic diseases, disorders, and illnesses, as well as an increase in workplace absenteeism (Fitzgerald et al. 1997, Khubchandani & Price 2015, Roberts & Wescott 2024).

The Second Action Plan should commit to legislative amendments to enable victim-survivors of workplace SGBVH to access specific, paid entitlements immediately after experiencing SGBVH. Currently, victim-survivors of workplace SGBVH must use existing leave entitlements, including paid personal and carer's leave entitlements, when seeking medical assistance or other support following incidents of workplace SGBVH. Casual workers may be required to choose between losing income without access to paid leave entitlements or remaining in an unsafe workplace environment without seeking the support needed. This has a disproportionate gendered impact: not only do women experience workplace SGBVH at much higher rates than men (ARHC 2020, Sojo et al. 2015), they are also more likely to exhaust their personal and carer's leave entitlements due to the gendered burden of unpaid care labor (Carers Australia 2022, Commonwealth of Australia 2024, Deloitte 2024).

A distinct, accessible leave entitlement would enable victim-survivors of workplace SGBVH to seek essential support early without financial penalty, reducing the risk of long-term morbidity. This is particularly critical for victim-survivors with disabilities and with precarious employment or visa statuses (Amos et al. 2024, Minnotte & Legerski 2019). Further, paid leave acknowledges the legal responsibility of employers to prevent and eliminate SGBVH as a workplace hazard (AHRC 2025, Pillinger 2022, SD Act, *Work Health and Safety Act 2011* (Cth) [WSH Act]). Drawing on international precedent (ILO 2025, Pillinger 2022), I recommend that the Second Action Plan commit to inserting a new entitlement in the National Employment Standards contained within the FW Act designed to support all victim-survivors of workplace SGBVH, including those employed on a casual basis.

Recommendation 1

The Commonwealth should commit, through the Second Action Plan, to amending FW Act to create a distinct entitlement for victim-survivors of workplace SGBVH. This should include: a) an entitlement ten days' paid leave to deal with the impacts of work-related SGBVH; and b) a right to request flexible working arrangements. These provisions should be modelled on the existing family and domestic violence leave and related entitlements under the FW Act (ss. 106A - 106E). The Commonwealth should commit to robust consultation with victim-survivors and victim-survivor advocacy groups, alongside unions, businesses and the broader community.

Priority Area 2: Prevention and early intervention

Address harmful gendered norms, attitudes and stereotypes that underpin gender inequality and SGBVH

Harmful gender norms, including stereotyped constructions of masculinity and femininity, are the primary systemic drivers of workplace inequality and SGBVH (AHRC 2020, CGEPS 2025, Deloitte 2024). These norms contribute to the undervaluation of care work, reinforce rigid expectations of men and women, and favour an ‘ideal worker’ model based on constant availability and limited caring responsibilities. They can be built into workplace policies, job design and organisational cultures. This can render the distinct challenges faced by diverse groups invisible (AHRC 2025, Deloitte, 2024).

As noted above, these same norms that sustain gender inequality at work also underpin violence against women and girls more broadly (Our Watch, 2021). Deconstructing these norms and stereotypes requires gender-transformative initiatives to be embedded within the very systems that perpetuate them and the environments best positioned to prevent their internalisation. The Commonwealth should implement three practical actions, outlined briefly in turn below.

Apply intersectional gender analysis more consistently to policy and procurement

Policy decisions that appear gender neutral may have differential impacts on different people, regardless of the intended or envisaged effect. GIAs enable policymakers to expose and avoid negative gendered impacts, enhance gender equality, and improve the efficiency and quality of policies. This matters for primary prevention because policies that ignore negative gendered impacts can entrench the inequalities that drive violence.

Under the Victorian GE Act, duty holders are required to undertake a GIA on all new and up-for-review policies, programs and services with a direct and significant impact on the public (s. 9). The Commonwealth should strengthen its own GIA and GRB implementation by:

- lowering the current \$250 million financial implication threshold for Commonwealth GIA requirements;
- requiring GIAs for the procurement, development or deployment of generative AI technologies. International evidence suggests that AI adoption disproportionately threatens women’s labour market participation and risks automating systemic gender discrimination (Tambe & Yang 2025, Tang et al. 2025, Yakqub 2026). Embedding GIAs in this way will assist the Commonwealth to harness AI technology in a gender-informed manner; and
- using NPAs and other intergovernmental funding agreements to drive more consistent uptake across states and territories.

Support men to take on an equal share of unpaid care

Generous, dedicated parental leave and childcare policies are essential to building ‘dual-earner, dual-carer’ societies (Eydal et al. 2008, Ellingsæter 2024) and for deconstructing the harmful norms associated with care work. Evidence shows that when fathers take an equal share of unpaid care and housework, their children develop gender-egalitarian attitudes and are more likely to pursue non-traditionally gendered career paths (Deloitte, 2024).

The Commonwealth Government should strengthen family policy to better support shared care. It should expand paid parental leave, increase dedicated non-transferable leave for each parent, and improve childcare policy. Though contextually different, leading OECD nations demonstrate the positive effects generous family policies have on redistributing unpaid care. For example, Iceland’s model provides 26 weeks of leave per parent (compensated at 80% of earnings) with only six transferable weeks. This has contributed to gender-equal engagement in caregiving since its introduction. Most Icelandic parents share care equally by a child’s first birthday, yielding long-term benefits for father-child relationships and marital stability by reducing conflict over labor (Duvander et al. 2025).

Embed respectful relationships education nationally

Rigid gender stereotypes form and crystallise early in a child's life. At the same time, there has been a marked increase in sexism and misogyny across Australian schools, coinciding with the rise of the online 'manosphere' (Roberts et al. 2026, Wescott et al. 2024, Zhao et al. 2024). This makes Australia schools critical primary prevention settings, offering near universal reach during these formative years (Deloitte 2024, Our Watch 2024).

Despite its strong evidence base, the current implementation of RRE across the nation remains uneven (Cahill et al. 2023, Pfitzner et al. 2024). The Commonwealth should work with states and territories to establish RRE as a core feature of Australian schooling, embedded within all ITE qualification requirements and the national curriculum.

Recommendation 2

The Commonwealth should commit, through the Second Action Plan, to strengthening its own GRB and GIA commitments and to driving more consistent national application through federal funding agreements. At the Commonwealth level, the Government should lower the current \$250 million financial implication threshold and explicitly mandate a GIA for the procurement, development, or deployment of any generative AI technology. Nationally, the Commonwealth should use NPAs and other intergovernmental funding agreements to require federally funded programs, policies, or service delivery initiatives administered by states, territories, or external providers to be subject to mandatory intersectional GIAs.

Recommendation 3

The Commonwealth should commit, through the Second Action Plan, to enhancing the Paid Parental Leave scheme, beyond its current planned expansion, by increasing both the duration and rate of payment over time. To support sustained improvements in gender equality and women's workforce participation, this should be paired with Commonwealth investment to close the gap in the availability and accessibility of high-quality early childhood education and care.

Recommendation 4

The Commonwealth should commit, through the Second Action Plan, to coordinating with states and territories to embed RRE as a core feature of the national curriculum. This should include using higher education, accreditation and funding levers to support embedding RRE within ITE qualification requirements.

Priority Area 3: Children and young people in their own right

While I do make any specific submissions in relation to Priority Area 3 of the Second Action Plan, my submissions in relation to the remaining Priority Areas operate to protect families and children by encouraging and facilitating the achievement of gender equality.

Priority Area 4: People who use violence

Legislate to restrict the use of NDAs in cases of workplace SGBVH

NDAs have repeatedly been found to be misused in workplace SGBVH matters to protect the interests and reputations of harassers and employers (AHRC 2020, 2025, JobWatch 2023; WWCV 2024). These agreements mask the true scale of workplace SGBVH, critically undermine the transparency required for genuine institutional accountability, and enable serial harassers to continue their behaviour either within the same organisation or by moving to new workplaces (AHRC 2020, JobWatch 2023). Further, NDAs isolate victim-survivors who are prohibited from seeking support from family members, friends and professionals (AHRC 2025).

NDAs therefore conceal the nature, prevalence and impact of workplace SGBVH. This was demonstrated by the restrictive role NDAs played on the AHRC's capacity to undertake its landmark National Inquiry into

Sexual Harassment in Australian Workplaces (2020) (the Respect@Work Inquiry). When Australia's Sex Discrimination Commissioner, Kate Jenkins, requested limited NDA waivers from large employers to allow victim-survivors to provide confidential submissions to the inquiry, a mere 39 organisations consented (AHRC 2020). Recommendation 38 of the Respect@Work Inquiry proposed the development of a practice note or guideline outlining best practice principles for NDA usage. While the development of such guidelines by the Workplace Sexual Harassment Council is a positive step, the Victorian model offers a legislative blueprint for restricting NDAs at the federal level.

In November 2025, Victoria became the first Australian jurisdiction to restrict the use of NDAs in workplace SGBVH via the NDA Act. The NDA Act has established a framework that actively shifts the power back to victim-survivors. It mandates that NDAs can only be executed at the explicit request of the victim-survivor and incorporates a safeguard allowing the victim-survivor to revoke the agreement after 12 months. This approach aligns with international best practice, including the International Labour Organization (ILO) Violence and Harassment Convention 2019 (No. 190), which requires the introduction of measures that ensure the requirements for privacy and confidentiality are not misused (Art. 10(c)).

Recommendation 5

The Commonwealth should commit, through the Second Action Plan, to amending the SD Act and FW Act to restrict the use of NDAs in workplace SGBVH matters, drawing on the Victorian NDA Act.

Introduce civil penalties for breaches of the Positive Duty under the SD Act

Legislative reforms following the Respect@Work Inquiry have strengthened employer obligations in relation to the prevention and response to workplace SGBVH. This includes, centrally, the positive duty inserted in the SD Act requiring duty holders to take reasonable and proportionate measures to eliminate SGBVH, hostile work environments based on sex, and victimisation (SD Act: s. 47C) (the Positive Duty).

While these reforms are indeed a significant step forward in Australia's regulatory response to workplace SGBVH, there remains a critical gap in holding organisations to account. The AHRC has powers to monitor and enforce the Positive Duty by conducting investigations, however a finding of non-compliance may lead only to the issuance of a compliance notice (which may then be enforced via the federal courts: AHRC Act: ss 35AD, 35B, 35F, 35J, 3K). I recommend that the AHRC's powers in relation to enforcing compliance with the Positive Duty are strengthened by empowering the AHRC to seek a civil penalty order through the federal courts (AHRC 2025; ALRC 2025).

As the AHRC (2021, 2025) itself has recognised, the ability of a regulator to seek the imposition of civil penalties is a powerful compliance tool. The threat of court-enforced pecuniary penalties provides strong deterrence against non-compliance, while simultaneously encouraging compliance with lower-tier regulatory tools, such as enforceable undertakings. Further, the ALRC (2025) has emphasised that the civil penalties function as a systemic accountability mechanism, shifting the enforcement burden from individual victim-survivors to the state. This is supported by federal precedent for the imposition of civil penalties for serious non-compliance with organisational obligations (e.g. *Privacy Act 1988* (Cth):s. 13G, *WSH Act*: s. 144(1)).

Recommendation 6

The Commonwealth should commit, through the Second Action Plan, to amending the AHRC Act to empower AHRC to apply to the federal courts for a civil penalty order in relation to serious or repeated contraventions of the positive duty to eliminate SGBVH under the SD Act

Priority Area 5: System integration and workforce

Support the development of state and territory-based legislation modelled on the Victorian GE Act

The Victorian GE Act is recognised as ‘gold standard in workplace gender equality legislation in Australia’ (Rogers 2024: p. 49). It plays a key role in Victoria’s family violence primary prevention framework by addressing gender inequality in Victorian workplaces and more broadly across the Victorian community.

The Victorian GE Act establishes a clear chain of responsibility by: 1) setting mandatory reporting requirements that foster transparency and allow for public scrutiny; and 2) placing the onus for monitoring and enforcing these obligations on me in my role as the Commissioner. This has inserted workplace gender inequality within organisational governance and risk frameworks and forced organisational leadership to improve their awareness (and accountability) for the issue. This is evidenced in many ways:

- **I have collected Australia’s most comprehensive public sector gender equality data set**, with around 200 million data points collected since the legislation commenced to operate. For the first time, Victoria has a much clearer picture of the state and nature of public sector workplace gender equality.
- **In 2024, Victoria became the first jurisdiction in Australia to legislate GRB requirements** (*Financial Management Act 1994* (Vic): Pt 5, Div 4A). These changes embedded GIA as a ‘key building block’ in Victorian budgetary processes and policies as a means ‘to ensure that public financial management supports the promotion of gender equality through the way budgets are constructed, funds are collected and spent, and outcomes achieved’ (DTF 2024: p. 1).
- **The Victorian GE Act has influenced legislation and policy development across multiple jurisdictions, nationally and internationally.** Since the commencement of the Victorian GE Act, I have consulted in relation to the adoption of the legislation and its various requirements in other Australian jurisdictions and internationally (e.g. World Bank & IPA, 2024). The legislation has been showcased nationally, including at the Women and Women’s Safety Ministerial Council (DPMC 2024), and is referenced in national and interstate guidance materials related to gender equality and anti-discrimination (e.g. AHRC 2021, QHRC 2022). It has also been used in building the ‘case for change’ for the development of similar legislation in other Australian jurisdictions (WALGA 2020, Rogers 2024, Unions Tasmania 2021, LG Professionals SA 2023).
- **My office has also published several first-of-their-kind reports based on insights derived from the data submitted to me under the Act by duty-holders.** This includes Australia’s first report on intersectional public sector workforce data in October 2023, [Intersectionality at Work: Building a baseline on compounded gender inequality in the Victorian Public Sector](#).

I recommend that the Second Action Plan establish a clear responsibility for, and dedicated funding to, the Federal Office for Women to work collaboratively with states and territories to develop and enact consistent gender equality legislation. The Office for Women should work collaboratively with Workplace Gender Equality Agency to, where possible, ensure alignment of obligations and avoid unnecessary duplication or avoidable administrative burden on relevant entities.

The Victorian GE Act provides a tested blueprint for interstate adoption, supported by international best practice. The ILO (2019, 2022) explicitly recognises that that robust legislation containing clear employer obligations serves as a powerful catalyst for collective bargaining, mobilising employers, unions, and workers toward the common objective of safe and equal workplaces.

Recommendation 7

The Commonwealth should commit, through the Second Action Plan, establishing within the Federal Office for Women a clear national coordination role, backed by dedicated funding, to work collaboratively with state and territory governments to develop and enact consistent gender equality legislation, modelled on

the Victorian GE Act (noting the recommendations for legislative amendment contained in [my recent submission to the independent review of the Victorian GE Act](#)).

I would like to acknowledge the work of [REDACTED], Senior Policy Adviser at the Commission for Gender Equality in the Public Sector (Commission), for her work in preparing this submission. In the first instance please contact [REDACTED].

Yours sincerely



Dr. Niki Vincent
Public Sector Gender Equality Commissioner

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