**Managing resistance to gender equality for policy and practice**21 March 2018

**Kristen Hilton:**

Thanks very much Nelly. I do sometimes wonder if air conditioning is gendered because I'm always cold. Anyway that might be taking it too far.

It's great to be here today and I want to begin by acknowledging the traditional owners of the land on which we meet and pay my respects to Elders past and present, and also acknowledge the enormous contribution of our First People to this state and this nation. And I also want to acknowledge the fantastic and pioneering work of Jerril and her team at VicHealth. This is a really important and timely resource and I think it's great that we're having this conversation and also Marion for the work that you're doing and leading the office. As I said, it's a really timely conversation because most places I go these days, what I'm starting to hear is, ‘well, this has all gone way too far Kristen, this is spiralling out of control’. This discussion around gender equality or #metoo or #timesup, I hear that we've done away with fair process, I hear that we are losing great men and great leaders and I sometimes will ask about all of the generations of great women that were lost or who never reached their full potential or had to exit workplaces because of the treatment they received. Yesterday one employer told me that he is now giving his male staff advice just not to go near women. I also heard that you can't even make a joke or have a laugh about what we did on the weekend without being told that you're sexist and that, I did like this one, ‘perhaps the talk about the importance of women in leadership is really just the feminist craving for masculine domination’. And one of my favourites, ‘whatever happened to merit, whatever happened to the best person for the job’. So the cage has been rattled and they are the sounds of the rattling back.

Earlier this year American feminist Rebecca Solnit, who some of you may know and if you don't know her I commend her works to you, she wrote this fantastic book last year or the year before called *The Mother of All Questions*, but in an essay that she wrote earlier this year about #metoo and the backlash, she said, “This thing has gone too far. It has terrified people. It's driven them out of workplaces and even professions and it's made them afraid to speak up and punished them for speaking. And by this thing I mean misogyny and violence against women and girls and men sometimes and boys. The #metoo upheaval is an attempt to address something old and deep and very disruptive and that deep and destructive construct still plays out.” And I know that you know this, but I think sometimes it's important just to have a reminder, more than half of women aged 18 or older have experienced sexual harassment in their lifetime. One in three Australian women has experienced physical or sexual violence and it's estimated that violence against women and children in Australia costs the Australian economy $22 billion a year. Women comprise almost 47 per cent of all employees in Australia, but they take home on average, and this is full-time adult earnings, about $250 less. Over our lifetime this means that the average Australian woman is facing retirement with around half the superannuation savings of the average male, which is an average of $113,000 less cash in the bank. And it's no wonder then that older women are increasingly facing housing insecurity and poverty in 2017. Australia was ranked 35th on the global index in terms of measuring gender equality, we've in fact slipped from a high point of 15 in 2006. And although we actually do very well in terms of educational attainment, we are seriously lacking when it comes to cultural and economic equality. So I think that's sobering, but we have also made a great deal of progress and I think particularly in Victoria, Marianne mentioned that we now have 53 per cent of women on paid Boards and we've only got there because there has been tremendous effort by many people in this room. We’re also living through tremendous change right now. It is a type of reckoning and while that change, that vision of a world where women and girls live safer lives, where they're free from violence, with economic and political and social opportunities that are not determined by their gender, a world in which we embrace a common humanity and respect, while that idea has many supporters, it will also have its resistance and its detractors. There are those who will struggle to make sense of the change. They will feel disoriented and then there will be those who will express vehement and constant opposition. Most people react to social movements or social changes from within their own narrative. It is often not a rational reaction. How does this new idea of equality, if it is new for some people, make sense to my story, to my way of being? How does this new world order possibly enhance or diminish me?

Last week I gave a talk at the Huntingdale Golf Club, I get around to all sorts of interesting places, to about 250 very keen golfers about sex discrimination in golf clubs. And there was, this is at 8.00 in the morning and I was really surprised anyone showed up, but the room was packed and there was, I don't think I've ever had a more engaged audience, there was tremendous interest in this discussion, partly because the sustainability of golf means including more women and girls into that sport. But also because women golfers are speaking up about the limited access that they get to club rooms, the fact that their comps are seen very much as an afterthought, that they don't have the same voting rights as male membership people do in the election of boards. And while you may not think that equal opportunity in golf is the number one issue, you could feel in that room a rather polite and mannered but definite rocking of the boat. And we launched an equal opportunity guideline for golf in partnership with Golf Victoria and Golf Australia and as I described some of those instances of sex discrimination in golf, you could see women nodding their heads and look at each other in an act of confirmation. And then you could see some of the men sort of shifting uncomfortably in their seat, but also having moments of kind of revelation or, ‘right, I hadn't thought about it in that way before’. And you can almost see when you introduce an idea that is new, the way in which the world starts to move even just a little bit.

So I expect that you will hear, and we have heard from speakers today that backlash is inevitable in this type of work and one of the best things we can do, as Marian said, is to try and be prepared for it and to try and think about how it might manifest because those encounters with resistance, while we can prepare ourselves for them and where we can have really thoughtful strategies about them, can also be confronting and hostile and very fatiguing. But for those who pursue gender equality, I think we ignore or dismiss this resistance or discomfort at our peril, and that's why this resource is particularly, particularly important and timely. As we move from public conversations about gender equality to actually disrupting the power structures and systems that keep us in thrall, I expect that resistance will also intensify. And not just by men, but also by women whose histories, beliefs, and experiences means that they will approach this issue differently. Many of you will be familiar with the work that the Equal Opportunity and Human Rights Commission does. Each year we receive thousands of inquiries and hundreds of complaints, many of which relate to sex discrimination, pregnancy discrimination and sexual harassment and we have a conciliation model where we resolve those complaints. And the advantages of that service is that it's free, it's confidential, it operates by mutual agreement, and it can avoid high state confrontations like adverse court or lengthy court action, disciplinary action or sometimes the issue being posted all over the media. And when those conciliations work best, they don't just stop at the discriminatory treatment or the harassing treatment and don't just provide a sense of redress for the victim. They also provide an education opportunity for the person, the service provider or the public authority who has engaged in that behaviour. It's an opportunity to see the world from someone else's point of view.

Since August 2017, which is what we now refer to as the Weinstein moment, we've had a 40 per cent increase in our complaints that the commission and 32 per cent of those relate directly to sexual harassment. So that's a great thing for us. We encourage people to complain and what we see really is that there's been a higher confidence, perhaps, a higher degree of willingness to share stories, women who have been speaking to each other and said, ‘yes that happened to me too, and I'm going to report that behaviour’. We've also seen more inquiries from employers wanting to know what they can do because workplaces are well and truly on notice. And I don't think any of our industries can claim ignorance or immunity from the sorts of behaviours that we're talking about now. Here in Victoria, we also have very progressive legislation. We have an Equal Opportunity Act that has gone through a range of amendments, but it's not just a compliance piece. There is a provision in the Act which makes all public authorities and employers take positive steps to eliminate discrimination, and prevention and culture change and at times being able to moderate the scale of change through what we call special measures or exemptions are very much part of the Act and if you don't know about it, I really encourage you to use it because it is an important part of your toolkit.

Increasingly, our work at VEOHRC focuses on prevention and systemic change and how we can build cultures that value and prioritize respect, not sameness, but that are interested in difference. In addition to golf clubs and schools and prisons, over the last couple of years, we've also been knee deep in the world of emergency services. Emergency services, by which I mean police and fire services, are changing. They are changing to meet different communities and they're also changing to meet environmental challenges and they need a diverse and agile workforce to respond to those changes. The connection between human rights and emergency services was really came about in 2012 when the Australian Human Rights Commission conducted a landmark review into the Australian Defence Force, and that was led by former Sex Discrimination Commissioner Liz Broderick and that work, in addition to covering some really egregious types of sexual abuse that happened in the ADF, that work also uncovered deep attitudinal and structural biases that prioritized a particular type of combatant or group. This was the ideal of the heroic, brave and rather mysterious or male unit. And it's part of a mythology, a deeply embedded idea about who is best to take care of us, who is best placed to keep us safe. It open often elevates raw strength over technique or skill or responsiveness over prevention. And the world over, that archetype of the hero is very, very strong in fire services. Some of you may know that in 2016, the Victorian Government requested that VEOHRC undertake an independent review into equity and diversity in the CFA and the MFB, and at the time that we started that review which was, as I said, about 18 months ago, there were 3.6 women in the operational cohort at MFB and about 14 per cent in CFA, which has a much broader membership basis, about 55,000 volunteers in the CFA. So those numbers tell a particular story that is critically low even when you compare it to other fire jurisdictions and other emergency services like Ambulance Victoria or Police here in this state. And those figures have stayed critically low despite initiatives by both agencies to change the demographics or the makeup of their organisations over some time. And our job was to go in there and to understand why that was and then to come up with recommendations that would provide a pathway to reform. This work is probably its own case study in resistance. And one day I might come and speak to you about it. But at the moment there's very little I can actually say about that review because it is currently subject to court of appeal proceedings in an attempt to block the publication of the report. We've been doing that work for more than 18 months now and we have experience through that process resistance, opposition, difficulty from probably everyone that's been involved in it. And that in itself is not surprising because this work is very challenging, particularly when you go into environments where there is long and deep histories about the type of people in this organisation that there is something quite unique about this project. As I said, I think one day when it's the right time, it will be a very interesting case study in opposition. But our firework came off the back of work that we had done with Victoria Police.

So in 2016 the then Chief Commissioner of Vic Pol Ken Lay came to us and he was prompted to come to us, partly by the work with the ATF and the Australian Human Rights Commission, but also because there were a couple of high profile sexual assault cases that had happened in Victoria Police and he was very concerned to understand what was going on inside his force and this was also a time at which Victoria Police were responding more and more to call outs of family violence, which as we know is a highly gendered crime and they in order to respond to this as effectively as they possibly could, wanted to understand how gender inequality manifested in their own workplace. So we undertook an extensive body of research on the prevalence and drivers of sex discrimination and harassment in Vic Pol. And central to our work, and this is also what this strategy picks up on, was a commitment to listen and to learn. Vic Pol is an organisation of nearly 20,000 people. It has a long history, nearly one in 250 Victorians of a working age work for Victoria Police. So it's a very important place to go in to try and effect and make sure that gender equality is a living, breathing thing in that environment. Vic Pol has its own structures, its own body, and its own language. It's a vocation to which people dedicate their entire working careers and it's a career that is often intergenerational. There are blood lines in the Pol, in the truest sense of the word, and the culture is almost a living, breathing thing. So for us to understand the strategies to go in, to try and create a more, and in partnership with Victoria Police, to create a more gender equitable workplace, we had to understand in intimate detail how the organisation worked. We had to understand its problems and we also had to understand what levers exist to pull to try and make that change. And very importantly, we had to understand where resistance lived and how it would manifest. So we drove to small regional police stations. We heard women speak in the strictest confidence about experiences that they've never shared with their partners or their best friends. Women from all ranks and all levels talked about the harm that they had witnessed and suffered and been part of in a culture that had often made them feel sidelined or disillusioned. Many of the women that we spoke to had never complained because they feared the consequences that would occur when they did complain; they'd seen what happened to women who spoke out, that their careers had suffered or that the police don't dob in their mates and one of the flip sides of working in an environment where there is tremendous loyalty, where people have each other's backs is the reverse of that, which is the disloyalty that comes from sticking your head above the pulpit.

The Commission's report gave women's experience eyes and the voice and the power of that work I think lay not in the 300 page document and its analysis, but in the human stories that are recounted, the very specific experiences of people in that organisation. There's an American lawyer called Bryan Stevenson. He works for the Equal Justice Initiative in Alabama and he works predominantly with young men on death row and he talks the talk about the importance of proximity. He says you need to get close to the things that matter. You need to get close to the places where there is inequality and suffering. The places where people feel oppressed, burdened and abused, see what it does to your capacity to make a difference, see what it does to you, And the telling of those stories was an extremely effective way in changing the appetite for reform in that organisation. Because once you hear those stories, once you hear those experiences, it's very hard to unhear them. Our report made 20 recommendations and Victoria Police to their enormous credit accepted all of them. And the scale of the work that they have done then has been phenomenal. They have started baseline reporting against a number of gender equity measures. They are doing their best to understand the gender pay gap in Victoria Police at all levels and ranks. They have implemented a 50/50 gender recruitment policy. They have developed an all roles flex policy. They now have a floating parental back leave, forced to provide support for flexible work arrangements and light duties. They’ve reviewed all of their relevant policies. They're starting to roll out workplace harm training for all staff and gender equality is on the agenda of nearly every meeting of the executive command. But it is far from a linear journey. And I think you have Assistant Commissioner, Luke Cornelius here – Luke here yet? no, he's on his way – so he will probably tell you more detail about this on the panel. But, you know, many of you probably would have seen a couple of weeks ago. It was a tough week for Victoria Police when their Head of Professional Standards was outed for an online, I suppose, voice that he had developed – I know it is a polite way of saying it – but it shows how hard you have to work to make sustainable change. And it shows that it can often be one step forward and two steps back. And it shows you that resistance and backlash can take all different forms and can in fact take you unawares even if you think you have a sense of exactly where you know that opposition is going to come from. And this can sometimes be the most challenging aspect of the type of social change work that we're trying to do. It is distracting, it can derail and it can also intensify the impact on those who experienced harm and have been prepared to speak up about it. Often the resistance and the backlash will come from people who have been advantaged by the status quo. And that resistance can be denying that a problem exists, so people would say, people who you’ve done work with in fire and Victoria services and other workplaces say, well this just is not my experience of this workplace. This does not ring true to me. It can be refusing to recognize any personal responsibility and that is a key to leadership in this type of social change where people who have been in the organisation, who have lived through those generations of sex discrimination and harassment, are able to stand up and say, I have been a part of this and for my role in that, whether it was direct or indirect, I take responsibility. It can be simulating change while covertly undermining it, it can be denying the credibility of the evidence, calling you biased, declaring that you don't have the expertise or the mandate to do a particular piece of work, adopting a victim position, and of course claiming reverse discrimination. And the backlash often takes the shape of merit and we hear about merit all of the time so you should only get, and this is particularly when you're talking about recruitment strategies that are trying to produce a more gender equitable workplace, that you should only get into the position or you should only be recruited or progressed based on your merit. Now, the problem with that is that assumes that everyone has got to where they are based on merit. That denies the fact that we know that we all have biases both conscious and unconscious. I have them, I mean I have a workplace that has a lot of middle-aged working mothers in it. So you look at most workplaces and they look not unsimilar to the people who lead them. Yes, I'm wrapping up. What I wanted to say is that when you go into these conversations about backlash and resistance, don't necessarily assume ill intent. A lifetime of experience has got someone to the position that they're in and the best way that you can have some conversations where you are correcting misinformation or you are trying to provide an idea of what this new world order looks like is to go into that conversation with understanding some humility and some willingness to have a discussion and to have an understanding.

The other thing I would say just briefly is the report or the resource talks about organisational strategies. They are so important, not to just say that this work around gender equality is critical because it's against the law to discriminate against someone or this is what we're at a point now where gender equality should be mainstreamed. You actually have to explain the case for change. You have to provide people, if you want to accompany them on your journey, with what that vision looks like and be very specific about it. You can't expect someone to jump in the car with you if you don't have a map. They will just be very confused and that sense of loss or that sense of, I don't know where this is all heading is going to intensify. And you also need, as Marian said, the measures because the measures and the baselines and the targets are a way in which you can measure your progress and help you understand where you need to pivot if you're not quite getting there. I think it's possibly a great historical irony that we have Donald Trump and Harvey Weinstein to thank for greater momentum around gender equality and the elimination of sexual harassment, but this movement has connected communities and continents. It has exposed the scale of the problem that we face and it has also galvanized support and resolve. This work requires resilience, respect, patience and it also requires imagination. I think all of those things will stand us in very good stead. Thank you.