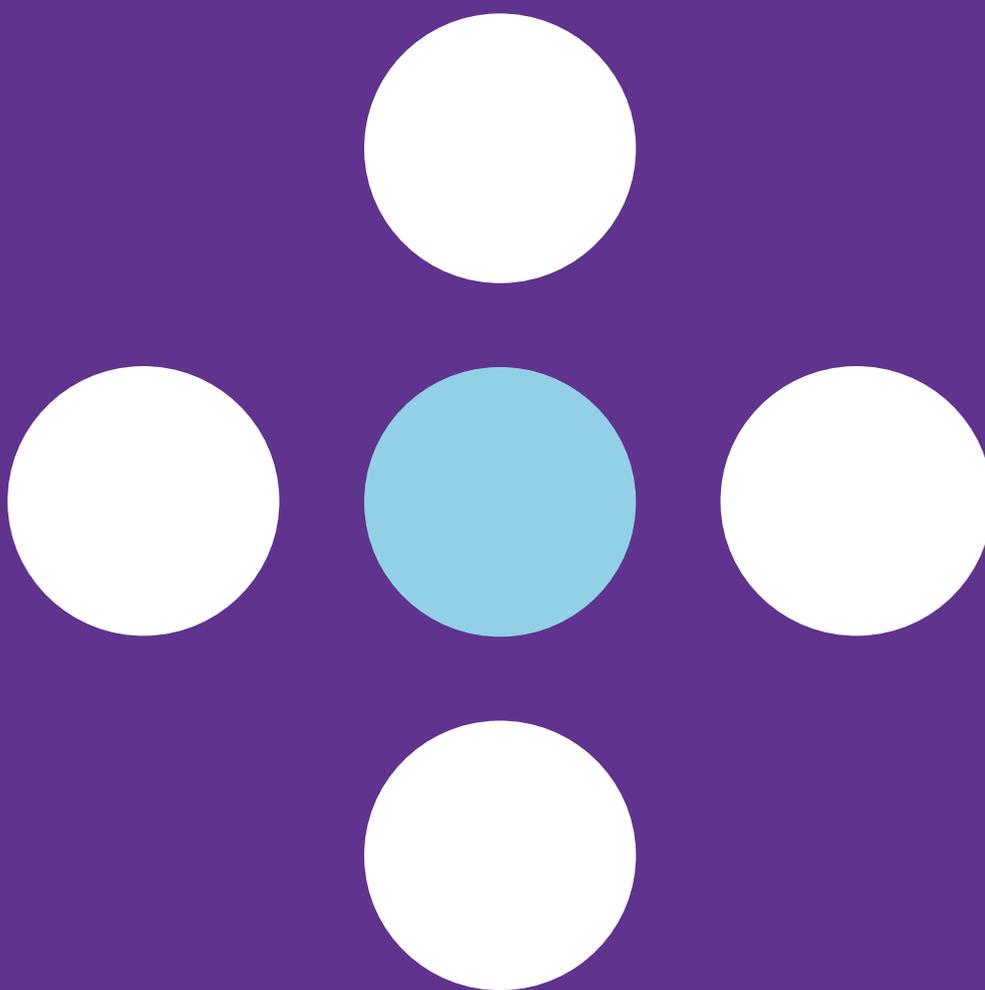


Determining whether a gender impact assessment is required under the Gender Equality Act 2020

Guidance Note



Introduction

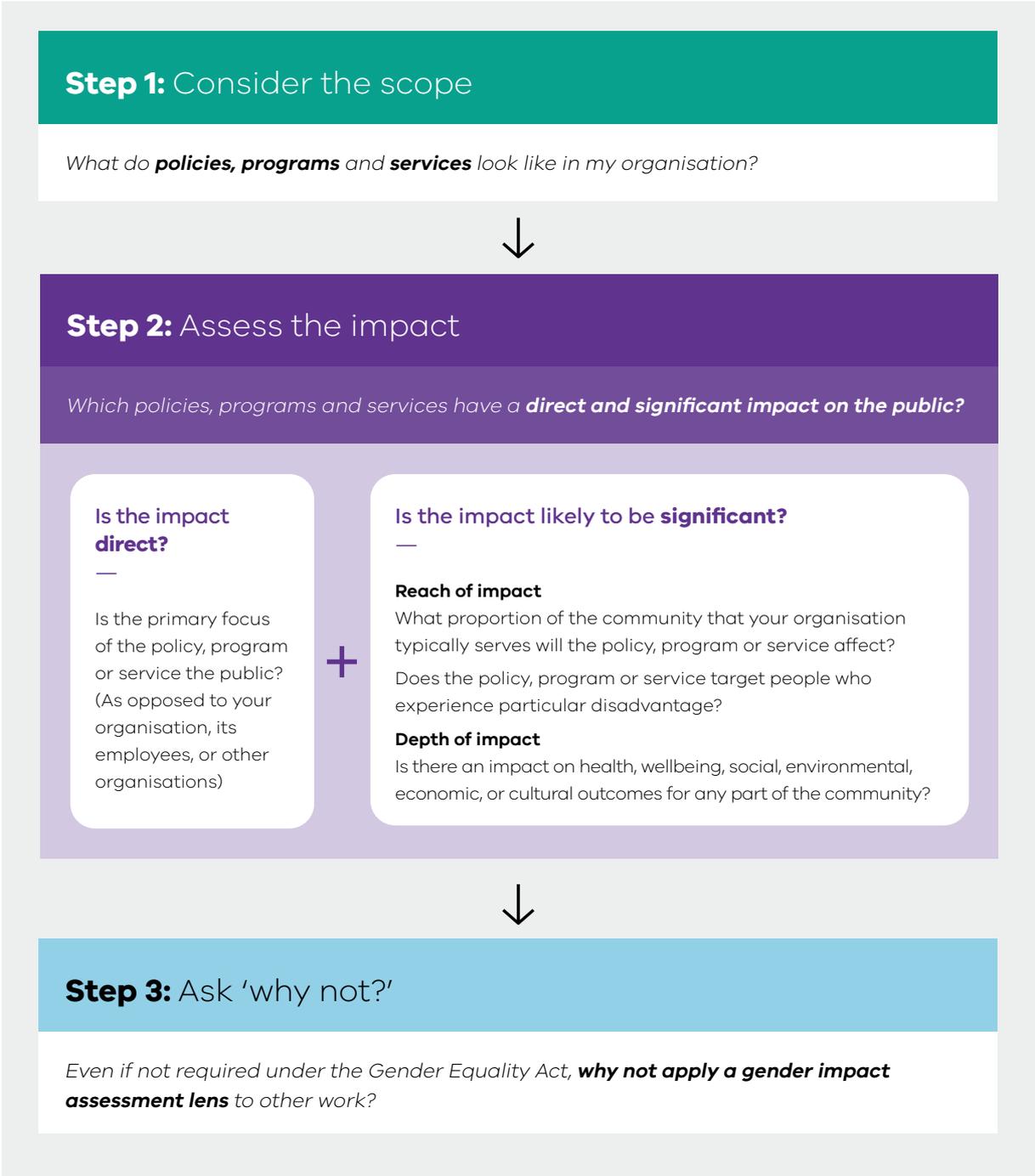
The purpose of this document is to provide guidance for defined entities to support understanding and interpretation of the terms 'policies', 'programs' and 'services' and 'direct and significant impact on the public' within the *Gender Equality Act 2020* (the Act).

This guidance will assist defined entities to determine which policies, programs and services are likely to have a direct and significant impact on the public. It focuses on how these terms apply to the obligation to undertake [gender impact assessments](#). Understanding these terms will also help defined entities meet their duty to promote gender equality.

It is important to note that this is general advice designed to be broadly applicable to all defined entities. This means that each defined entity will need to consider how to apply it in its own organisational context.



Figure 1: Steps to determine if a gender impact assessment is required under the Gender Equality Act 2020



What does the Act say?

Under section 7 of the Act (Duty to promote gender equality), a defined entity must — in developing **policies** and **programs** and in delivering **services** that are to be provided to the public, or have a **direct and significant impact on the public**:

- a) consider and promote gender equality; and
- b) take necessary and proportionate action towards achieving gender equality.

Under section 9 of the Act (Defined entity must undertake gender impact assessments), a defined entity must undertake a gender impact assessment when developing or reviewing any **policy** of, or **program** or **service** provided by, the entity that has a **direct and significant impact on the public**.

Step 1:

Consider the scope

What do policies, programs and services look like in my organisation?

The terms 'policy', 'program' and 'service' are used in different ways in different organisations. This means your first step will be to clarify the meaning of these terms in your organisation, based on definitions provided here.¹

Policies

Policies are formal or informal principle statements, standards or rules to be followed within an organisation. Policies requiring a gender impact assessment under section 9 of the Act will mostly be external-facing policies aimed at the general public (for example, customers, clients, students, patients, community members, and consumers). This could include a community engagement policy, grants policy or privacy policy.

Legal policy

In most cases, local and state laws have significant impacts on the public. As such, the development of legal policy proposals must be subject to a gender impact assessment under the Act. Similarly, where a review of local or state laws is undertaken with a view to proposing amendments to the underlying legal policy, the review process must also have a gender impact assessment integrated. Legal policy proposals or reviews that are administratively focused would fall outside of the scope of the requirement to complete a gender impact assessment.

Strategies and plans

In some circumstances the terms 'strategy', 'plan,' 'framework' and 'policy' are used interchangeably. Strategies, plans and frameworks often set the direction for future programs and services by stating priorities and shaping budget allocations. Because of this, it is likely that a strategy, plan or framework will fall under the definition of a policy.²

Programs

A program is an initiative or set of projects that have a defined duration and set of deliverables. A program is geared towards accomplishing a major goal or set of goals or outcomes. For example, small and large-scale grants programs, infrastructure development, and public-facing leadership programs should be subject to gender impact assessment.

Budget bids/budget proposals

Large-scale programs of work such as budget bids and business cases (including budget bids developed across Victorian Government departments) are considered programs and must be subject to gender impact assessment. This is because a budget bid is the proposal for a program of work. It is important that, from the earliest opportunity, resources are allocated in a way that considers gendered impacts.

¹ Defined entities are encouraged to contact the Commission to discuss a particular policy, program or service if they are unsure about whether a gender impact assessment is required after reading this guidance.

² At this stage, a gender impact assessment may not be required to be undertaken on a high-level plan or strategy (for example, Council Plan, Multicultural Diversity Action Plan or Organisational Strategic Plan.)

Services

Defined entities within Victoria provide a wide range of services to the public. The types of services that require a gender impact assessment may vary from one entity to another. In general, services which are new or up for review within the following areas will need a gender impact assessment: aged care, childcare, health care, safety, environment, emergency and waste management, open space planning, student services, libraries, recreation and other public facilities. Services may also include transport, cost, accessibility, and communication methods.



Remember

The requirement to conduct gender impact assessments only applies to policies, programs and services that are **new** (being developed) or **up for review**. Defined entities are not required to assess policies, programs and services that are already in place unless they are being formally reviewed.



Step 2:

Assess the impact

Which policies, programs and services have a direct and significant impact on the public?

Once you are clear on what a 'policy', 'program' and 'service' is in your organisation, you need to assess which of them have a 'direct and significant impact' on the public.

Is the impact direct?

A guiding question to understand whether the impact of a policy, service or program can be considered direct or indirect is to ask whether the primary focus or target of the policy, service or program is the public. If the answer is 'yes' then your policy, program, or service will have a direct impact on the public.

If your policy, program or service is intended to primarily impact your own staff, a business, local council, not-for-profit organisation or other organisation, then the public would be considered to be indirectly impacted. The policy, service or program would, therefore, be outside the scope of the gender impact assessment requirement. For example, an organisational sponsorship policy that relates to funding provision for community-based organisations would indirectly impact the public, as the public are not the primary audience of the policy.

If you fund another organisation to deliver a program, policy or service to the community that has been developed by your organisation, then you hold responsibility for undertaking a gender impact assessment on the program, policy or service (if there is a significant impact on the public).

Internal organisational policies such as Human Resources policies or employment-related policies are generally not required to be subject to a gender impact assessment under the Act, however there may be some instances where there is an exception to this. For example, a Code of Ethics policy which sets out how staff are expected to deal with clients, including members of the public, may be considered to have a direct and significant impact on the public. If the Code of Ethics policy only shapes staff interactions internally, then it would fall outside of the scope of the requirement to complete a gender impact assessment.

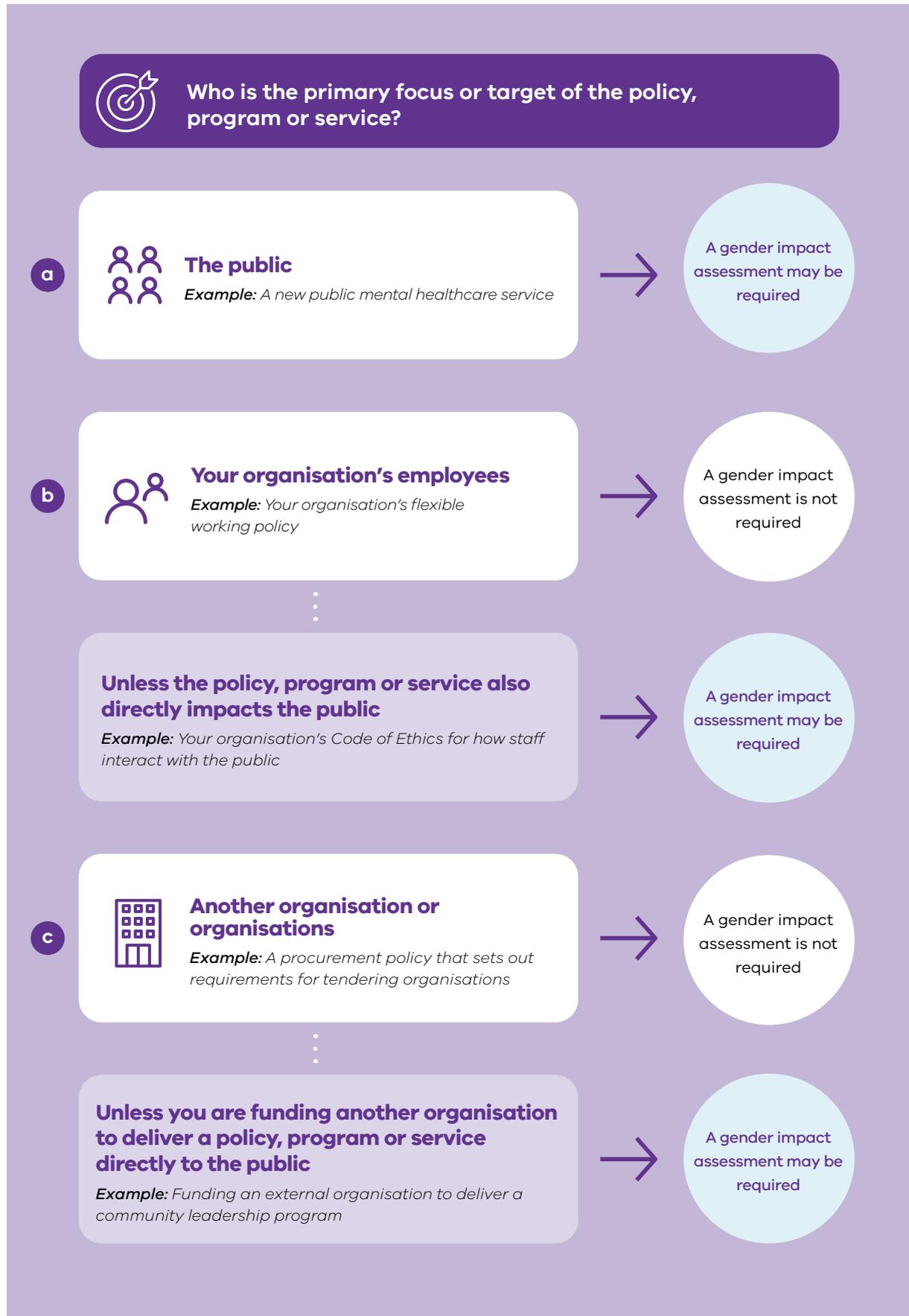


Remember

Policies, programs, and services that directly and significantly impact the public may be developed and delivered across many parts of an organisation. The requirement to undertake gender impact assessments is not limited to areas of policy, program or service delivery where there are already known gender inequalities.

This means that gender impact assessment practice must be embedded across many parts of your organisation. Effort and understanding cannot be concentrated in only one branch, team, or role.

Figure 2: Determining if a policy, program or service has a direct impact on the public



Is the impact likely to be significant?

Once you have determined that your policy, program, or service has a direct impact on the public then you will need to assess whether this impact is likely to be significant. A 'significant public impact' is one which is important, notable, or of consequence, having regard to its context or intensity. On the other hand, the opposite of this – i.e. an insignificant impact – is one that is trivial, small, superficial, or unimportant. Whilst these terms may be interpreted differently by different individuals, it will be important for your organisation to be able to explain how the assessment of whether the impact of a program, policy or service had a significant public impact was made, and to be able to justify your conclusion about this. The sections below may assist in these considerations.

Reach of impact

One consideration in this assessment is the reach. Some external-facing policies, programs or services may reach a large proportion of the community that your organisation typically serves (for example, a community housing program, a new piece of public infrastructure, or a community grants program).

Alternatively, some policies, programs or services may reach a smaller part of the population, but target people who may experience particular disadvantage or have particular needs – for example, services for people with disability, older people, survivors of family violence, culturally diverse people, or LGBTIQ+ communities.

Some policies, programs or services may be rolled out initially as a pilot, where the pilot itself reaches only a small part of the population. However, the potential future reach of a scaled-up version should be considered when determining if the impact is likely to be significant.

The above forms of reach should be viewed as significant for the purpose of the gender impact assessment requirement. Population reach should not be the primary consideration.

Depth of impact

Another consideration is the depth of the impact in the community, including any potential impact on health, wellbeing, social, environmental, economic or cultural outcomes for the public.

When impacts are experienced by any part of the community in any of the above areas, the overall impact would be considered significant. For example, a rural health service's perinatal education program may only directly impact a small number of community members, but as health, wellbeing and other important outcomes are affected this would still be a 'significant' impact.

Is budget a relevant consideration?

Allocated funding for the development, implementation and delivery of policies, programs and services can vary considerably. Funding alone is not relevant when determining if the impact is likely to be significant. You cannot exclude policies, programs or services from gender impact assessments solely because the associated funding is on a smaller scale.

However, when there is considerable or ongoing funding allocated to a public-facing policy, program or service, conducting a gender impact assessment should be the default approach. A stronger rationale may be required if these are excluded from having a gender impact assessment.

Scaling a gender impact assessment

The length of time a gender impact assessment takes may vary significantly depending on the nature of the policy, program or service being assessed. As a general rule, a gender impact assessment for a piece of work with a deep and wide-ranging impact and significant funding implications would take longer than for a piece of work with a lower impact. Similarly, the required resources might vary significantly.

Defined entities should consider establishing a variety of models of resourcing dependent on the policy, program or service being reviewed. For example, this may include considering scaled approaches to consultation, such as applying a more comprehensive consultation process when undertaking a gender impact assessment of a highly significant piece of work.

Step 3:

Ask 'why not?'

Even if not required under the Gender Equality Act, why not apply a gender impact assessment lens to other work?

Even when certain policies, programs and services are considered not to have a direct and significant impact on the public, applying a gender impact assessment lens is still best-practice.

As your defined entity becomes more familiar and comfortable with the concepts and process of gender impact assessment, we expect that it will become a business-as-usual practice. Where possible, think creatively. You might identify new ways to incorporate gender impact assessment across the organisation and help ensure that your work is making a difference to gender equality outcomes.



Consider

Even if a policy, program or service is not considered to have a direct and significant impact on the public, a defined entity may still be required to consider and promote gender equality and take necessary and proportionate action to achieve gender equality as part of the development of the policy, program or service under section 7 of the Act – Duty to promote gender equality.

Further guidance about the duty to promote gender equality is available on the [Commission's website](#).



