Where and what is the Chequered Flag? EEO Outcomes among 'Best

Practice' Organisations

Abstract

Current Australian legislation supports the development of equal employment opportunities (EEO)

policies and practices among larger employers but does not provide key performance indicators, clear

benchmarks or ways to measure success. In this context, how do employers set goals or measure EEO

outcomes? This paper examines two 'best practice' organisations using organisational reports and the

responses of the Human Resource Manager and a small sample of their employees to a semi-

structured interview. It reveals that obeying the law is not their main motivation. These organisations

have found their own route to equal opportunity, with the current legislation providing only vague

directions, and no checkpoints along the way.

Key words

Equal opportunity

Managing diversity

Human resource management

Labour shortage

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EEO LEGISLATION IN AUSTRALIA

The original EEO legislation in Australia (Affirmative Action (Equal Opportunity for Women) Act, 1986) identified women as having suffered systemic disadvantage within the workplace and stressed the need for positive programs to redress disadvantage. The emphasis has always been on individual enterprise responsibility as opposed to legislative and economy wide standards, yet the initial Act set out a process of eight steps that organisations were to follow in determining what their own organisational program would be. These steps included the setting of targets and forward estimates which would provide some guidance to see if the organisations made progress (Strachan, 1987). They were not quotas that had to be met. Indeed, we can see these targets as a type of key performance indicator tailored to the organisation.

Subsequent legislation (Equal Opportunity for Women in the Workplace Act, 1999) is more general in its statements about what should be done within organisations and provides little guidance as to the process to be undertaken. The 1999 legislation reduced the level of guidance for employers on how to implement an equal employment opportunity (EEO) program and specific goals or targets were replaced with the requirement that organisations take action on those issues which they themselves identified when undertaking an organisational analysis. The Act aims 'to promote, amongst employers, the elimination of discrimination against, and the provision of equal opportunity for, women in relation to employment matters' and upholds the merit principle in employment. The legislation refers to 'appropriate action' to eliminate discrimination (EOWW Act 1999). No actual measures, performance indicators or benchmarks are set out in the Act. Each employer is responsible for identifying issues, taking action and evaluating 'the effectiveness of the actions in achieving equal opportunity for women in the employer's workplace' (EOWW Act 1999, EOWA 2005a). Reflecting the non-prescriptive nature of the Act, the Equal Opportunity for Women Agency (EOWA) has adopted a pragmatic approach, borrowing something from earlier affirmative action policies and something from newer ideas about managing diversity with its emphasis on the individual (see Strachan, Burgess and Sullivan, 2004; Bacchi 2000). The EOWA provides some general guidelines

about preparing and filing reports, and some case studies which demonstrate good practice or successful organisational change. The onus is on the reporting organisation to identify issues, set targets and implement programs, while the reporting process provides few guidelines, a characteristic that is alleged to be 'user-friendly' for employers (Krautil 2000). Reports are not audited or graded (Strachan and Burgess, 2000).

The ultimate accolade within the framework established by the EOWA is to be accorded the title of Employer of Choice for Women (EOCFW). In order to achieve this, organisations must have policies, effective processes and practices relating to employment matters that support women across the organisation; strategies that support a commitment to fully utilising and developing its people (including women); education for its employees (including supervisors and managers) on their rights and obligations regarding sex-based harassment; an inclusive organisational culture that is championed by the CEO, driven by senior executives and holds line managers accountable; improved outcomes for women and the business' (EOWA 2005b). The EOWA emphasises the business case in order to promote this voluntary standard: 'Women-friendly organisations with Equal Opportunity (EO) programs that recognise and advance their female workforce can brand and position themselves in the marketplace'. Organisations can thereby 'differentiate themselves from their competitors and achieve public acknowledgment of their efforts in the area of equal opportunity for women' (EOWA 2005b). There is no indication of what these policies might be, how they should be implemented, or what constitutes an 'improved outcome.'

The EOWA notes that a 2002 census of the top 200 publicly listed companies found 'under representation of women in Australian leadership and the subsequent under-utilisation of the talents of the vast female workforce'. Results in 2003 and 2004 showed 'little change'. Yet there is little guidance provided for organisations: 'by quantifying the deficiency, we [EOWA] hope to inspire business leaders to think differently when making decisions about the next executive appointment' (EOWA 2005b). A list of companies with women in senior positions, along with an internet tool for 'benchmarking your company' is presumably designed to support such initiatives, but seems more

like wishful thinking than directions toward equal opportunity. Opportunities for less skilled women to enjoy better conditions or prospects, or evidence of structural or organisational change, are downplayed.

As Dickens pointed out long ago, the danger inherent in the business case approach is that 'it leads to selective, tailored action within organisations as they focus on those EEO initiatives perceived to be most obviously in their interests' (Dickens 1994: 5). She predicted that not only would some organisations find EEO a liability rather than an advantage, but that the business case model encourages organisations to focus selectively on those aspects of the business where EEO can be demonstrated to meet its needs. Thus among skilled employees, or in a tight labour market, flexible, 'family-friendly' policies serve the employer's needs. The reverse might equally hold true (Dickens 1994). This paper considers Dickens' proposition as it relates to Australia, ten years later. In the absence of specific guidelines, benchmarks or targets, what organisations do and their reasons for action or inaction could be expected to vary widely. In this context, what are organisations that are recognised as high achievers in this area doing?

THE 'BEST PRACTICE' ORGANISATIONS

Two private employers (of a total of 114 in 2003) which have been awarded the EOFCW label were studied. Documentation about the EEO programs was accessed and semi-structured interviews were held with the Human Resource (HR) Manager, trade union representative (at the hospital) and approximately twenty staff members from different parts of the organisations. The transcribed interviews were then analysed using QF NUD*IST software, with coding designed to highlight the issues utilised in EOWA guidelines. Both organisations employ a large number of part-time and/or casual workers across a wide skill base. Four of the twenty interviewees were part-time or casual employees, and four were men.

There are important differences as well as similarities between these two organisations. Both have a high proportion of casual or part-time workers, and in both it is possible for certain employees to have a combination of some regular part-time work supplemented by occasional or regular casual work. The hospital needs a large number of workers with professional qualifications, and the tourist facility has many technicians and performers who are highly specialised. However, it has many more women working as elementary sales and service workers than men. While the hospital needs workers 24 hours a day, seven days a week, there is some slackening of the work load in summer and at weekends. The tourist facility is busiest during school holidays and weekends and has extended hours.

TABLE 1: Workplace profile

	Tourist facility	Hospital
Total employees	1700 (approx)	2100 (approx)
Per cent women employees	54	82
Per cent women in senior management*	10	67
Women employees, % full time	45	45
Women employees, % part time, or casual	60	59

Source: EOWA reports, 2003 and 2004.

The Shape of EEO Programs

The two organisations differed in their stated motivations for seeking to be recognised as best practice organisations with regard to EEO for women. We examined the organisation's answers (provided in a brief public document on the EOWA website) to the questions: 'Why are you committed to becoming an EOCFW?' 'What did you do?' and 'What impact has it had on the business and on the women in the organisation?' The hospital is a church-affiliated organisation and emphasises its value base. The happy synergy between labour market forces (chiefly the nurse shortage) and these values in determining the need for women-friendly work practices cannot be ignored. At the tourist destination, the labour market was also identified as crucial: 'being aware of the different needs for women helps us retain and attract the best people' (HR manager). The notion of being a good corporate citizen, 'part of the community' and a major employer locally, were also mentioned at interview. A large pool of available workers, more than half of them women, meets the fluctuating needs of this workplace. An investment in training or nurturing those with unusual talents or skills pays off in terms of business needs. One employee interviewed had progressed from a role as a performer to senior management level, another from casual shop assistant to a supervisory role. A third said 'if I knew

^{*}many more were in supervisory roles at Tourist facility, few at the more senior levels.

that 'there was never any chance of advancement, then I wouldn't stay very long' (personnel coordinator).

The areas of policy and practice that the organisations identified as making up their EEO programs had several major features. These were: to provide a workplace free of harassment or discrimination; to offer flexibility in terms of part-time work, casual work and preferred shifts; and to offer career advancement for women through various initiatives. Priorities were set in consultation with formal workplace committees in each workplace, and both organisations employed a form of staff survey to obtain feedback regarding current practices and as a contribution to policy development.

1.Freedom from harassment and discrimination

This has long been the basis of Australian law (*Sex Discrimination Act 1984*) and we should not be surprised to find a high level of awareness of this among employees at all levels. Both organisations had explicit policies in place, and these were generally well publicised internally. The legal implications were readily identified by managers in both organisations, and both had contact officers appointed and trained, although each had formulated its own approach in keeping with its general organisational culture. This involved training of special contact officers, effectively dealing with instances of alleged harassment, and engendering a workplace atmosphere of mutual respect among employees. This is a minimum requirement, enshrined not only in legislation, but in the industrial instruments (AWAs or EBAs) which govern the workplaces. In both organisations, discrimination (including on the grounds of sex) ran counter to personnel policies and practices, and was actively identified throughout the organisation. Meeting these standards is not exemplary, it is mandatory.

2. Flexibility

These two organisations offer an exceptional degree of flexibility for workers in terms of hours and days worked, mixing permanent part-time work with casual work, moving between full-time and part-time work on demand, and accommodating individual needs (at least as far as it is possible to tell, given the lack of benchmarking), compared to other organisations (see French 2004). Both accept that employees may have different and changing ways of finding a work/life balance. Employees value the

ability to vary working hours, have flexible shifts, and put together a work package to suit individual needs. They also value the ability to transfer between full-time and part-time work at different stages of working or family life. Human resource managers in both workplaces favoured further extension of flexible working arrangements on the grounds of achieving work/life balance for workers:

Even though I would say we are a flexible workplace at the moment, we probably need to become even more flexible to cater for whether it be people wanting to have more time with their family—just that work/life balance, I think, is something that we've really got to work towards with both salary and wages staff...we've got our banked hours system... but I think there's probably more that we could be doing (HR manager, hospital).

At the tourist facility, students and performers are able to withdraw from work for a time if they are sitting exams or taking part in a film, for instance. Similarly, employees in the hospital were able to put together a roster that suited them:

The other advantage of having part-time especially in ICU [intensive care unit], if we work three days we get three night duties a month. You can work part-time, do fewer night duties and then pick up other shifts when they suit you and that gives all the employees a lot of flexibility and a lot of people will do that. They will commit to two or three shifts and then pick up extras when and as they choose (female nurse, hospital).

A nurse manager reported that 'it is very easy to accommodate them because we have early starts, we have middle of the day type starts, early finishes. So, it's quite easy to work around those'. A male nurse's comments agreed with this: 'You can go through and say, well, I won't work that day, I'll play golf, and when your roster comes out, that's how it is'.

The type of options that employees could access depended on the nature of the business. Flexibility in work arrangements was important for men as well as women, and its limitations accepted:

My biggest problem, I had to accept that when I took the job, is that school holidays is like a nightmare. You are working six days, and that is the time your children are off as well. I realised that and accepted that when I came to work here. That's the only thing....As a casual we get a higher rate of pay. One good thing...is you can bank hours [work some hours unpaid, and be paid later when not working]... Usually I get two days off a week, which I am very lucky, it is usually Friday Saturday so I can have some time with my children (casual ticket seller, tourist facility).

I think anyone working shiftwork it is difficult to get a work and life balance, that's part and parcel of nursing. What I find in our unit under our manager, is that she tries to be accommodating wherever possible it terms of changes you might need in terms of illness, for family for personal reasons. If you go to her she is always accommodating: that to me is providing a work and life balance wherever possible (ward attendant, hospital).

There were some operational areas where this degree of flexibility was not extended. There was little room for variable working arrangements, for example, in the hospital operating theatres or at the tourist facility in technical or safety roles that required the constant presence of specific skilled staff. Line managers reported they had discretion to allow an employee to make appropriate arrangements if they were required to work outside rostered times, but we were unable to substantiate this.

3. Career Progression

The organisations recognise that offering women opportunities for career advancement or development is important, and have taken steps to do this. They faced challenges in doing so. In the tourist facility, where ten per cent of senior managers are women, most managers are long-serving, creating few opportunities for women to progress to management ranks: 'You find that on a supervisory level that there's mostly women. So, then you get to assistant managers and there is a couple of women. Managers: I think there's like one. Very rarely can you can get yourself that high' (retail supervisor, tourist facility). Middle management at the tourist facility is more evenly spread, and deliberate efforts have been made to support women seeking career advancement. This could be regarded as an affirmative action initiative in offering extra encouragement to ambitious women. At the hospital a mindset which suggested that women were already doing well enough had to be overcome, because there have traditionally been a significant number of professional women in management roles. A successful experiment with job sharing at middle management level encouraged that organisation to explore different ways in which women employees (in this case nurses) could combine career progression with responsibilities outside work:

people returning from maternity leave....I think the organisation has realised that we still get good value for money out of this person even though they are part-time. Initially it was something you had to push hard because there was a real expectation that if you were a senior manager you needed to be full-time and you needed to put in extensive numbers of hours and so we had to push very hard and the individuals themselves had to lobby extremely hard but they have all worked out extremely well without any exceptions (HR manager, hospital).

At both workplaces, the idea of merit-based promotion was regarded as normal practice. Some women, though, are reluctant to take on extra responsibility at work, and there can be a number of

reasons for this. Belle has considered that institutional factors and the corporate culture may contribute (Belle 2002) and this was heard in some of the interviews with women: 'I keep thinking to myself, now, do I want any more stress than what I've got now' (retail supervisor, tourist facility)? The personnel coordinator at the tourist facility commented that

it's very individual. Each person has a different structure, a different goal in life, and you can't even expect a woman to want to have any more goals than what they've got. And you can't assume that they want that either. They might be very happy just doing what they are doing and never doing anything else and you have to realise that. You can't assume that someone else wants a goal just because you have goals.

On the other hand, several women discussed the next steps in their career: 'My next career move?... I've been doing this job for a year and it's rather a huge job... But I suppose if the assistant manager's—because that is where the next step is—if the assistant manager came up...'(park supervisor, tourist facility). Several women had advanced to management level, been encouraged to apply for more senior positions or were expected to do so by their managers: 'I know the last time I didn't go for it and the manager wanted to know why I didn't do it (retail supervisor, tourist facility). Additional education was the way forward for some: 'I've done a lot of different leadership courses and certificate for training and accessing. I am currently doing a certificate for front line management and I am actually going to do a few more modules at the expense of the company and turn it into a diploma' (manager, former entertainer, tourist facility). Access to less than full-time hours had assisted others: 'we have a couple of nurse managers, managers of units that are job shared and that was fiercely resisted initially but it seems to be working well (HR manager, hospital).

DISCUSSION

According to the EOWA, these two organisations have gone beyond the statutory requirements to be identified as 'best practice organisations'. The organisations believe that they have attracted or retained an appropriately skilled workforce, that productivity is increased and labour costs are better controlled as a result of their personnel management. For them, a more available, flexible, committed workforce is a business asset. Added to this is a self-imposed organisational culture of equity and fairness. As both organisations strive, in rather different contexts, to keep the customers happy and

employ those best able to do so, they have found that going beyond the EOWA's minimum standards has had a positive effect on their business.

How likely is it that they would have arrived at the same conclusion and developed the same policies regardless of the legislation? There is evidence from both organisations that in instituting policies to promote EEO or diversity, they have used an affirmative action paradigm which reflects earlier legislation. Affirmative action means, in this context, identifying groups whose members experience, or are likely to experience, relative disadvantage at work, and taking steps to redress this. This motive is evident, but even in these 'best practice' organisations, the business case for EEO in terms of competing to recruit and retain skilled workers determines policy and practice. By offering attractive conditions of service (such as flexible leave arrangements, banked hours for casual workers, variable working hours), and taking steps to develop workers' skills and provide opportunities for advancement, they are responding to both the business case and a sense of the difficulties women face in juggling work and family demands and advancing in their careers. Yet in many ways it is not a comprehensive plan. These are pragmatic and tactical rather than strategic responses given the competition to employ and retain skilled employees (Strachan, Burgess and Sullivan, 2001).

Even in these two 'best practice' organisations, there were fewer women in senior management positions compared to their overall numbers. Women still tended to occupy traditional work roles as nurses and other health professionals in the hospital and in service and retail areas of the tourist facility (EOWA 2005c). Both companies reported that they have increased the number women in senior or key roles and have provided training for others, but for various reasons, these numbers remain relatively small. They have both dealt effectively with overt harassment and discrimination, and have policies and practices in place which are well accepted by employees. In this way they have met a business case model of equal opportunity and abided by the law. Insofar as legislation and regulation is concerned, the only places where there are mandatory requirements, these are conforming organisations. The rest has been up to them, and they have both used a business case model, tempered with a sense of equity or fairness.

CONCLUSIONS

In keeping with Dickens' concept of EEO policy as meeting the needs of the employer (Dickens, 1994), the main thrust of EEO policy in these two organisations relates to human resource management. Dickens (2002) has continued to question the value to employees of piecemeal changes to a business case model for equal opportunity. She argued for regulation of employment conditions such as working time, parental leave and minimum pay to supplement the business case (Dickens 1994). Some such measures are now in place in Britain (EOC, 2005). In addition, UK organisations can readily measure themselves against publicly available benchmarks which provide detailed data from member organisations on women's relative position on a defined scale, as well as case studies and guidelines (Opportunity Now 2005). Organisations are encouraged to set clear goals, for example to have a certain proportion of women in senior management, defined business outcomes, and to measure their progress against that of others. No such criteria are currently available in Australia.

In Australia, not only have regulations been eased under the 1999 legislation, but benchmarking is minimal or non-existent, and only the business case is promoted by the government agency. With a majority of women employees, EEO suits the organisational values of the hospital and the amusement park, and places them in an advantageous position in the labour market. The requirements of the legislation are secondary both to the business case and the organisational value system or culture. The legislation impacts only minimally on policies that are designed with their particular labour market in mind. Organisational values are themselves subservient to the need to have appropriately skilled workers and are linked to maintaining such a pool of workers. Labour shortages, absolute or relative, define the way in which these two organisations manage equal opportunity.

There is no evidence of a comprehensive approach to EEO; the organisations deal with the issues that relate to the attraction and retention of a skilled and talented workforce as they come to hand. This is hardly surprising. They have founded their policies on a business case which hinges on attracting and retaining good employees. In the process, they have responded to equity as well as equality of employment options. In doing so, the minimal requirements of Australian legislation have been of

secondary importance. We ask, does this render the 1999 legislation irrelevant to 'best practice' organisations? And, if this is the case, what is to become of employees in those organisations which seek only to meet the minimum? How easily could policies change direction in a different labour market? The current legislation provides few checks along the way, and no clear destination. As the workplace is further de-regulated, what are the implications for women?

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