EEO – Is it living up to its promise of achieving gender equity?

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Abstract: This paper compares and contrasts the policies and practices outlined in equal employment opportunity (EEO) program reports from two different industries; namely transport and finance, both distinctly gendered, in order to identify programs predictive of increased numbers of women employed in management or non-traditional areas. Findings indicate the proportion of women in these areas has remained static for the past two decades, despite increasing numbers of women in these industries and legislative requirements of antidiscrimination and equal employment opportunity. Few organisations in either industry are developing proactive strategies in the areas of recruiting, promoting, and retaining women. In contrast, organisations displayed significant proactivity in the implementation of equal opportunity strategies for the addressing work and life requirements ensuring equality in participation but not in access, or movement into management or leadership roles. It is argued that this tactic supports gendered work organisation.

Introduction and Background

Australia has a variety of legislation, regulation and policy designed to promote equity and/or discourage inequity within organisations on the grounds of gender. The federal Sex Discrimination Act 1984 (along with state legislation) makes it unlawful to discriminate on the grounds of sex, marital status or pregnancy in areas including employment, education, accommodation and the provision services. Sexual harassment is also unlawful. The legislation seeks to ensure redress for those whose rights have been abused and individuals who establish infringement of their rights may be awarded compensation through a process of conciliation or arbitration in specific tribunals (Thornton 1990). The model for antidiscrimination legislation is individual aberration as the 'foundational assumption...that society's rules are generally functioning fairly, but that a particular attitude produces an unfair behaviour called "discrimination" which requires "intervention" (Bacchi 1996: 18). This anti-discrimination approach encourages equity through promoting individual rights to non-discriminatory treatment at work with redress often available upon rights abuses (Thornton 1990). The approach acknowledges obstacles in striving to achieve individual needs in a free and open market, including structures, processes and attitudes that can prevent some individuals from achieving the same ends (Bennett 1994).

Questions of redistribution of the benefits and burden of the system are not addressed through the legislation (Petzall, Timmo and Abbott 2000). There is no duty to identify potential or actual discrimination in the workplace, no duty to educate workplace participants about the prohibition, no duty to establish a policy against discrimination in order to translate the legislation into workplace regulation, no duty to establish internal grievance procedures to assist anyone who feels they have experienced a breach of the legislation and no duty to discipline employees who discriminate (Smith 2006). The enforcer role is given only to victims of discrimination. Despite decades of legislation, complaints concerning employment still occur. In 2005-06, 1397 complaints were received under federal anti-discrimination legislation, with 25 per cent of these under the *Sex Discrimination Act 1984*, the majority of these (85 per cent) concerning employment. Sex discrimination accounted for 51 per cent of complaints, with pregnancy and sexual harassment accounting for 20 and 19 per cent respectively (HREOC 2006: 75-76, 80-81).

The Affirmative Action (Equal Employment Opportunity for Women) Act 1986, replaced by the Equal Opportunity for Women in the Workplace Act 1999, stipulates that organisations undertake a systematic approach to the identification and elimination of any barriers that disadvantaged groups encounter in the workplace. The 1986 Act was based on government recognition that anti-discrimination legislation would not achieve workplace gender equity. The 1986 and 1999 Acts encourage the analysis of systemic or structural discrimination in order to design appropriate proactive remedies at an organisational level (Ronalds 1991; Strachan and Burgess 2001). Currently organisations with more than 100 employees are required to develop an equal opportunity program and report regularly to the Equal Opportunity for Women in the Workplace (EOW) Agency. While there is a requirement on large organisations to lodge a report, the penalties for non-reporting are weak: an organisation may be named in Parliament and be ineligible for federal government contracts or specified industry assistance.

The focus of the Act is on the individual enterprise's responsibility to achieve equity goals as opposed to legislative and economy wide standards (Strachan 1987). The principle of merit, or the best person for the job, is paramount, although this has been recognised as a subjective and value-laden term (Ronalds 1991: 25). The Act was not intended to provide positive discrimination for women but to ensure women are not disadvantaged by virtue of

their sex through biased terms, conditions and entitlements in employment (Strachan and Burgess 2001). The legislation requires an analysis of workplace practices and employment statistics. Workplace practices must be addressed through seven employment matters: recruitment and selection; promotion, transfer and termination; training and development; work organisation; conditions of service; arrangements for dealing with sex based harassment; and arrangements for dealing with pregnancy, potential pregnancy and breastfeeding (EOWA 2006). Reporting has been required on an annual basis.

In addition, the rise of non-legislated approaches to addressing inequity has increased in recent years. A dominant paradigm in many organisations is now 'managing diversity'. Since the 1990s this approach has been included in the mix of approaches utilised by organisations. In the USA Thomas (1990) described a process by which organisations could create an environment that encourages all employees to reach their full potential in pursuing company objectives. He called the process 'managing diversity' to reflect the importance of 'management' in creating such an environment. Thomas (1991; 1996) suggests the process of managing diversity offers a means of developing the full potential of every individual in the organisation and overcomes the failure of legislated affirmative action that does not deal with the root causes of prejudice and inequality. While this approach has a variety of origins and frames, the arguments of its early proponents was that managing diversity would produce improved outcomes for women via more comprehensive and tailored programs for equity within organisations (for example, Thomas 1996; Kandola and Fullerton 1994).

While there is no one definition of managing diversity (Kirton and Greene 2005; Prasad, Konrad and Pringle 2006: 1-22), major strands in the debate have re-inserted an individual frame of reference. This presents the dichotomy of the individual versus the collective. Affirmative action is traditionally considered as a social group based approach to equal opportunity (and this was adopted in the Australian affirmative action/equal opportunity legislation). Managing diversity offers an alternative individual based approach and is most often defined against affirmative action. The result is no one agreed definition. Some researchers argue that managing diversity is radically different from affirmative action (Kandola and Fullerton, 1994; Thomas and Ely, 1996), while others support the view that one offers an extension of another (Thomas, 1990, 1991, 1996; Liff, 1999) and recently Prasad, Konrad and Pringle (2006: 8) have advocated a definition of diversity that 'emphasizes intergroup interaction and is inclusive of power differences, rather than focusing on individual differences'.

Due to the lack of a common definition or a legislative base it is unclear how influential managing diversity has been in Australian organisations. There is no doubt that versions of managing diversity have been taken up by both the public and private sector (Bacchi 1991) and the programs with 'diversity' in their title might even outnumber those using the word 'equity'. Unfortunately, company reports to the EOW Agency do not provide the name they use for the program, yet a cursory check of organisational websites shows that the use of the term 'diversity' is widespread.

The heterogeneity of such a broad range of equity management ideologies is supported by an equally broad variety of policies and organisational practices. As a result, organisations today operate and choose their equity management approach from within this equity 'soup'. The multiplicity of outcomes of the various approaches (both legislated and non-legislated) is perplexing and often inadequately explored (French 2001).

Gender Diversity at Work

The participation rate for women in the Australian workforce has changed significantly in the past 50 years, from twenty-four percent (24%) in 1947 to fifty-three percent (53%) by 1997 (Strachan and Burgess, 1998) up to 57.6% in January to April 2007 (ABS 2007a: 6). While the increased participation rate of women in the workforce has resulted in a more heterogeneous workforce, Australian workplaces have different career outcomes and a sex segregated workforce which disadvantages women's employment opportunities (Affirmative Action Agency 1998; Poiner and Wills 1991). For women, their different experiences occur within male-dominated work structures, with organisational policies and practices continuing to be based on the assumption that employees are predominately male with traditional family support (Carmody, 1989; Burton, 1991; Shellenbarger, 1992). Despite their increased participation, women remain concentrated in lower levels within organisations and have limited access to management positions (Burton 1991; Still 1993; French and Strachan 2007), a finding that is comparable to many other countries (Wirth 2001, 25-57).

Organisational data available for Australian companies allows a unique insight into the mix of organisational gender equity approaches and allows some analysis of the effectiveness of these programs. One of the features of the Australian legislation is compulsory organisational reporting on a regular basis and this information allows large numbers of organisational reports to be analysed at the level of their public documentation. This paper examines the types of policies and practices that organisations are pursuing as outlined within equity programs specific to two different industries, both distinctly gendered, namely the Finance Industry, a female dominated industry (in lower levels only) and Transport, a male dominated industry. The types of programs and employment profile of organisations are examined to identify approaches that may be predictive of increased numbers of women employed in management or non-traditional areas.

Method - Data Gathering

The research was undertaken using secondary data gathered from information provided by 197 organisations reporting in one year to the Australian Government - Equal Opportunity for Women in the Workplace Agency on their equity management processes. EEO progress reports from 106 finance and insurance organisations and 91 transport and services to transport organisations submitted in 2003 were downloaded from the Agency's Online Searchable Database of Reports between January 2005 and April 2005 (EOWA 2005). A total of 274 organisations in finance and transport submitted reports (F=160; T=114). Forty four reports (F=40 and T=4) were ultimately considered as waived from reporting for at least one year. It is Agency policy that once an organisation is waived, its report is removed from public access to ensure confidentiality for that organisation. Twenty reports were listed more than once against organisations recorded under more than one incorporated name (F=12; T=9) a number of others could not be used because of scanning or submission errors. In total reports from 106 finance and insurance organisations were used along with reports from 91 transport organisations.

A report consists of a semi-standardised form which presents details of the reporting organisation's employment statistics for women and men, specific job roles and status; analysis and consultation processes; information on current issues identified and practices initiated relative to seven employment matters; and details of strategic planning of equal opportunity including priorities, actions taken, evaluation and future plans.

In this project, content analysis of each report was undertaken of the organisational profile; the analysis and consultation process; the issues identified by the analysis and strategies outlined for addressing these issues and the actions taken. Content analysis measures the semantic content of the message (Emory and Cooper, 1991:457) and is described as "a research technique for the objective, systematic and quantitative description of the manifest content of a communication". The classification of the content analysis is addressed in the following section. The classifications utilised were those identified by French (2001) in a typology of equity management approaches. These classifications are as follows:

No reporting: This classification was used when no comments were made, issues identified or strategies outlined on any one or all of the seven employment matters.

Traditional: The traditional classification was used to identify an approach that refutes discrimination plays a role in workplace disparity between different employee groups and supports the different treatment of individuals in the workplace based on the choices made by individuals. This approach advocates against the specific implementation of equity measures, instead calling on women and minority groups to make different educational and lifestyle choices to create change (French 2001).

Anti-discrimination: The anti-discrimination classification was used to identify an approach that acknowledges the importance of the removal of discriminatory practices and processes in order to offer equal treatment based on human rights principles. This approach fulfils the requirements of anti-discrimination legislation. Equal employment opportunity activity limited to equal treatment and/or equal outcomes for men and women was classified as 'anti-discrimination' (French 2001; Konrad and Linnehan 1995).

Affirmative action: The affirmative action classification was used to identify an approach that acknowledges the importance of the removal of discriminatory practices through the adoption of special measures designed to assist members of disadvantaged groups, particularly women. This follows the use of the term 'affirmative action' in Australian legislation: 'Affirmative Action is based on recognition and acceptance of the fact that it is not sufficient to make specific acts of discrimination unlawful. Further steps are needed to relieve the effects of past discrimination, to eliminate present discrimination and to ensure that future discrimination does not occur' (Department of the Prime Minister and Cabinet 1984, 8).

Gender diversity: This classification identifies an approach that acknowledges bias and discrimination against women and supports neutral treatment of individuals based on organisational requirements. While there is debate about exactly what constitutes policies and programs variously labelled 'diversity' and 'managing diversity' (Bacchi 2000; Kirton and Greene 2005), 'gender diversity' incorporates elements of organisational change. In order to classify policies as gender diversity, organisations needed to include elements of culture change within the organisation. In our policy classification, the category of gender diversity can extend on affirmative action, seeking cultural and systems changes that address root causes of prejudice and develop the potential of every individual. Proactive equal employment opportunity activity that included specific treatment to address the potential for disadvantage for all workers or different needs of all workers not limited to gender and often including external measures such as enterprise bargaining and union advocacy were included in this categorisation.

Coding of Content: Job statistics, roles and tenure type were coded as numerical continuous data and entered into an SPSS database. Approaches to EEO implementation,

priorities, actions taken, evaluation and future plans were categorized as above and coded as discrete data.

Controls: Organisation size is a significant predictor of the employment status of women (Konrad and Linnehan 1995; French 2001). We used four categories ranging from 100-499; 500-999; 1000 to 1999, and 2000 employees or more.

Analyses

The data was subjected to t-tests and one way analysis (ANOVA) to determine the differences between several groups. In order to determine any relationship between the dependent variables (numbers of women and men in management and specific job roles) and the independent variables (EEO category) ordinary-least-square (OLS) regression analysis was used.

Data Reliability and Validity

Social desirability bias (Fowler 1988) is a recognised threat to accuracy of information when there is pressure to present a socially desirable image of organisations. Public availability of the reports and the potential to be named in Parliament for a non compliant report may be seen as a pressure to present a socially desirable image. The legislation (EOWW Act) attempts to ensure accuracy of information by the mandatory requirement of the signatures of both the report writer (usually the HR manager) and the CEO on all reports submitted to the Agency (this information remains confidential).

Findings

There was evidence of a range of different approaches taken across the seven employment matters when implementing equal employment opportunity activities (see table 1). Further there were both notable differences in approaches taken between the two industries in the approach taken, as well as remarkable similarities. The size of the organisations in the finance and transport industry is shown in Table 2.

Table 1: Approach used in each equal opportunity measure implemented by Finance and

Transport Organisations by percentage

Approach Type	R&S		Promote/ Transfer		Train/Dev		Work Org		Condition/ Service		Harassment		Pregnancy & Breastfeeding	
Industry	F%	Т%	F%	Т%	F%	Т%	F%	Т%	F%	Т%	F%	Т%	F%	Т%
Nil	31.1	16.1	38.8	21.5	27.2	17.2	30.1	20.4	30.1	23.7	14.6	9.7	21.4/	23.7
Traditional	16.5	32.3	14.6	40.9	10.7	37.6	26.2	29.9	19.4	35.5	2.9	7.5	6.8	17.2
Anti- discrimination	42.7	45.4	41.7	36.6	55.3	41.9	17.5	14.0	25.2	19.4	65.0	75.3	35.0	34.4
Affirmative Action	7.8	6.5	3.9	1.1	4.9	3.2	3.9	14.0	2.9	2.2	4.9	0	11.7	7.5
Gender Diversity	1.9	0	1.0	0	1.9	0	22.3	22.6	22.3	19.4	12.6	7.5	25.2	17.2

Table 2: Numbers of organisations according to size

Organisational Size/ Employees	Number of Finance	Number of Transport			
	Organisations	Organisations			
More than 100 less than 500	67	55			
More than 500 less than 1000	23	12			
More than 1000 less than 3000	15	16			
More than 3000	1	9			

In both industries it is notable that the two approaches most applied are the traditional (no equal opportunity strategies implemented) and anti-discrimination (taking a compliance approach to implementing equal opportunity strategies) across all the seven employment matters. Indeed, despite considerable anti-discrimination legislation substantial numbers of organisations in both industries offered no report on strategies in many employment matters. Of particular interest is the lack of proactive strategies in recruitment and selection; promotion and transfer and training and development. However, approximately one-fifth to one quarter of the organisations use a gender diversity approach in two of the employment matters, namely work organisation and conditions of service, where substantial work arrangements around flexibility of working times and arrangements were reported categorised as work and family programs.

The data was examined using multiple regression analyses in order to ascertain any relationship between women, in terms of their numbers in management, and the equity management strategy used. A multiple regression controlling for size and industry was performed with numbers of women in management as the DV and the strategy undertaken by the organisations across the seven employment matters as the IVs. A second multiple regression analysis, also controlling for size and industry, was performed with numbers of men in management as the DV, and the strategy undertaken by the organisations across the seven employment matters as the IVs. Three more multiple regression analyses were performed with numbers of women in sales and service, numbers of women in operations and numbers of women in clerical positions at DVs and the strategy undertaken by the organisations across the seven employment matters as the IVs See Table 3.

Table 3: Multiple Regression results for EEO Approach and Women and Men in

Management

	R ²	R ²	F	Df	В	ß
	adjusted					
Women in Management	.147	.195	4.068**	11,185		
Organisational Size					79.209**	.298
Industry type					36.476	.066
Recruitment and Selection					-50.505	174
Promotion and Transfer					-2.090	007
Training and Development					36.425	.120
Work Organisation					11.254	.060
Conditions of Service					-21.808	113
Addressing Sexual Harassment					46.027	.163
Pregnancy and Breastfeeding					-42.717*	215
Policies						
Men in Management	.174	.221	4.765**	11,185		
Organisational Size					141.974**	.320
Industry type					-11.851	185
Recruitment and Selection					-88.639	183
Promotion and Transfer					-23.426	046
Training and Development					77.354	.152
Work Organisation					25.295	.081
Conditions of Service					-38.875	121
Addressing Sexual Harassment					96.520*	.205
Pregnancy and Breastfeeding					-72.710*	219
Policies						
Women in Sales and Service	.114	.164	3.297**	11,185		
Organisational Size					64.902*	.144
Industry type					-98.910	105

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Recruitment and Selection					-90.929	185
Promotion and Transfer					-29.751	058
Training and Development					72.049	.140
Work Organisation					32.683	.103
Conditions of Service					-58.219*	178
Addressing Sexual Harassment					131.857**	.205
Pregnancy and Breastfeeding Policies					-60.124*	178
	.095	.146	2.868**	11 105		
Women in Operations	.095	.140	2.808***	11,185	22 52 0444	201
Organisational Size					33.520**	.201
Industry type					-53.224	153
Recruitment and Selection					-25.058	138
Promotion and Transfer					-17.910	094
Training and Development					33.131*	.174
Work Organisation					5.794	.050
Conditions of Service					-5.815	048
Addressing Sexual Harassment					35.097*	.198
Pregnancy and Breastfeeding Policies					-24.332*	195
Women in Clerical Positions	.238	.281	6.560**	11.185		
Organisational Size	1200	.201	0.000	11.100	147.646**	.440
Industry type					74.711	.106
Recruitment and Selection					-24.979	068
Promotion and Transfer					-26.504	069
Training and Development					58.432	.152
Work Organisation					9.298	.039
Conditions of Service					-25.393	104
Addressing Sexual Harassment					33.757	.095
Pregnancy and Breastfeeding Policies					-49.683*	198

**
$$p = < .01$$
; * $p = < .05$

Industry type was not found to be a significant factor in the outcomes for women in management or in non-traditional areas although organisational size was a significant factor. Equal opportunity measures may be predictive of more men in management with one of the IVs contributed significantly to increased numbers of men in management, specifically the strategy for addressing sexual harassment. Equal opportunity measures may be predictive of increased numbers of women in non traditional areas particularly in sales and service and operations. Addressing sexual harassment and providing equal access to training and development opportunity were the contributing factors.

Discussion

The main contribution of this study was the examination a range of equity practices employed in the name of equal employment opportunity through seven measurable employment matters designed to address inequality between women and men and implemented in organisations in two very different industries. Results indicate an array of equal employment opportunity approaches that offer various outcomes. After more than 20 years of anti-discrimination legislation it is astonishing that a significant proportion of organisations in both industries do not address all employment issues in their programmes, even when this is mandated through anti-discrimination legislation as in the case of addressing sexual harassment. A further group do not see that equity is an issue in aspects of their employment (the traditional category). When these two categories are considered together, it amounts to almost half to four-fifths of organisations in both industries in the areas of recruitment, promotion, training (38 per

cent in finance), work organisation and conditions of service. The strength of specific and clear legislation prohibiting sexual harassment is seen in the strong response in this category where 65 per cent of finance organisations and 75 per cent of transport organisations have policies categorised as anti-discrimination. The higher percentage in transport possibly reflects the greater likelihood of issues arising in this area in a male-dominated industry. Relatively few organisations in either industry implement proactive strategies in the areas of recruitment, promotion, and development of women to address any identified inequities between women and men, particularly the number of women in management and in other non-traditional roles. However, the understanding of anti-discrimination issues in recruitment, promotion and access to training is probably the catalyst for the 37 to 55 per cent of organisations having policies in this category.

The greatest proportion of organisations with approaches categorised as gender diversity occurred in the "work organisation" and "conditions of service" categories. This reflects the moves towards greater temporal flexibility that have been encouraged through changes in the industrial relations system in Australia since the early 1990s (Gough 2006; Teicher and Bryan 2006: 17-20; Watson et al 2003; ACIRRT 1999: 31-33). Many of these changes, plus increasing recognition of the position of parents combination of work and family responsibilities (often in the context of attracting and retaining skilled workers in a tight labour market) are now widespread in organisations (Burgess and Strachan 2005). It is not surprising, therefore, to see these policies emerge in the reports to the EOW Agency. In part, these policies meet the criticism that affirmative action/equal opportunity did not consider employees' lives outside of work or assist in both women and men shouldering caring roles. Yet the reliance on these by organisations to deliver equity is concerning. Many organisations believe that making these changes is sufficient to ensure gender equity and other issues such as equity in recruitment and promotion are not considered.

A further concern is the lack of mention of pay equity. This is not specifically one of seven employment matters about which organisations should comment except that pay equity is surely central to consideration of conditions of service. In addition, organisations are asked to submit details of pay rates that are confidential to the EOW Agency. A lack of discussion of pay equity is therefore quite troubling. In both these industries women earn on average less than men and less than women on average in all industries (ABS 2007b). The silence on this issue is deafening as few organisations report on any strategies to address this.

The findings indicate that women's advancement into leadership in either of these industries is not related to equal employment opportunity activities as they are currently implemented. It is argued that equal employment opportunity now provides a means to maintain the current gendered nature of organisations through the encouragement of flexible employment practices which allow women to move in and out of organisations as their family needs dictate but which limit their access into the management levels. Equal employment opportunity, it would seem, has been truncated and it appears unlikely to be able to address the gendered disparity of workplaces as we move into the knowledge age. While the notion of knowledge work and the knowledge worker is highly controversial and often remains ill-defined (Pyoria 2005), Winslow and Bramer (1994) claim that a knowledge worker is simply someone who interprets and applies information, to create and provide value-adding solutions, and to make information

recommendations. While the increasing requirement for all workers to be part of the value adding requirements means that potentially all workers may be knowledge workers, work in the finance and transport sectors has been transformed in the past decade through changed technology and systems such that the interpretation and application of information is a vital part of the jobs in these industries.

It is argued that in Australia, equal opportunity as practised by organisations has become a 'satisfier' for organisations determined to ensure an adequate labour supply for full-time and part-time non-career jobs, with limited consideration for the lives of those who perform them. It has been sidetracked from delivering equitable treatment for all through equity of access to opportunities for recruitment, promotion and development and allows organisations to continue abrogate responsibility for societal reproduction with some immunity, to the individual who undertakes it. It is also suggested that the current implementation strategy disarms any dissidents in the fight for substantive equity by encouraging an illusion of the provision of equal employment opportunity while maintaining the status quo. Any suggestion that the outcomes from equal employment opportunity strategies are sluggish may be attributed to other issues such as getting enough women in the pipe-line or the lack of trained and skilled women able to move into management roles. Equal employment opportunity has become a 'pacifier' for workers through the delivery of day-to-day equality of opportunity for participation. Or it may be that their voices remain unheard or unheeded from such lowly isolated positions.

Conclusion

It is arguable that Australian equal opportunity legislation has addressed some of the issues that proponents such as Thomas 1996, Kandola and Fullerton 1994, Wilson and Iles 1999 wanted to achieve with the notion of managing diversity, that is an individual management driven program designed to enhance equity and business effectiveness. As can be seen from this examination of company reports, the most active area of organisational programs is that which is backed by anti-discrimination legislation, that is policies around sexual harassment and employment policies that do not discriminate for example in recruitment.

Currently, the management driven plans in these industries does not deliver equity for women when judged by their ability to move into senior positions. Thus we can conclude tentatively that managing diversity programs will not succeed on delivering equity for women. We can conclude that merely having organisations produce equity plans does not increase women's participation in senior positions.

This analysis of reports has shown that organisations provided with broad guidelines but left to their own devices will produce a diverse range of equity programs. There is currently no requirement for targets or quotas (as in the 1986 legislation) or key performance indicators to be used so the programs exist in a non-measurable space. When we have undertaken this analysis and compared the programs with employment data for each organisation, the equity programs are no predictor of increased proportions of women in management.

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