EEO and the Fair Go Workplace: The Australian Experience

Summary
What has been the impact of Equal Employment Opportunity (EEO) for women?
It is nearly twenty years since affirmative action and anti-discrimination
legislation addressed the disadvantaged position of women in the Australian
labour market. During that time there has been an apparent shift in focus from
addressing disadvantaged social groups toward recognising and responding to
individual differences and needs. This paper examines the reasons why a selection
of 'best practice' organisations say that they engage in EEO policies and
practices. While the case for fairness and equal access, and the need for
individuals to be protected from discrimination are used by some organisations,
the business case is privileged. Publicly available reports together with
confidential interviews with HR (HR) managers in a small number of
organisations provide data to examine the way EEO is practiced in these
organisations.

Introduction
In Australia anti-discrimination, equal pay and equal opportunity legislation has been in place for two decades. The Government espouses a workplace policy that provides 'a balanced approach with "a fair go for all"' and encourages 'workplace agreements that better balance work and family responsibilities' Australian Government, 2003: 23).Yet women's relative disadvantage within the workplace and especially access to management positions continues (for example Schein 2001; Ely 1995; Watts 2002). Australian women are more likely to work part time and in the lower paid jobs (ABS 2004), and less likely than men to participate in the paid workforce (Preston and Burgess 2004).

Does the Australian employer provide a 'fair go' for women employees, and why, or why not? What is employers' understanding of EEO principles and policies, and how are they implementing them? Bardoel (2003) has demonstrated the importance of managerial attitudes in determining an organisation's responsiveness to work-family needs. The values and culture of an organisation, whether expressed in informal or formal policies, are influential, and women may tailor their ambitions to their expectations of progression in an organisation, or to balance work and family responsibilities (Belle, 2002). Structural change may also result from the introduction of new practices (Konrad and Linehan, 1995), which may in turn depend on regulation, managerial initiative or worker demand, factors which are not always easily reconciled (Sheridan and Conway, 2001).

This paper examines the reasons why a selection of 'best practice' organisations say that they engage in equal employment opportunity (EEO) policies and practices. It focuses on the impact of the legislation that was introduced in Australia in 1986, and substantially modified in 1999. Two distinct sources of data are used: publicly available statements of a sample of 'best practice' organisations, and confidential interviews with HR (HR) managers in a small number of organisations.

Australian legislative framework.
Officially, equal employment opportunity for women is enshrined in Australia-wide legislation and is reflected in industrial awards and agreements. It is essentially individual complaint-based legislation (Ronalds 1991) with an individual rather than a collectivist focus in its reliance on the merit principle (Thornton 1990). The emphasis in the *Affirmative Action (Equal Opportunity for Women) Act 1986* was on individual enterprise responsibility rather than mandated quotas or economy wide standards, but promoted pro-active EEO measures. The Act compelled large organisations to implement an affirmative action (AA) program and provided clear guidelines on how to do so. There were no explicit national standards and the penalties for non-compliance were weak.

With the election of a Liberal-National Party (conservative) federal government in 1996 the legislation was reviewed (see Gunderson, 1995). In the *Equal Opportunity for Women in the Workplace Act 1999* the guidance given to employers was reduced and specific goals or targets were abandoned. The Equal Opportunity for Women Agency (EOWA) is responsible for administering the Act. It provides guidelines for workplace programs and reports, and collects and publishes reports annually from private sector organisations with more than 100

employees. Organisations are required to develop a workplace program by: preparing a workplace profile, analysing the equity issues for women, identifying priority issues, taking action to address them and evaluating the effectiveness of the actions. They must address the equity issues of sexual harassment, pay equity, training and career development, work/life balance, recruitment/promotion/separation, and occupational segregation.

The EOWA has adopted a pragmatic approach which privileges the business case. It defines equal opportunity as ensuring that 'all employees are treated with fairness and respect in that they are not subject to discrimination or harassment in the workplace.' (EOWA 2005c). While the legislation is underpinned by a recognition of the need to ensure women's access to a 'fair go' at work, current policy leaves room for a variety of approaches to promoting equal opportunity and/or managing diversity (Liff 1997, Strachan, Burgess and Sullivan 2004). In asserting that 'the economic status of traditionally disadvantaged people is improved' it provides a social justice dimension to what is essentially a business case (see Liff 1999; Dickens 1999). However it concentrates on the situation for individuals within organisations and reflects the legislative emphasis on protecting the individual employee from unfair or discriminatory treatment.

In stressing the business case for promoting equal opportunity, asserts that workplace relationships improve because staff are more productive, innovative and creative; customer service improves when the staff diversity reflects the customer diversity; the organisation is utilising 100 per cent of its talent pool; and absenteeism and staff turnover drops. The benefits are in reduced staff costs and increased productivity (EOWA 2005c). Organisations can 'differentiate themselves from their competitors and achieve public acknowledgment of their efforts in the area of equal opportunity for women' (EOWA 2005b).

In the 2002-3 reporting period, 3050 organisations submitted reports. On the basis of good performance, organisations can apply to have their reporting requirements 'waived' for up to three years (EOWA 2005a). For the period June 2003 to May 2004, 46 organisations had been granted this exemption for one year and 100 for two years. The list of non-compliant organisations is small (17 in September 2004). This may partially reflect the lack of a process for identifying those organisations that have never filed a report. Sanctions for non-compliance are weak (Strachan, Burgess and Sullivan 2001). In this way we may say that the legislation is 'voluntary'.

Employers may also apply to be named as an Employee of Choice for Women and can use this accolade in recruiting or marketing. In order to gain this accolade an organisation needs to demonstrate that it has achieved excellence in six areas including having policies and practices that support women across the organisation, a commitment to fully utilising and developing its people (including women), education in relation to sex-based harassment, an inclusive organisational culture at all levels of management, and 'improved outcomes' for women and the business (EOWA 2005b).

In 2003, 114 organisations were made 'EOWA Employer of Choice for Women' because of their active EEO programs, and are thus assumed to represent 'best

practice'. Twenty five per cent are educational institutions and 12 per cent are community services. There are no retailing organisations, despite retailing being the largest employer of women in Australia (Burgess, Strachan and Sullivan 2005). Of the EOFCW organisations, 45 chose to submit an additional organisational profile providing a brief statement about their programs. In doing this, they were asked to answer the questions 'Why are you committed to becoming an EOCFW?' and 'What impact has it had on the business and on the women in the organisation?' (EOWA 2005d). Their answers to these questions were used to analyse the motivation in these companies.

EOFCW Reports.
Appendix 1 shows the total number of women employees in each of these organisations, and the proportion of women in senior management. Only four of the 45 organisations reported that they had a greater percentage of women in senior management than in their total labour force, and these organisations were female dominated and had a religious base. Sixteen organisations had half or less than half the proportion of women in senior management compared with the proportion of women in their total workforce. These results are somewhat surprising in the female dominated industries of aged care and school education. The disparities are striking in the finance sector and in manufacturing. Reinforcement of sex stereotypes in the workplace and a negative impact on other women's career aspirations are among the likely ramifications of this disproportion (Ely 1995, Belle 2002). Further, the small proportion of senior women in the majority of these 'best practice' organisations may indicate that systemic issues in relation to women's work roles are still to be addressed (French 2005).

An analysis of the 45 responses shows an emphasis on the business case. Most organisations consider that the EOFCW label gives them an edge in attracting, recruiting and retaining skilled and valued staff, particularly female staff. A couple suggest that being an EOFCW enhances their standing in the corporate world or the wider community, and some cite values or beliefs that concur with equality principles. In one case an organisation acknowledged that its clients' expectations influenced policy.

In all, only nine organisations (20 per cent) did not mention a business case. These organisations all had a religious or community base: three community services and health care organisations, three girls' schools, one co-educational school, two universities and one credit union. One of the girls' school commented that 'our core business is…the education of young women who are encouraged to take an active role in the community through participation in diverse roles' while the co-educational school emphasised family values: 'as a co-educational school with a strong community and family focus our emphasis is on ensuring that we maintain a family-friendly workplace for ALL employees, both women and men' (original emphasis). It could be argued that these schools operate in a market where parents seek a demonstrated set of values. Similarly, good business outcomes may be implicit in the policies but not stated in this public profile.

Of the remaining 34 organisations, 21 mention the business case exclusively. Among the others, one wanted to recognise the efforts of their female department

heads (hotel) and another stated that they had a deliberate business strategy of diversity (manufacturing). The remaining thirteen (13) had statements related to the business case for recruitment and retention, plus an equity statement reflecting some aspect of social justice or affirmative action. Sometimes this was linked to company culture. For instance one organisation set out to 'value the core dimensions of every individual, truly include all people, create a culture of inclusion' (Motorola). In another instance, an employer valued equity as an end in itself (University of South Australia).

Somewhat curiously, not all organisations mentioned women in their statements. Only 20 of the 45 organisations specifically included mention of women employees while answering the question 'why are you committed to becoming an EOCFW?' In contrast, one community services organisation stated that it is committed to enhancing workplace quality for all and 'providing opportunities for women to establish a career…and surpass the glass ceiling' Another stated that 'becoming an EOCFW is one way to demonstrate our commitment to valuing our people. Some organisations reflected a deliberate policy of managing diversity (some originating in USA parent companies) while others stressed equity and that policies were for both women and men..'

Only three male dominated organisations (less than 30 per cent female employees) were represented, and all were part of multinational organisations. These three organisations emphasised the roles of their women employees. For instance, United Water said that 'one of the challenges in attracting and retaining the "best people" is creating an environment where women receive equal opportunity to access and retain roles for which they are qualified and competent.' In a male dominated industry 'we need to create an environment where we encourage women to initially join us, and then to retain their services (and our investment in them) over their working career.' Motorola, a telecommunications company, discussed an overarching diversity strategy but also said that 'our foundation of diversity aims…to ensure women get each and every opportunity to enter, perform, lead and excel in our organisation.' Exxon-Mobil said that it is vital to encourage young women to join and provide them with opportunity and flexible work arrangements as part of the company's Diversity Global Framework. Among organisations with 30-40 per cent female employees some were less forthcoming about the specific needs of women employees. Some stressed a generic equity agenda, others work/life balance or diversity policy, and one claimed that diversity and inclusion had been part of the corporate culture for 'more than 80 years' (IBM Australia Ltd).

Labour market forces are central to EEO policies for a number of employers. For them, the importance of recruiting and retaining the best talent or people with particular skills is the greatest motivator for EEO or diversity policies. This was mentioned specifically by six organisations. One, an aged care provider with 736 employees is reliant on female, often casual labour and offers limited career paths: it displays a variety of strategies aimed at attracting and retaining workers. 'Friendly' rostering, variable work arrangements, and generous carers' and parental leave are made available. It reported increased retention, decreased absenteeism, improved morale and reduced employment costs. Fostering the

loyalty of female workers was mentioned by more than one organisation as a way of retaining 'hard-to-get' women.

Insurer AMP noted that being EOFCW provides a compelling offering to existing and potential female employees, AMP benefits from their considerable talent and contribution to the organisation's 'bottom line'. ANZ Bank made similar statements and added that 'gender diversity is key aspect of diversity that organisations can leverage for corporate success as it enriches organisational culture, perspectives, creativity and innovation as well as leadership and management styles'. Curtin University likewise recognised the vital role of women workers and policies that assist in attraction and retention of excellent and highly skilled staff: 'This is crucial in such a competitive workplace and particularly in attracting women.' For hamburger giant McDonald's,' The potential cost to McDonald's of losing highly trained and talented employees is greater than the investment it takes to become an EOFCW.'

Other organisations focussed on the lack of women in professional and management positions. The Murdoch Children's Research Institute is one of the few organisations that plainly acknowledge women, in this case women scientists, as a disadvantaged social group:

> Many of our current employees are highly intelligent and dedicated women. Scientific research fosters a workplace environment that is traditionally conservative and female scientists have not always risen to the top of their peer group as they so richly deserve and as their qualifications and dedication indicate they should. We recognise that in the past, women have faced inequality and working provisions that inadequately accommodate their role in child rearing. As an organisation, in light of our Mission, we cannot afford to lose their scientific ability and capability. The EOCFW Award is our first step to ensuring we continue to attract and retain outstanding people.

Deloitte Touche Tohmatsu, an organisation of 2830 employees with only 144 female partners and directors, sees EOCFW awards as assisting it to attract women and to strengthen internal strategies to advance and retain women. This organisation reports that some clients 'are insisting on a female presence as part of the tender team, and require us to provide statistics on our gender ratios and documentation that supports our diversity principles'.

The benefits of having increased numbers of women in management, professional and non-traditional positions were frequently noted. One company considered that the presence of senior women at conferences and meetings changed the dynamics of meetings in a positive way. Two organisations mentioned more innovative and creative decision-making. Some organisations noted that policies such as more flexible leave arrangements and increased ability to access part-time work had been extended successfully to staff at management level, and attitudes within the organisations were gradually changing. A few organisations cited a harassment free culture and/or greater understanding of sexual harassment and anti-discrimination policies. One noted 'there is a direct correlation between our investment in our people and our current success….While many of our competitors are finding the going tough, we are experiencing considerable growth'.

Fourteen organisations cited high rates of return from maternity leave as a source of considerable satisfaction, with some organisations reporting a 100 per cent return rate. For instance, Motorola reported that paid parental leave and other policies helped them achieve 100 per cent return from maternity leave. Hays Personnel Services found that increasing the number of female employees, including those receiving training and opting for flexible work, had improved the rate of return from maternity leave to 71 per cent: 'we are definitely reaping the benefits these strategies have produced.'

The successes of EEO policies were most often measured in terms of HR outcomes. The ability to recruit and retain good staff and to lower staff turnover were most often cited as the 'bottom line' of the EEO/diversity policies. In two cases reduced absenteeism was important. The net result for these companies came in reduced labour costs. Greater employee satisfaction, higher workplace morale and happier workplaces were regularly mentioned and some organisations specifically linked this to greater productivity.

Several companies saw benefits outside the HR sphere. For two of them, a casino and a hotel, greater standing in the community in general or the wider business community was important. McDonald's believes that the EOCFW award contributes to their standing in the Australian corporate sector. In much the same way, an aged care provider noted that a 'happy workforce' was 'commented on by prospective families' and presumably contributed to customer satisfaction. ANZ is aspiring to be 'the bank with a human face' in which a diverse workforce plays a central role, and in that sense embraces a managing diversity model akin to that suggested by (among others) Kandola and Fullerton (1995). However, only those companies heavily influenced by the culture of their American parent, like IBM and Exxon-Mobil, regarded diversity in their workforce as a significant part of the way they related to their customers.

Case Study: Interviews with Human Resource Managers
The second part of the data to be considered stems from a small series of case studies conducted at EOWA compliant organisations. In contrast to the publicly available information, the interviews were confidential and neither the interviewees nor the organisations are identified. This article uses data from loosely structured interviews with HR managers in five diverse private sector organisations, two of which have been awarded EOCFW and at least one has been waived from reporting as a result of demonstrating good practice.

Several HR managers stated that, in preparing reports for EOWA, they were forced to examine the workplace in the light of equal opportunity, to re-evaluate existing policies, to obtain feedback from other employees, and to identify areas that needed attention. This is consistent with the aims of the legislation. However, the essentially voluntary nature of compliance leaves them plenty of latitude to develop their own approach to equal opportunity employment.

Table 1: Workplace profiles

Industry sector	Smelter manufacture	Technology equipment manufacture	Hospital care	Theme park	Leisurewear, marketing, sports goods wholesale, retail

Total employees	1007	1049	1800 (approx)	704	327
% female	5	17	83	61	53
Managers % female	17	13	65	50	32
Fulltime % female	4	14	86	82	47
p/t casual % female	98	60	75	35	64

Source: EOWA Reports, 2003.

In general, these HR professionals echoed the statements of the EOCFW public profiles. The HR managers exhibited a mixture of reasons for their organisations' EEO or diversity policies, mostly centred on HR outcomes. The policies and practices they describe are pragmatic, resting on no particular paradigm or theoretical framework. Policies have been developed in response to specific issues or labour market forces. For instance, one company had developed a breast feeding policy specifically to accommodate one employee's request. The same organisation offered extended leave in order to retain a valued senior employee. Competition for skilled workers fuelled many policy initiatives.

The HR managers agreed that the necessity to furnish reports to the EOWA serves to focus the organisation's attention on EEO issues, but this did not emerge as the only or even the main consideration. Most HR managers paid passing homage to social group differences and the impact of systemic disadvantage on specific groups of employees, including women, but this was quite variable between organisations. The business case is the most vital component of policy and practice. Building a 'fair go workplace' has a pay off in a competitive labour market.

As in the public reports, there was a tendency for policies to be stated in non-gendered terms, referring to 'diversity' and 'equal opportunity for all' rather than singling out women as a special group. Mostly the focus of policy is on the individual's situation, seeking to offer equal opportunities to each employee. Thus, 'EEO' is not used in the hospital's policy documents: it refers to its policy as one of 'diversity,' preferring this term because it avoids stressing gender-based discrimination but also because it easily includes other minority groups, such as indigenous Australians.

A theme park (tourist facility) with approximately equal numbers of men and women employees choose neutral terms in policy formulations, fearing a backlash if some employees are treated differently: 'We don't necessarily make it stand out because we don't want people reading it, going "Well what's that?". There's some people who would go the other way.' Like the hospital, the theme park is an EOFCW and its public profile notes that 'being aware of the different needs for women helps retain and attract best people'. However, in practice, these different needs are downplayed. Interviews revealed that the primary focus is on the individual's needs and talents, regardless of gender. Management avoids using the EEO label and stresses that equity policy and practices such as part-time work and extended leave apply to everyone. Nevertheless, the potential for women to be

disadvantaged as a group informs policy and practice: 'the working hours are fairly flexible, to suit the needs of different people and particularly because a lot of our casuals are females, too.'

At a leisurewear and sports equipment design and distribution company, the young workforce apparently takes equality for granted, and this organisation has not undertaken the preparation of a specific EEO or diversity policy. Nevertheless, it has been waived from reporting to EOWA for one year. According to the HR manager, 'we just do things for all staff. …when the report was in its draft stages I gave it to the focus group to have a read. And they said, "But we do this for everybody. It's not special".'

A similar approach was followed by a US-based technology company. This company wanted to ensure fair and equal treatment for all workers, and although the term 'diversity' is the familiar one in the parent organisation, the HR manager insisted that the Australian division has formulated its own policies. Finally, a smelter, with a small female workforce, has a well-developed and formalised diversity policy which is designed to foster respect for workers of different ethnic backgrounds or religions as well as women. Nevertheless, at this workplace and at others, elements of affirmative action practices exist where systemic disadvantage is evident: both the male dominated companies had active programs to recruit women, especially professional women, and to offer them access to training and promotion, and one offered mentoring for young female workers. The theme park had also initiated programs to encourage women to apply for management positions.

Compliance with legislation is a priority in all the case studies and puts pressure on senior management, almost all of whom are male, to re-evaluate their policies and to provide equal opportunity workplaces. The most powerful pressure arises not from the EOWW Act, but from the *Workplace Relations Act 1996*, which proscribes discrimination of the grounds of sex (among others) and sex-based harassment. At the hospital, the HR manager noted that the fear of legal disputes under the anti-discrimination legislation can prompt senior management to revise practices. The smelter, where there is a necessary preoccupation with safety issues and risk management, sees equal opportunity measures as part of providing a safe workplace, free from litigation and from physical or psychological injury to employees. Similarly, all but one of these organisations had taken active measures to counter sexual harassment allegations, with training provided to supervisors, designated contact officers and formal procedures in place. While the welfare of employees undoubtedly took precedence, the role of legislation cannot be ignored.

Overwhelmingly, though, HR managers talked about equal opportunity or diversity as being good for business in various ways but primarily in terms of attracting and retaining the best workers. In the leisurewear and sporting equipment company, good designers can easily take their ideas to the opposition. A severe shortage of skilled staff, especially nurses, dominated HR policy at the hospital:

> We struggle so much for the calibre of staff we are after to fill the specialist positions. We indicate that we really need to be out there and we need to be seen as contemporary and doing all that we can to attract

> people, ensuring that we have a workplace that's positive in terms of women and all sorts of other approaches in the equity and diversity area. Really that is seen as a key driver as well. We need to do this sort of thing because it attracts people and also because everyone else is doing it. That's the reality.

Highly skilled technicians and engineers are also in short supply:

> 'If we as an organisation didn't take it [EEO] seriously then we would lose our selling point and our competitive advantage as well, and you want to have an environment that people want to work in.' (technology)

When training is prolonged or highly specialized, employees become even more valuable. As one HR manager put it:

> … everything is so complex it takes a long while to get up to speed. Once you get them up to speed after 12 months or so that is when you start to make money out of them. (technology)

Other aspects of HR management are important too. The theme park accepts that it has a high turnover of employees due to its location and the nature of some jobs, and relies heavily on female labour, especially as casual and part time workers and at the elementary levels of the enterprise, so ease of recruitment is essential:

> If somebody works here and has a bad experience, they will tell their friends "oh, don't work there, blah, blah, blah" But if somebody consequently has a good experience and sings glowing praise that does help us. (theme park)

Providing a worker-friendly environment is an essential part of the diversity policies in all these organisations. The technology company includes job share, part-time work and work-from-home for selected employees. Here, some jobs involve overseas travel and being available at unsocial hours, so some flexibility is necessary to meet business needs. Arrangements are made on an individual basis and rely on managerial discretion. Hospital rosters are carefully prepared to match individuals' needs, and allow for different starting and finishing times, varied shift lengths and choice of days off. Part-time work and flexible hours (within the considerable constraints of the manufacturing process) are available to all workers at the smelter. The leisurewear and sports equipment company is characterised by a tradition of flexibility in working hours and conditions which pre-dates affirmative action legislation. Since employees have always had permission to take time off from work to play sport, this flexibility was easily extended to those with family or other responsibilities.

Other aspects of the business case were more varied, reflecting the structure or social context of the organisations. The hospital values its reputation in the community, and believes that this is enhanced by having good HR policies. It wears its EOFCW label with pride. Interestingly, the HR manager at the other EOFCW organisation (theme park) did not regard it as assisting in recruiting talented people because 'not many people in this community would be aware of what it means'. However this company did like to be seen as a good corporate citizen in the community. The few women at the smelter are seen as enhancing teamwork and contributing a different style of leadership. This supports a

business case argument for equal opportunity policies, but also one that values difference.

> I think that diversity must help the organisation and does. I can see a male over in the Cast House sitting down with his group of twenty-three males and being adversaries. But if I put a female leader into that environment - not saying that she would be able to get different outcomes - but I generally believe that they can.

The HR manager in the leisurewear company considers the advantage of the organisation's employment policies and practices as a loyal workforce, happy with the company culture and with their opportunities within it. The business case for good employee relations was evident in statements such as 'I don't think any of it costs us any money. It gains money, if anything'. (leisurewear)

Finally, these organisations had policies which were consistent with fair and transparent workplace policies. Policies and practices were designed to promote a workplace culture where individuals could expect to be treated with respect and consideration of their individual needs. At the hospital and the theme park, this was specifically linked to customer/patient satisfaction, at the leisurewear company and the technology company to productivity, and at the smelter to maintaining good industrial and interpersonal relations. In addition, the hospital's overarching commitment as an agency of the church means that equity is 'the right thing to do' in this organisation, taking precedence over the business case.

> The missional aspect is a key one. It is seen as very, very important that…we can demonstrate that…we are living it internally within the organisation. … We don't refer to the legislation often and we try to look at what is the right thing to do.

Discussion and analysis.
The EEO policies and practices of this small sample of organisations, as described by their HR managers, respect the relevant legislation and reflect the business case bias of the EOWA's approach. The HR managers believed that their EEO policies enhanced their organisation's ability operate in a competitive labour market (technology, hospital, leisurewear). Flexible working arrangements, family friendly policies and access to training and advancement were key issues in maintaining staff morale and a committed workforce (hospital, leisurewear, theme park). In two cases diversity in interpersonal skills or in management style was seen as an advantage for the organisation (smelter, technology). Specific focus on socially based disadvantage is not the focus for policies in these organisations.

Rather, equal opportunity for women was part of a more general policy and was not always spelt out as a gender issue but one of diversity (hospital) or safety (smelter). A company culture of mutual respect (smelter), commitment to social justice (hospital) or acceptance that this is 'the way we do things' (leisurewear) was evident. 'Treating people equally irrespective of their sex' was their baseline, but the need to create policies which address the specific needs of women in order to afford them equal opportunity was acknowledged.

Anti-discrimination legislation was undoubtedly an important influence on these HR professionals' approach to equal opportunity, and in some cases a bargaining

tool in advocating change. The active support of senior management in promoting equal opportunities for female employees was also an important driver for these policies (technology, hospital, smelter). However, in each case the rewards of the policies were seen to have outcomes that enhanced the business.

Policies and practices have developed in an *ad hoc* way in these organisations in response to business needs and labour market forces, and diversity policies have been grafted on to such affirmative action initiatives as suit the business. A commitment to diversity or equity in employment matters runs alongside and sometimes overlaps the business case. This results in a blurring of the differences between equal opportunity policies and practices on the one hand and ways of managing diversity on the other. We hypothesised that there would be a variety of approaches adopted in Australia and that many would draw on the unique national legislative heritage of EEO. Without a uniform approach to managing diversity, something we have argued is unlikely to occur in the Australian context, there will be different policy frameworks used. We suggested that managing diversity may take hold in some Australian organisations as a strategy for enhanced organisational effectiveness and may be grafted onto existing or evolving EEO policies (Strachan, Burgess and Sullivan 2004). The organisations examined in this paper confirm this proposition**.**

The EOWA description of EEO, while laying emphasis on the business case, still reflects the liberal equity agenda of bringing the socially disadvantaged (or employment disadvantaged) group to the level of the dominant white male group (see Thornton 1990). Originally the (1986) legislation reflected an affirmative action and a liberal equity agenda, and sought to take 'positive steps, by means of legislative reform and management programs, in order to achieve demonstrable progress towards equal employment opportunity' (Ziller 1983: 23). Such agendas has been analysed extensively and widely criticised (for example, Liff, 1997). The alternative 'radical' approach looks to change society and/or the culture of the organisation. (Liff 1999; Shapiro 1999). In practice, the liberal equity agenda could contain elements of culture change if this is needed to bring the disadvantaged group to the level of the dominant group. Some organisations in this study had attempted or were attempting to change attitudes (and behaviour) within their companies, but for most, even among these 'best practice' organisations, the emphasis remained one of giving women access to the same opportunities as men within an existing framework.

The term 'diversity' is in common use, but it can relate to many different policy attitudes. The emphasis on the business case by the EOWA and organisations parallels the promotion of managing diversity strategies in some HR recent management texts. For example, one recent Australian text asserts that 'companies must harness the power of the diverse workforce' (De Cieri 2003: 28-29). It is consistent with a widespread trend away from equality arguments based primarily on appeals to social justice, to ones which argued that equality was good for business (Dickens 1999). The organisations in this study frequently used the word 'diversity' when referring to their policies.

In relation to the objectives of managing diversity, Liff (1997) uses two major categories. 'Dissolving differences' involves addressing individual needs and

fostering individual talent, regardless of gender, while policies that 'value differences' are more likely to be focussed on group characteristics. They 'acknowledge socially-based differences and their significance for the perpetuation of inequality' (Liff 1997: 14) and seek to enable previously disadvantaged groups to be more successful in the workplace as it is, to change existing structures or policy. Despite the latter approach being the main underpinning of the affirmative action/equal opportunity legislation in Australia, in the organisations examined in this paper we found both approaches present and sometimes a combination of both. On the whole, differences were valued and organisations were prepared to change and take some risks in order to promote diversity.

However, providing 'equal access to opportunities in the workplace' and making employees feel valued suggests that the policy is about dissolving differences (Liff 1997) and makes no demands for organisational change. The assumption that EEO will create a more harmonious and productive workforce is in keeping with a managing diversity agenda, (Kandola and Fullerton 1995; Agocs and Burr 1996) but may also serve to 'inculcate employee loyalty, commitment and dependency' (Kessler and Purcell 1995: 348). Dickens has pointed out some of the possible pitfalls in embracing a business case too tightly, as various factors, changing labour market conditions amongst them, can effectively sabotage diversity and equity policies because 'by definition, such arguments encourage action only in areas where it is clear the EO and business needs coincide' (Dickens 1999: 10).

Conclusion.
The organisations which are part of this study demonstrate a pragmatic approach to EEO and/or MD practices. They use whatever works to recruit, develop and retain the workforce they need. Flexible work arrangements, generous maternity leave arrangements, a safe and equitable workplace and a culture of fairness and respect among their staff are regarded as pro-active or equitable as the situation demands. Whatever the rationale, they claim that the outcome enhances their business in some way. This pragmatic approach is noted in the literature on the UK, based on limited case study research (Kirton and Greene 2004:133).

Currently, outcomes for women are not specifically considered in any organisations, systemic discrimination is not recognised and few women are managers. Over the past decade the process of gender equity in the workplace has shifted to an individualist rather than a collectivist social policy approach. Employment conditions that enable women to combine market and non-market activities; workplace programs designed to assist women to develop career paths, access higher pay and acquire additional skills have become management prerogatives. Individuals must rely on bargaining power and managerial goodwill. Policies are couched as equal opportunity or diversity policies or a mix of the two. Many of these organisations are silent on issues of systemic discrimination and do not mention any employment disadvantaged groups. This has ramifications for other groups such as disabled or indigenous Australians that have in the past been recognised as suffering systemic discrimination in employment.

These few 'best practice' organisations are committed to EEO or diversity

policies for a variety of reasons, but always stressing the business case. In many organisations the strongest driver is the labour market: a shortage of skilled employees or competition for these employees. If this were not the case, would these organisations pursue these policies? Compliance with EEO legislation in Australia is essentially voluntary. This is a partial and fragile base on which to build gender equity in employment. In these Australian organisations, the heavy reliance on aspects of recruiting and retaining staff to sustain best EEO practice inevitably leaves women and other disadvantaged groups vulnerable and exposed to labour market forces. As Kirton and Greene have concluded 'there are dangers if the diversity approach is seen as something totally new and does not require the maintenance of the basic safeguards and protections set up in law' (Kirton and Greene 2004: 133).

The results from EEO best practice organisations show disparate outcomes. In some organizations the focus on outcomes for women as a group is non-existent. Where does this leave outcomes for women in all workplaces? The outcomes are now heavily dependent on corporate goals and individual management strategies and actions and therefore positive outcomes for women at work remain dependent on the labour market and corporate good will.

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APPENDIX 1: Employers of Choice for Women, 2003.

Organisation	Industry	Employees	% women	% women in senior management
Bishop Davies Court	Aged Care	140	96	98
Fullarton Lutheran Homes	Aged Care	199	88	40
Warrigal Care	Aged Care	524	91	20 Executive 77 middle mngt
Churches of Christ Homes and Community Services	Aged Care	736	86	67
Somerville	Community services	167	73	67
Uniting Church Frontier Services	Community Services	414	88	76
Calvary Health Care Tasmania	Health	972	83	77
Uniting HealthCare	Health	2827	82	67
Loreto Normanhurst	Education	167	75	82
Moreton Bay College	Education	155	82	40
Overnewton Anglican Community College	Education	179	71	46
Santa Sabina College	Education	235	86	77
Curtin University of Technology	Higher Education	5642	54	27
Griffith University	Higher Education	4000	64	40
La Trobe University	Higher Education	2747	60	25 academic 37 general
Macquarie University	Higher Education	1639	54	31
Monash University	Higher Education	5847	42 academic 64 general	18 academic 40 general
University of Queensland	Higher Education	5148	34 academic 59 general	37.5 senior executives
University of South Australia	Higher Education	2134	55	38
United Water	Utilities	415	8	3.6
American Express	Finance	2970	64	35

AMP	Finance	3670	53	27
ANZ	Finance	17,500	62	33 managers 23 senior managers 16 executives
Australian National Credit Union	Finance	460	60	27
Citibank	Finance	1717	52	29
Commonwealth Bank	Finance	30,210	64	19
Royal Automobile Club of Victoria	Finance	1857	56	24
Hays Personnel Services	Employment Placement Services	485	69	55
Avis	Property services	859	39	43
Deloitte Touche Tohmatsu	Professional services	2830	45	5 (144 female partners and directors)
Ernst & Young	Professional services	3700	51	32
IBM Australia Ltd	Computer Consultancy	10,000	32	23
Motorola	Telecommunications	758	21	16
Autoliv Australia	Manufacturing	606	71	20
SC Johnson & Son P/L	Manufacturing	125	31	17
Saint-Gobain Abrasives	Manufacturing	275	34	20
Sara Lee Household and Body Care	Manufacturing	218	59	33
ExxonMobil companies in Australia	Oil and gas extraction	2389	18	5
Tabcorp	Entertainment	1900	67	16.7
Warner Village Theme Parks	Recreation	2000	50	10
Star City	Recreation	3000	38	25
The Windsor Hotel	Hospitality	178	48	60
McDonald's Australia	Cafes restaurants	15,977	50	41
Murdoch Childrens Research Institute	Scientific research	423	76	10