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## **Labour Market Deregulation and Gender Equity in the Australian Workforce: Complementary or Incompatible?**

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### **1. Background**

In Australia and most OECD economies there have been persistent differences in labour market outcomes for males and females, reflecting differences in human capital, the distribution of non-market work, employment conditions and arrangements, the structure of internal labour markets and direct and indirect forms of gender discrimination. Each country has inherited a different set of institutional arrangements that underpin the functioning of the labour market.

The Australian industrial relations system that originated in the early 1900s recognised trade unions as the representatives of workers and the award system as defining workers' entitlements. While this centralised, collective system specified minimum wages and conditions, its decisions were structured on gender lines because the dominant concept in wage fixation was a living or family wage that was sufficient for a male worker to maintain himself, his wife and three children (Ryan and Conlon 1989; Strachan 1996).

Although the extent of gender segregation with respect to employment has declined over the last twenty years, a high level of segregation

remains, particularly in the Clerical, Sales, Service and Tradespersons occupations (Watts and Rich 1992). Occupational segregation facilitates wage discrimination by gender.

Subsequent legislative and collective developments have attempted to remove the structures and institutions that supported these gender-based differences. Equal pay cases culminated in the adoption of the principle of equal pay for work of equal value in 1972. Anti-discrimination and equal employment opportunity legislation was introduced in the 1980s. The aim was to remove sources of gender discrimination and to ameliorate gender segregation in employment practices including training, recruitment and promotion. Also Australia supported ILO labour standards on equal pay, unfair dismissal, parental leave and support for workers with family responsibilities.

On the other hand, labour market policy over the last decade has been mainly based on neo-liberal principles of de-collectivisation and decentralised bargaining. In 1991 Enterprise Bargaining was accepted by the Industrial Relations Commission. Supply side reform gained impetus after the publication of the OECD Jobs Study (1994) in which it was argued that the persistently high unemployment in most OECD countries was sourced in institutional arrangements in the labour market and government welfare policies. In 1996 the Federal Coalition Government introduced the *Workplace Relations Act*, in which the conditions of work covered by the award system were stripped back. Further reforms of the award system followed the re-election of the Coalition Government in 1998.

When superimposed on concepts of workforce flexibility, current industrial relations policies are said to promote equal employment opportunity and 'family friendly' outcomes, thereby assisting the employment aspirations of women and workers with family responsibilities (Strachan and Burgess 1998). The evolution of equity policy in the 1990s represents a subtle shift from the pursuit of gender equity towards the synthesis of work and family responsibilities.

Despite marginal improvements in relative full-time wages and a continued reduction in occupational segregation by gender, we conclude that deregulation of the labour market and workforce gender equity are fundamentally incompatible. In poorly organised sectors, in which women predominate, decentralisation is leaving workers vulnerable to low paid jobs with fragmented employment arrangements. Male and female wage distributions are becoming increasingly polarised. Thus the rigorous pursuit of equal pay for work of equal value is incompatible with deregulated wage fixation. In addition, unfair dismissal legislation

has been relaxed.

Finally, even legislative reform is unlikely to be sufficient to promote gender equity. We argue that the household division of paid and unpaid labour that lies outside the sphere of direct legislative influence remains the key to the achievement of gender equity. While a majority of women remain confined to part-time and casual employment due to the demands of unpaid work, women's employment will remain disadvantaged unless there is a radical transformation of these non-standard forms of employment.

### *Gender Equity*

The concept of gender equity in the labour market is an elusive one. Both affirmative action and work and family policies in Australia are based on the objective of the equality of treatment. Family friendly or work and family policies are ostensibly designed to allow employees to simultaneously fulfil both work and family responsibilities. In practice, these policies revolve around the working conditions of female workers, for whom, employment and family are joint responsibilities. Paid work is the main responsibility of most male workers, so 'that there is no need to change organisational structures' (Liff and Cameron 1997: 35-36; see also Lewis 1997). Liff and Cameron argue that the special treatment which women require in order for them to compete in the workplace may promote hostility from men. An alternative is to change the balance of paid work and caring between women and men. This issue is addressed in Section 4.3.

If equal opportunity requires men and women to be treated the same, the outcome may be that women are offered equality on male terms so that they are required to comply with male centred norms and patterns that are not challenged (Webb 1997). This may reinforce the idea that women's experience signifies disadvantage (Bercusson and Dickens 1996: 16). Creating the male experience of the workplace as the norm has been criticised because 'the construction of women as different from men (taken as the measure) is one of the mechanisms whereby male power is maintained' (Wajcman 1999: 23).

Neave (1992: 806-07) concludes that

despite the symbolic importance of treating men and women equally, in a society in which access to power and resources is still determined by sex (as well as race and class) provisions requiring formal equality of treatment simply entrench the status quo. Equal treatment disadvantages women by ignoring the structural barriers

which limit job opportunities and underestimates the practical difficulties and cultural expectations which deter women from combining employment and domestic responsibility.

Measures which reinforce the premise that women have primary responsibility for childcare, such as enhanced maternity leave or part-time work may be problematic for equal opportunity. Bercusson and Dickens (1996: 21) state that "gender equality is unlikely to be served where part-time work is ghettoised into low graded 'women's jobs' or detached from an organisation's internal labour market and remuneration system."

Yet achieving better ('equal') pay, other wage and non-wage benefits and enhanced training opportunities bring definite benefits and this should not be ignored in the debate over further reform. On the other hand, the danger in protecting difference is that the law may perpetuate stereotypes (Bercusson and Dickens 1996: 18).

Finally, recent feminist debate has emphasised the differences within the category of 'woman' (Wajcman 1999). This is important to remember because female workers are a diverse group (as are men) and policies may have a disparate impact. However, to disaggregate the group 'women' can lead to systemic discrimination being ignored.

### **3. Legislation Promoting Gender Equity**

The major developments in Australia are the equal pay decisions and anti-discrimination and affirmative legislation. Parental leave and family leave policies have been promoted in the 1990s and these basic developments are outlined in Table 1.

#### ***Equal pay decisions***

For most of this century wage fixing and industrial relations in Australia were centralised, with a third party, the Federal Conciliation and Arbitration Commission (later the Industrial Relations Commission), conciliating and arbitrating on labour disputes, as well as setting national norms for wage increases. Awards that define the minimum standards for pay and employment conditions across enterprises were promulgated and were implemented on a case by case basis for specific occupational and/or industry groups.

Against the backdrop of the increasing female labour market participation in the 1960s, plus the emerging recognition of race and sex discrimination, the Commission set out principles in a series of equal pay

**Table 1 Australian Legislation to Promote Gender Equity since 1969**

POLICY	IMPLEMEN- TATION	EXPLANATION	POLICY APPROACH	IMPACT
Equal Pay Cases, 1969-1975	Case by case – industry awards.	Equal pay for work of equal value.	Pay for women's jobs to be equal (or equivalent) to men's jobs.	Wage increases mainly in 1970s.
Comparable Worth Cases 1986-	Case by case – none have been granted.	Detailed examination of equal worth.	Pay for women's jobs to be equal to men's jobs of comparable skill etc.	Nil.
Anti-discrimination Legislation 1975-	Individual case taken to tribunal after allegation of discrimination.	Sets standard of discrimination by reference to comparable group.	Women's employment judged against the standard of men's employment.	Individual cases have changed individual employment practices – case law may have an impact.
Affirmative Action Legislation from mid-1980s	Policies and practices implemented at organisation level.	Recognises systemic employment discrimination & can assist women to compete equally with men – can also implement policies which change conditions eg family leave	Women's employment judged against the standard of men's employment (in most instances – see Wajcman 1999: ch.1).	Implementation by large companies at organisation level – no effective penalty for non-compliance.
Parental Leave from 1980s	Minimum entitlement in industrial relations legislation, awards and agreements.	Entitles women and men to unpaid leave for childbirth and care of baby	Recognition of family life	12 months unpaid leave should be minimum for permanent workers – casual workers are not covered – mostly used by female workers.
Family Leave from 1990s.	In awards and agreements.	Few days leave to care for family.	Recognition of family life.	Most permanent workers should have this available to them – casual workers are not covered.

cases that were to be followed when unions applied to have equal pay implemented in their awards. The equal pay case of December 1972 broadened the concept of equal from 'equal pay for equal work' by awarding female workers 'equal pay for work of equal value'. The

potential coverage of this judgment was estimated to be one and a half million female workers (out of 1,795,000 women in the workforce) (Ryan and Conlon 1989: 162). The pay differential was phased in three stages, the final one by June 1975.

After 1972 the pursuit of equal pay occurred on an *ad hoc* basis, relying on individual trade unions to institute cases on behalf of their membership. Generally employers and unions merely agreed on the integration of male and female classifications without any quasi-scientific studies of work valuation and comparison (Short 1986: 325).<sup>1</sup> Consequently, the Commission retained its discretion in setting money wages.

In 1986 the ACTU, supported by groups representing women, submitted a claim in relation to nurses' salaries along comparable worth lines but they failed to define comparable worth. The commission decided that acceptance of the principle of comparable worth would 'strike at the heart of long accepted methods of wage fixation in this country' (Australian Conciliation and Arbitration Commission, 1986) and refused to allow this attempt to initiate a general review of women's wages. The nurses' claim was processed as an individual case under the anomalies and inequity principle and the commission ensured that it had no ramifications for women's wages generally (Rafferty 1994: 467)

Section 170B of the *Workplace Relations Act 1996* allows the Commission to make orders for equal remuneration for work of equal value between men and women, with the Act relying on the 1951 ILO Equal Remuneration Recommendation for any interpretation of equal value. There has been no definition of the terms, no agreed method of evaluation and any implementation must be on a case by case basis.<sup>2</sup>

Nearly thirty years after the significant equal pay decision, equal pay principles have not been comprehensively applied in Australia. The historical undervaluing of women's work (for example, Strachan 1996) which has been perpetrated largely because of the high level of gender segregation with respect to employment has not been adequately addressed. Indeed, 'work value has been assessed for changes over time but never for comparative work value with men to see if the original rate was discriminatory' (Short 1986: 329).

### *Anti-Discrimination and EEO Legislation*

Federal anti-discrimination legislation was enacted in 1975 and introduced in most states in the 1980s. The legislation covers the grounds for discrimination that include sex and marital status. Most workers are able to take a complaint about an alleged case of discrimination to a specific

tribunal for resolution. The Federal *Sex Discrimination Act 1984* recognises structural or indirect discrimination which

'arises from the fact that organisational norms, rules and procedures, used to determine the allocation of positions and benefits, have generally been designed...around the behaviour patterns of the historically dominant group in public life (Anglo-Australian, able-bodied, heterosexual males)' (Hunter 1992: 5; also *Department of the Prime Minister and Cabinet, 1984, vol. 1, 12-13*).

Groups of women have pursued remedies after alleged cases of discrimination. While important in resolving some instances of discrimination, framing a case that meets the terms of the legislation can be difficult (Scutt 1990: 76). The legislation tends to produce *ad hoc* solutions that do not alter the widespread incidence of employment discrimination.

The *Affirmative Action (Equal Opportunity for Women) Act 1986* provides legislative remedies for discrimination which do not rely on individual grievance procedures. Affirmative action 'is the pursuit of equal employment opportunity by means of legislative reform and management programs' (Ziller 1983: 23). This requires that the barriers which restrict employment and promotion opportunities for women in the workplace be systematically eliminated.

The Act compels organisations with more than one hundred employees to implement an affirmative action program.<sup>3</sup> The position of women in these organisations is analysed by reference to employment statistics, personnel practices, both written and unwritten, and consultation with female employees and trade unions. Organisations are required to devise strategies that address some of the problems identified and set targets against which future progress can be judged (Strachan 1987). The penalties for non-compliance are weak: a company that does not submit a report may be named in parliament or be ineligible to tender for a government contract. The legislation preserves an individual rather than collectivist focus through its reliance on the merit principle because 'competitive individualism is central to the process of appointment and promotion' (Thornton 1990: 246).

While virtually all employees are covered by the 1975 anti-discrimination legislation, employees in small and medium sized organisations are not covered by this legislation. Only a small minority of the most vulnerable group of workers, namely casual employees are covered by the Act, because about two thirds of casual employment are concentrated in the small, private business sector (Campbell 1996a). Casual

workers accounted for about one third of all female employees in 1996.

Most affirmative action programs have concentrated on two issues: women in management, including issues about the 'glass ceiling', and issues dealing with maternity leave and access to childcare (Affirmative Action Agency, *The Triple A List*). These programs, however, often relate only to those women whose skills are valued and who are expensive to replace, so that workers in part-time, temporary or low paid positions tend to be ignored (see the study of clerical workers by Strachan and Winter, 1995).

### *Towards a 'Flexible' and Deregulated Industrial Relations System in Australia*

While the industrial relations system has endured many legislative changes, its framework of permanent tribunals setting industry wide awards which applied to all workers in the specified job category and industry, survived until 1993. The system of awards protected individual employees against the unconstrained operations of the free market and supplemented the limited protection offered by individual trade unions. Awards covered a wide range of employment matters including minimum rates of pay, leave entitlements, overtime and shift rates, hours of work, meal breaks and travel allowances and stipulated whether employment was on a weekly, daily, permanent or casual basis (Deery, Plowman and Walsh 1997: 9.23).

In 1986 external economic problems, namely the deterioration in the balance of payments and the terms of trade, a depreciating currency and increases in the level of international debt, led to criticism of the rigidity of the wage indexation system associated with the Prices and Incomes Accord. Employers pushed for the gradual development of an enterprise-based industrial relations system (Dabscheck 1995: 26-27) and the Labor Government and the ACTU also advocated industrial relations reform (Burgess and Macdonald 1990). Enterprise bargaining was introduced following the *Industrial Relations Reform Act 1993*. The main way to obtain a wage increase was through a collective agreement negotiated at an enterprise, with or without trade union involvement (initially there were few non-union agreements). Workers without access to an enterprise agreement were reliant on a national wage case that provided minimal increases in wage rates. These changes were seen to be more conducive to promoting an effective integration of family friendly policies into the workplace (Strachan and Burgess 1998).

The Liberal-National Party Coalition government, elected in 1996,



introduced the *Workplace Relations Act 1996*, whose major thrust was to deregulate employment arrangements through the individualisation of workplace agreements and to remove the potential intrusion over workplace arrangements provided by the award system and trade unions. The rationale was that 'the new framework supports a more direct relationship between employers and employees, with a much reduced role for third party intervention and greater labor market flexibility' (Department of Industrial Relations (DIR), 1996a). Two types of enterprise agreement were introduced which were designed to provide 'more effective choice and flexibility for parties in reaching agreements'. One agreement was collective and the other individual (the first time such agreements have been incorporated into a federal act), with the latter signed by each individual and not open to public scrutiny. Employees and employers could appoint a bargaining agent but uninvited union involvement was excluded. In addition to non-union and individual agreements, unions' activities have been circumscribed in other ways including diminished rights of entry to workplaces. Thus, workers' ability to influence working practices and conditions has been curtailed (Strachan and Burgess 1997b).

To reduce the role of central regulation, the coverage of awards was reduced in mid-1998 to twenty matters specifying minimum wages and certain conditions. The Australian Industrial Relations Commission<sup>4</sup> (AIRC) argued that awards would act as a safety net of fair minimum conditions of employment, would suit the efficient performance of work and encourage the making of enterprise-based agreements (AIRC 1997). With the reduced coverage of awards, the section of the workforce reliant on awards would lose certain entitlements and safeguards. Regular part-time work (defined as less than full-time hours, reasonably predictable hours of work and providing the same award conditions as full-time employees on a pro rata basis) cannot be restricted and any reference to quotas and minimum and maximum weekly hours' provisions has to be removed. Thus those workers with little bargaining power will have fewer regulations to maintain their minimum working conditions.

The previous industrial relations system in Australia provided 'a reasonable degree of equity for female workers' when compared to less centralised systems (Hammond and Harbridge 1995: 373). The flow-on of changes from one sector to another under this system was seen as a distinct advantage for female workers and one that is lacking under enterprise bargaining (Whitehouse 1990; Bennett 1994).<sup>5</sup>

## 4. Outcomes of Policies

### *Trends in gender wage differences*

The measurement of the gender earnings gap raises some important conceptual issues about the appropriate measure of earnings that are addressed by Burgess (1995), Norris (1996) and Preston (1996). Here we provide a range of estimates for the gender earnings gap.

Despite the case by case implementation of equal pay, significant changes in award rates and earnings occurred from 1969 to 1976 because unions applied for equal pay in combination with minimum wage changes (Short 1986, 320). She demonstrates that, using weighted average minimum (award) rates, female wage rates and earnings as a percentage of male wage rates rose from 71.4 in 1966 to 92.4 in 1976 (weekly rate) or 71.8 to 93.4 (hourly rate) over the same period.

**Table 2 Full-Time Adult Non-Managerial Average Weekly Earnings, 1986, 1996**

	Ordinary Time Earnings (\$)						Hours		
	Base Pay	Pay-ment	Over-award	Total	Over-time	Total	Ordinary time hours	Over-time	Total hours
1986									
Female	347.4	1.4	5.5	354.3	8.4	362.7	37.7	0.6	38.3
Males	382.0	6.4	10.9	399.3	40.0	439.3	37.9	2.5	40.5
Ratio %	90.9	21.9	50.5	88.7	21.0	82.6	99.5	24.0	94.6
1996									
Female	584.4	2.5	4.0	591.0	14.7	605.7	37.5	0.6	38.2
Males	638.2	14.0	8.3	660.5	69.3	729.7	38.1	2.8	40.8
Ratio %	91.6	17.9	48.2	89.5	21.2	83.0	98.4	21.4	93.6

Source: ABS 6306.0 Distribution and Composition of Earnings and Hours May 1986  
ABS 6306.0 Employee Earnings and Hours, May 1996

In Table 2 we show the break down of full-time average weekly ordinary time and total earnings by gender over the decade 1986-96. From 1984-87 the wages system was centralised and based on regular indexation adjustments across the board, whereas from late 1987 it became increasingly more decentralised and workplace focused. The ratio of female to male average weekly ordinary time and average weekly earnings marginally improved. This was largely driven by the increase in the base pay ratio. On the other hand, the payment by result and over-award and over-agreement pay ratios by gender declined which may reflect the influence of enterprise bargaining. Of interest is that these over-award payments have declined as a share of average weekly ordinary time and

total earnings over the decade for both males and females. The decreases in the gender differentials associated with base pay, average weekly ordinary time and total earnings over the decade has been relatively small.

Table 3 shows the occupational wage relativities for the years 1986 and 1995, the final year before occupations were reclassified by the ABS. Females have made modest progress in some occupations, but they have fallen further behind in Professional, Salespersons and Labourer and Related occupations.

**Table 3 Gender Wage Differentials by Occupation 1986, 1995**

	AWOTE			AWOTE PER HOUR			AWE			AWE PER HOUR		
	M	F	F/M%	M	F	F/M%	M	F	F/M%	M	F	F/M%
PROF 86	537.9	481.9	89.6	14.42	13.10	90.8	552.6	486.9	88.1	14.54	12.88	88.6
95	854.1	749.2	87.7	22.78	20.25	88.9	876.1	757.5	86.5	22.99	20.31	88.3
Growth (%)	58.8	55.4		58.0	54.6		58.5	55.6		58.1	57.7	
PPROF 86	486.6	404.0	83.0	12.77	10.49	82.2	520.3	414.8	79.7	13.04	10.61	81.4
95	752.6	688.7	91.5	19.86	18.27	92.0	801.6	703.2	87.7	20.24	18.36	90.7
Growth (%)	54.7	70.5		55.5	74.2		54.1	69.5		55.2	73.0	
TRAD 86	378.0	300.5	79.5	9.95	7.81	78.5	423.5	314.5	74.3	10.41	7.94	76.3
95	577.0	471.8	81.8	15.14	12.35	81.6	676.6	498.5	73.7	16.07	12.59	78.3
Growth (%)	52.6	57.0		52.2	58.1		59.8	58.5		54.4	58.6	
CLE 86	397.6	336.7	84.7	10.60	8.98	84.7	418.0	344.0	82.3	10.80	9.03	83.6
95	594.2	530	89.2	15.85	14.17	89.4	627.6	541.1	86.2	16.13	14.28	88.5
Growth (%)	49.4	57.4		49.5	57.8		50.1	57.3		49.4	58.1	
SALES 86	378.7	325.2	85.9	9.74	8.40	86.3	393.3	331.0	84.2	9.83	8.44	85.9
95	616.7	502.5	81.5	15.85	13.12	82.8	635.3	514.1	80.9	15.96	13.25	83.0
Growth (%)	62.8	54.5		62.7	56.2		61.5	55.3		62.4	57.0	
PLANT 86	376.5	274.1	72.8	9.91	7.27	73.4	447.2	289.7	64.8	10.47	7.43	70.9
95	593.7	452.5	76.2	15.42	11.94	77.4	719.4	513.2	71.3	16.35	12.55	76.7
Growth (%)	57.7	65.1		55.6	64.2		60.9	77.1		56.2	68.9	
LAB 86	337.6	287.8	85.2	8.91	7.63	85.7	383.8	301.7	78.6	9.34	7.76	83.1
95	497.2	437.4	88.0	13.08	11.51	88.0	573.7	466.0	81.2	13.79	11.80	85.5
Growth (%)	47.3	52.0		46.8	50.9		49.5	54.5		47.6	52.1	

Notes: PROF denotes professional; PPROF denotes para-professional; TRAD is tradespersons; CLE is clerical; SALES is salespersons; PLANT is plant and machinery operators and LAB is Labourers and Related Workers.

Source: see Table 2.

The changes in the gender wage relativities by major occupation can reflect changes in the pattern of horizontal segregation by minor occupation, as well as changes in wage relativities across the minor oc-

cupations. In turn the intra-occupational wage relativities reflect pay discrimination and vertical segregation.<sup>6</sup> There are few studies of vertical segregation because they require extensive intra-firm data in which the classification of occupations reflects both horizontal and vertical dimensions.<sup>7</sup> Indirectly this issue can be explored by the examination of changes in minor occupational wage differentials by gender. Anecdotal evidence suggests that the glass ceiling remains a significant barrier to female advancement (Wieneke 1991; Wajcman 1999 for British evidence).

### *Trends in gender wage distributions*

A more detailed picture of gender wage inequality is provided by the comparison of the distributions of earnings by gender, which also provides evidence about changes in the extent of polarisation amongst male and female workers. Morris, Bernhardt and Handcock (1994) advocate the use of their median relative polarisation (MRP) statistic which is computed through the calculation of frequencies from a target wage distribution defined across decile ranges of the reference (base year) wage distribution that have been inflated by the ratio of the respective medians (see also Watts, 1998). Thus if the median of the distribution has increased by 25% say, then the decile wages defined for the base year distribution are increased by 25%. The frequencies for the target wage distribution are then calculated between these inflated decile ranges. It is assumed that employment is distributed uniformly within a given wage range.

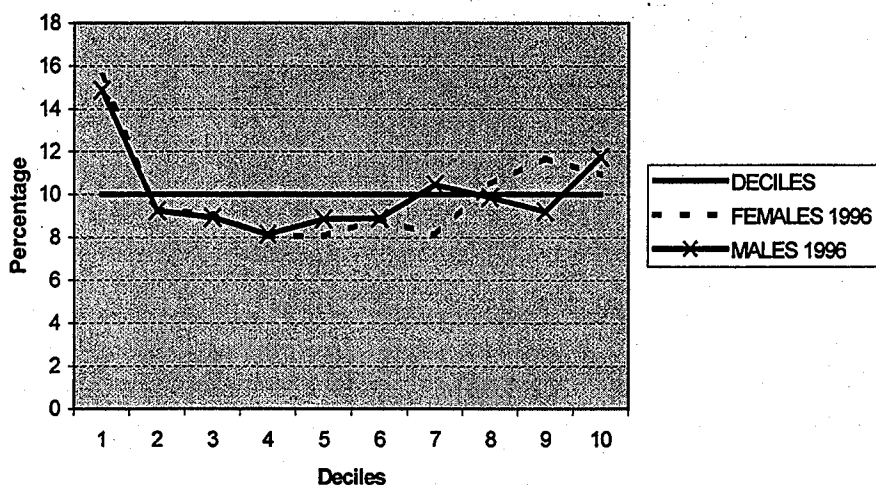
Here we examine adult full-time average weekly earnings distributions.<sup>8</sup> After deflation by the ratio of the respective median wages, the male adult earnings distribution exhibited greater polarisation than the corresponding female distribution in both 1986 and 1996, which was associated with both upgrading of the top half and downgrading of the lower half of the deflated male distribution, compared to the female distribution. The extent of this polarisation has declined over the decade. The female to male wage ratios corresponding to each decile have all risen over the decade, except for the top decile ratio. For both years the gender decile ratio declines systematically over the deciles. On the other hand, the ratio of the female top decile to the male median increased over the decade. Thus the better-paid full-time female employees are making progress relative to full-time males in general.

The slight convergence of the male and female distributions over the decade could be the outcome of a number of different patterns of

change. Accordingly we now compare the 1986 and 1996 female and male distributions. Figure 1 shows the deflated median computations for males and females. The results reveal that the female distribution has become more polarised with frequencies higher than 10% in the outlying deciles. A similar pattern is apparent for males but it is less pronounced and the frequency associated with the 7<sup>th</sup> decile exceeds 10%.

In earlier work Watts (1998) showed that unequal median growth rates across the major occupations over the period 1986-95 appeared to be a major source of the increased polarisation of the male and female full-time wage distributions. This variation in the growth rates of mean earnings by gender and major occupation over the decade is shown in Table 2. Thus, while there is a slight convergence of the median-adjusted male and female adult full-time wage earnings distributions, there has been increased inequality amongst men and women.

**FIGURE 1 FEMALE & MALE DEFLATED FULL-TIME WAGE DISTRIBUTIONS, 1986-96**



Source: see Table 2.

### *Work and Family Policies: The Pursuit of Gender Equity*

Fundamental to the achievement of gender equity is a reallocation of paid work between men and women. Bercusson and Dickens (1996: 21) propose that provisions targeted at men, such as paternity leave, could contribute to a greater sharing of responsibilities for paid work and help

to challenge the 'male norm' in the organisation of paid work.

Men are reluctant to take up paternity leave, however, because of the reduced income and/or the damage to careers that result. Also paid maternity leave is still more widely available than paid paternity leave with 34 per cent of workplaces offering paid maternity leave in 1995 compared with 18 per cent offering paid paternity leave (Morehead *et al* 1997: 115-16). In addition, 'policies that increase support for women's mothering role help to perpetuate the domestic definition of women workers' (Wajcman 1999: 26).<sup>9</sup> Wajcman (1999: 25) emphasises that

The way to emerge from the circularity of sameness and difference approaches is to recognise that, while we must keep both these concepts in play, we need to concentrate on the fact that women workers are disadvantaged.

This is particularly important in Australia in the 1990s in the light of the decentralisation, fragmentation and individualisation of industrial bargaining.

Work and family policies often encompass a range of flexible or 'alternative' working time arrangements. Over 70 per cent of federal agreements in the Australian Agreements and Database Monitor (ADAM) contain clauses relating to changed working time arrangements, including the introduction of annualised salaries, 12 hour shifts, time off in lieu arrangements and banking of hours provisions (ACIRRT 1998: 40). Overtime and penalty rates are being absorbed into the base rate of pay, thus removing the economic disincentive for employers to utilise labour at anti-social times or in long shifts (ACIRRT 1997: 29-30).

In 1996/7, 11 per cent of agreements in ADAM averaged hours over 26 weeks and 5 per cent averaged them over a year (ACIRRT 1998). The averaging of hours is most common in female dominated sectors of Financial Services, Wholesale/Retail Trade and Recreational Services, that is all sectors of the economy associated with a focus on 'customer service' and increased hours of operation.

About one quarter of those employees surveyed reported that their working hours had increased (DIR 1995: 213-14; Morehead *et al* 1997). Only fifty six per cent of this group had received increased wages (DIR 1996b: 149-150; see also Morehead *et al* 1997: 264). Thirty-four per cent of workers reported that they had no influence over the times they started and finished work (Morehead *et al* 1997: 266).

The capacity of workers to choose their hours is influenced by the distribution of power in the employment relationship that reflects both

institutional and economic factors. Zartler (1998) distinguishes between time-sovereignty (flexibility for the employee) and flexible availability (flexibility for the employer). The evidence suggests that the managerial prerogative is increasing, thereby limiting workers' capacity to combine work and family responsibilities (Strachan and Burgess 1997a).

Extended trading/customer service hours combined with the averaging of hours and reductions in minimum hours for part-time workers, while beneficial to the enterprise, can mean unpredictable work schedules that vary from week to week (Buchanan *et al* 1997: 117; see also Probert 1995). Workers may find it difficult to plan their personal and leisure lives, in particular family responsibilities, when childcare arrangements are often inflexible (ACIRRT Jun. 1997: 28). These arrangements often do not facilitate the combining of paid work at an adequate income with caring for a family, which should be the objective of policy (Strachan and Burgess 1998). The employer's agenda has become conveniently conflated with the work and family agenda. Despite the rhetoric, the cursory evidence (see Table 4) suggests declining satisfaction with the balance between work and family.

**Table 4 Changes in satisfaction with the balance between family and work life in the year prior to the survey taken in 1995**

Changes in total weekly working hours	Satisfaction gone up % employees	No change in satisfaction % employees	Satisfaction gone down % employees
All employees	14	59	27
Total weekly working hours gone up	14	43	44
No change in total weekly working hours	13	67	21
Total weekly working hours gone down	22	53	25

Source: Morehead *et al* 1997: 289. (Population: all employees at workplaces with 20 or more employees. Figures are weighted and based on responses from 18,091 employees.)

In award negotiations, Australian trade unions have often been criticised for neglecting the specific concerns of female workers (Pocock, 1995). Moreover, the failings of the centralised system for females have been used as a justification for the decentralisation of industrial relations, even though it places restrictions on trade unions and strips back award conditions. A decentralised system is alleged to

be more responsive to women's need for labour flexibility (Newman, 1997; Moylan, 1998).

A decentralised system with minimum safeguards tends to disadvantage women because of their lower overall union density, under-representation in trade union structures and over-representation in service sector employment. In a bargaining climate that emphasises wage increases in return for trading off conditions of employment and productivity improvements, many female workers are disadvantaged, because they have fewer conditions to trade and are frequently working in publicly funded service delivery organisations where productivity is difficult to judge.

### *Growth in Non-standard Work*

Between 1984 and 1997 female employment expanded by 1.184m jobs of which 70 per cent were non-standard (see Table 5). Female part-time jobs, which are concentrated in clerical, salesworkers and labourer/related areas and in small enterprises (66 per cent in enterprises with under 20 employees) (Lewis 1990), represented 674,000 or 57 per cent of the increase. The net increase in female casual employment was 449,000 – many of these being part-time. Casual employees are defined as those employees who do not receive either sick leave or holiday leave in their main job, that is those benefits and rights that are associated with on-going or permanent employment status.<sup>10</sup> Casual employees typically do not have defined career paths (Probert and Wilson, 1993; Campbell and Burgess, 1997; Romeyn 1992).

**Table 5 Decomposing Women's Employment Growth 1984-97 ('000)**

Year	Full-time Permanent Employees	Part-time Permanent Employees	Full-time Casual Employees	Part-time Casual Employees	Non- employees	Total
1984	1286	286	93	452	299	2416
1997	1567	573	155	839	466	3600
Change	281	287	62	387	167	1184

Source: Campbell (1996a), ABS, Distribution of Earnings, Catalogue 6310.0; ABS, The Labour Force, Catalogue 6203.0.

This growth in service sector employment has often been accompanied by the spread of unsociable working hours (Campbell 1996a). Product market deregulation has generated job prospects for female



workers but it has also been accompanied by very fragmented and marginalised employment conditions, especially in sectors such as banking (Alexander and Frank, 1990; Junor, Barlow and Patterson, 1994) and retailing (Jamieson and Webber, 1991; Deery and Mahony, 1994). These women may not have access to maternity leave, have little access to training and are employed expressly as a pool of workers without a career path.

But these trends with respect to female employment must be examined in the context of overall changes in conditions of employment for both men and women. The share of total employment that is part-time rose from 18.9% in 1986 to 26.0% in September 1998 and the male share of part-time employment grew from 21.4 per cent to 26.8%. Most major occupations experienced the increased significance of (male) part-time employment. Casual employment now represents about 25% of total employment. Approximately 2/3 of part-time employees are casual and vice versa.

Using Bonnell's shift/share analysis (1982), share effects represent a significant component of the change in part-time employment over the decade 1986-96 (Table 6). Despite the shift away from Skilled Trades employment towards Managerial/Professional and Clerical employment, structural effects have been relatively small. Although the share of male part-time employment has risen, women's share of employment increased due to the decline in the full-time share of employment. Thus there has been a shift in the overall composition of employment towards part-time, and, since the recession, the growth of male part-time employment has played an important role.

There has been a discernible trend increase (despite the influence of the cycle) in the proportion of both male and female part-time employees who seek increased hours of work, so that the growth of part-time employment is not a reflection of the preferences of male and female employees. In February 1987 30% of men and 15.6% of all women (11.6% of married women) who were working part-time sought extra hours of work. By August 1998 the corresponding figures were 37.7% and 22% (15.6%) (ABS *The Labour Force*, various issues).

Thus a significant proportion of the net increase in employment in Australia over the past decade has been low paid, fragmentary, non-regulated, non-career path jobs (Burgess and Campbell, 1996; see also Simpson, 1994) that are often of short duration (Campbell, 1996b). While this experience is not gender specific, the share of female employment which is non-standard continues to increase. Both men and women have been disadvantaged by the more decentralised system. This

again raises the issue as to the appropriate yardstick by which to measure female labour market outcomes.

**Table 6 Shift Share Analysis, 1986-96**

	TCH	SH	ST	GR
MFT	288.2	-1.14	-0.5	2.64
MPT	257.5	0.67	0.04	0.29
FFT	355.7	-0.11	0.14	0.97
FPT	517.5	0.38	0.16	0.46
M	545.7	-0.29	-0.24	1.53
F	873.2	0.18	0.15	0.67
FT	643.9	-0.57	-0.15	1.72
PT	775.0	0.47	0.12	0.40

Notes: F, M denote female and male, respectively and FT, PT denote full-time and part-time. TCH is the total employment change and SH, ST and GR represent share, structure and growth effects.

Source: ABS The Labour Force (unpublished) (Cat. 6203.0)

### *Occupational Gender Segregation*

The rising female share of employment over recent years is not necessarily synonymous with the occupational integration of women. Women dominate the lower end of the earnings spectrum in most occupations, so that they are not only segregated into a limited range of occupations, but they remain vertically segregated within a limited range of low grades with less training possibilities and little career path progression (Snell, 1986). This also reflects their relatively high part-time and casual employment rates. Training and career path opportunities need to be opened up for women in all occupations. There are few studies of vertical segregation, however, because case study data are required.

Rimmer (1991) and Kidd and Meng (1997) claim that occupational gender segregation leads to a higher ratio of female to male earnings in Australia, although of importance is the nature of the counterfactual (Watts, 1993).<sup>11</sup> Greater intra-occupational earnings equality by gender would definitely narrow the gender wage gap (Rimmer, 1991). Sex discrimination and equal opportunity legislation are designed to promote both horizontal and vertical integration of women by occupation.

Changes in the pattern of horizontal gender segregation over time can be analysed through a decomposition of the change in the Karmel and Maclachlan index into Mix and Composition Effects. The latter measures the change in the overall degree of segregation, after taking

account of changes in the occupational structure and overall gender shares of employment (see earlier Australian work by Watts and Rich, 1992).

The use of simple aggregate measures of occupational segregation is based on the dubious premise that 'universal segregative and integrative forces dwarf occupation specific forces' (Weeden 1998, 476), so that changes in the summary measure adequately capture the complexity of changes across groups of occupations. Accordingly the index measure is decomposed to measure changes in the pattern of segregation over time across Occupational Groups, differentiated by skill, in a systematic manner, through Composition Effects. The rates of integration or (re)segregation across these different groups of occupations provide an indication of the barriers which men or women face when trying to enter atypical occupations.

Ten years after the introduction of the ASCO (First Edition) classification, the ASCO (Second Edition) classification was introduced in August 1996. The results are inconsistent over the short period, 1996-98, across different levels of occupational aggregation and are not reported.

**Table 7 Decomposition of the Change in Occupational Gender Segregation, 1986-96**

	Index Values		Index Decomposition (%)					
	IP86	IP96	TCH	COMP	MIX	OCC	GEN	G/O
Total	0.254	0.253	-0.47	-1.67	1.21	0.16	2.78	-1.73
Full	0.223	0.217	-2.48	-3.16	0.68	-2.46	4.50	-1.35
Time								

Notes: TCH denotes Total % change in the index magnitude;

COMP denotes (%) Composition Effect; MIX is the (%) Mix Effect, which is subdivided into the Occupation (OCC), Gender (GEN) and Gender/Occupation (G/O) Effects.

Source: ABS The Labour Force (Cat.: 6203.0) unpublished data.

Table 7 shows that over the decade, 1986-96, occupational integration has been relatively slow, as compared with the period 1978-85 (see Watts and Rich, 1992). Previous studies have revealed a strong pro-cyclical element to gender segregation so the decade was divided into 1986-89 and 1989-96, but there is not a strong pro-cyclical pattern over these periods. Full-time employment exhibited both a lower level and a more rapid rate of integration than total employment, reflecting the higher work commitment and career aspirations of women working full-time. The distribution of part-time employment increases the level of

occupational segregation and retards the rate of integration of occupations, due to the concentration of part-time female employees in certain occupations (see Watts and Rich, 1991; more recent calculations are available on request).

**Table 8 Employment Shares, Growth Rates and Composition Effects by OGs**

	Prof./Man	Services	Skilled	Unskilled	Total
<b>Total</b>					
FS86 (%)	33.5	69.0	10.0	27.7	39.3
FS96 (%)	37.6	71.6	10.3	28.1	43.0
Growth (%)	27.5	30.2	2.9	11.5	20.5
IP86	0.203	0.334	0.293	0.182	0.254
IP96	0.187	0.318	0.328	0.193	0.253
CE (%)	-7.22	-1.15	2.55	0.01	-1.67
<b>Full time</b>					
FS86 (%)	27.1	60.3	7.8	17.9	30.0
FS96 (%)	30.9	62.4	7.6	17.6	32.7
GROWTH (%)	23.1	14.6	0.8	1.2	11.5
IP86	0.169	0.337	0.224	0.159	0.223
IP96	0.148	0.325	0.252	0.158	0.217
CE (%)	-6.49	-3.53	3.73	-5.87	-3.16

Notes: FS denotes the female share of employment. PROF./MAN denotes *Professional and Managerial* SERVICE represents *Clerical, Sales and Services*.

CE denotes Composition Effect.

IP denotes the normalised index across OGs and in total.

Bracketed figures denote number of three-digit occupations in corresponding OGs.

Watts and Rich (1992) found that rapid gender integration of women occurred in the Managerial and Professional occupations over the period 1978-85. Table 8 shows that this has continued in the period since 1986. With an increased share of tertiary qualifications, a greater career orientation and longer hours of work, these women would be expected to compete more equally with men. Affirmative Action legislation would also tend to be more effective in growing occupations with well-defined career structures and training and promotion opportunities as well as in public sector employment. Despite horizontal integration in these occupations, the relative pay of women in Professional occupations deteriorated, which points to their failure to make significant progress up the hierarchy.

On the other hand, Sales and Services occupations also exhibited

very rapid total employment growth but exhibited little integration, due to the significant growth of female part-time employment and the sex typing of many of these subordinate occupations. Such stereotyping is unlikely to break down quickly.

Skilled Blue Collar occupations that had very low employment growth remained highly segregated. In the 1980s there was evidence of government training programs failing to increase apprentice training for women (see Sharp and Broomhill 1988: 85-86). The absence of significant gender integration of the highly segregated Clerical, Sales and Service and Blue Collar Skilled occupations was also found for the period 1978-85 (Watts and Rich 1992). Gender integration with respect to Unskilled occupations does not enhance the career opportunities and pay of women.

Index measurement reveals patterns of change in the extent of gender segregation, without providing an indication of their causes. One hypothesis is that the pattern of occupational segregation reflects the unconstrained choices of employees. An empirical study by Riach and Rich (1987), using correspondence testing techniques in Victoria, found evidence of discrimination against women in hiring practices in certain occupations, however. Despite having equivalent qualifications, women had a lower chance of interview than men.<sup>12</sup>

In a log multinomial analysis using the ABS Income Distribution dataset 1981/2 – 1989/90, Kidd and Meng (1997) show that if women experienced the same relationship between educational qualifications and occupational attainment as men, the extent of gender segregation would be considerably reduced. This important piece of work also confirms that women continue to face employment discrimination.

## **5. Conclusions**

The 1970s produced substantial changes in women's wages through the equal pay and minimum wage decisions. The anti-discrimination and affirmative action legislation heightened awareness of employment discrimination and, despite weaknesses, provided some means of redress. The conditions of employment and the occupational attributes of the growing female workforce are not conducive either to promoting EEO programs or to developing an articulated career path. The overrepresentation of female part-time workers in small enterprises means that many are outside the domain of affirmative action programs.

Workforce and industrial relations changes in the 1990s make the achievement of EEO objectives more difficult. The decentralisation of

the industrial relations system and enterprise bargaining have resulted in significant changes to working hours and payment systems which do not necessarily advantage workers in general or assist women in combining paid work and caring responsibilities. EEO issues have received little attention in agreements. Even in sectors in which enterprise bargaining could facilitate EEO objectives, at best the agreements appear to pay lip service to EEO, at worst they use the rhetoric of 'flexibility' (Campbell, 1993) to undermine existing employment conditions. Many female jobs will be marginalised and/or largely under-represented in the processes of enterprise bargaining and workplace reform.

Current policies stress individualism and labour market deregulation. In 1999 the Federal Government tabled amendments to the 1986 EEO legislation that included a two-year rather than a one-year reporting cycle and the power of the Agency to waive reporting requirements for a specified period. The amendments were designed to streamline the process of reporting and to allow employers flexibility in the manner in which they achieve equal employment opportunity. In the industrial relations system the activities of trade unions are restricted and encouragement is given to non-union bargaining.

Despite weaknesses, collective norms, such as awards and national wage cases had the potential to reach all workplaces and all jobs, but now their influence has been diminished. Under the current deregulated and decentralised framework, the interests of both male and female workers can only be served in a limited number of workplaces where there is strong collective (union) organisation and all workers are represented in the bargaining process.

A decentralised system with minimum safeguards disadvantages women precisely because of their lower union representation and their over-representation in the service sector. Barriers to the employment of part-time workers have been lowered and the inter-temporal flexibility of all workers has been increased.<sup>13</sup> Organisations can implement policies for marginalised, low wage employees that coexist with affirmative action programs featuring strategies to retain and promote career path employees. Many women workers have limited capacity to trade off conditions or achieve productivity improvements in exchange for wage increases.

The preservation of minimum wages and conditions, the spread of maternity leave and the maximisation of employee control over the organisation of working hours are necessary conditions for gender equity. Yet women employed on a casual basis usually are not eligible for maternity leave, let alone assistance with childcare or staggered re-

entry programs

Thus progress towards gender equity has been uneven. In a labour market, where an increasing number of both women and men have become marginalised, the use of the male norm of full-time, secure, career oriented employment to symbolise the achievement of gender equity is becoming less relevant. While social conditioning and discrimination with respect to employment, training and pay remain influential factors in the determination of the distribution of labour between paid and unpaid work within households, rather than natural aptitudes and inclinations, gender equity cannot be said to have been achieved.

## Notes

- <sup>1</sup> For example, in municipal officers' cases the union usually arranged with the employer to add secretaries to the existing male clerical administrative divisions, and raise their pay accordingly. There was no attempt to assess the value of their work. Typing was simply assumed to be inferior to clerical work and typists were added to the bottom of the clerical range, although typists required an additional, specific skill (Short 1986: 325).
- <sup>2</sup> See, for example, the application for equal remuneration orders in the case of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union and HPM Industries that commenced in December 1995. A decision was handed down on 4 March 1998 (AIRC 1998).
- <sup>3</sup> Only 44 per cent of private sector female employees were covered by the Act in 1994/95 (ABS, *Small Business in Australia*, Catalogue 1321.0).
- <sup>4</sup> The Australian Industrial Relations Commission replaced the Commonwealth Conciliation and Arbitration Commission with the 1994 Industrial Relations Reform Act (see Dabscheck 1995).
- <sup>5</sup> The change from a centralised to decentralised system in New Zealand has been associated with a widening wage gap and significant deleterious effects on women's penalty rates and overtime rates (Hammond and Harbridge 1995).
- <sup>6</sup> The term *vertical segregation* is not being used pejoratively, but merely signifies that men and women are differently distributed across job hierarchies by occupation, which may or may not reflect forms of discrimination.
- <sup>7</sup> The ASCO (Second Edition) occupational classification differentiates between the major groups Professionals and Associate Professionals; and Advanced Clerical and Service Workers and Intermediate and Elementary Clerical, Sales and Service Workers which suggests a hierarchy based on skills and experience. There is limited matching across these levels at the sub-major group level so limited inferences are possible about changes in the pattern of vertical segregation.
- <sup>8</sup> The inclusion of part-time employment would necessitate the use of hourly earnings data to overcome differences in hours of work, but there is some

variation of hours underpinning average weekly earnings.

- <sup>9</sup> Although longer periods of parental leave have been offered under European legislation, usage also remains low. Indeed, since the effectiveness of parental leave 'depends on take-up rates and the conditions governing return to work, the increasingly precarious nature of employment must be seen as a threat' ('Perspectives: Parental Leave' 1997:128).
- <sup>10</sup> The casual category is an omnibus concept that can include disparate employment arrangements including fixed-term, at call, seasonal, on-going and temporary employment arrangements. The one common thread of linkage is benefit exclusion.
- <sup>11</sup> Blau, Simpson and Anderson (1998: 30) argue that occupational gender segregation makes a significant contribution to the gender wage gap in the USA.
- <sup>12</sup> The authors (1987:176) recommend that the Federal Sex Discrimination Act (1984) and the complementary state legislation should be strengthened. Unsuccessful applicants for jobs should be provided with the name of the successful applicant and her/his educational qualifications and recent employment experience. Audits should be conducted of firms' hiring and personnel practices to ensure that appropriate practices are being adopted.
- <sup>13</sup> On the other hand, the Human Rights and Equal Opportunity Commission recently ruled that unreasonably insisting that certain jobs can only be done full-time may constitute illegal, indirect discrimination against women.

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