

Equality and diversity discourse: a cross-sectoral comparison of organizations in Australia

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Abstract

It has been acknowledged that gender discourse in organizations has shifted from Affirmative Action (AA), to Equal Employment Opportunity (EEO), onto Diversity Management (Edelman, Fuller and Mara-Drita 2001; Kelly and Dobbin 1998; Liff 1999; Sinclair 2000; Smithson and Stockoe 2005; Strachan Burgess and Sullivan 2004). Edelman et al. (2001), conceptualise this shift as the ‘managerialisation of law’ whereby the rise of diversity rhetoric occurs in tandem with a decline in the popularity of the legally driven principles of AA and EEO, creating a ‘see-saw effect’ (Bacchi 2000). Although this was demonstrated to have occurred in the professional management literature, Edelman, et al., (2001) acknowledge they did not investigate the extent to which this ‘managerialisation’ occurs in organizations. This paper discusses the findings of an ongoing study into gender discourse across different sectors of the economy under Australia’s EEO regulatory framework. It will be argued that although diversity management may have risen in importance, particularly in the private sector, it does not necessarily dominate discourses of gender equity. This necessitates a contextual understanding of how organisations ‘managerialise’ law and the effect this may have on gender equity outcomes.

Keywords: Gender, AA, EEO, Diversity Management, Equity Law, Organisations

Introduction

At the time of writing, the *Equal Opportunity for Women in the Workplace Act 1999 (Commonwealth)* is under review. This legislation and the associated regulatory framework have undergone critique for its inability to effectively enable the advancement of women in Australian workplaces (see for example Bacchi 2000; French and Strachan 2007; Thornton 2001). Significant scholarship has been devoted to understanding how organisations interpret and effectively ‘mediate’ their regulatory environments, bridging the sociology of law and the sociology of organisations (Edelman 1992; Edelman, Riggs fuller and Mara-Drita 2001; Kelly and Dobbin 1998; Suchman and Edelman 1997; Sutton and Dobbin 1996; Sutton, Dobbin, Meyer and

Scott 1994). The general consensus from these scholars is that due to certain elements common to regulatory frameworks, namely legal ambiguity, a procedural emphasis and weak enforcement (Edelman, 1992), organisational understandings of the law often differ considerably from the written legislation.

The present study seeks to understand how organisations interpret and potentially mediate the *Equal Opportunity for Women in the Workplace Act 1999 (Commonwealth)*. According to Edelman, et al. (2001) as organisations interpret the law, their understanding becomes infused with managerial values, conceptualising this shift as the ‘managerialisation of law’, whereby the legal ideals of Affirmative Action (AA) and Equal Employment Opportunity (EEO) are replaced in favour of the rhetoric of Diversity Management (DM). Frank Dobbin’s research in particular (see Dobbin and Sutton 1998; Kelly and Dobbin 1998; Sutton, Dobbin, Meyer and Scott 1994) demonstrates the role of human resource professionals in this process. Therefore, determining the extent to which Australia’s legislation is managerialised has important implications for the rights of workers, as well as highlighting an area of concern for human resource professionals.

Theoretical background

There is debate on the extent to which diversity management undermines gender equity. Diversity management’s use of gender-neutral and all-encompassing language has been argued to reduce the potential of backlash (Cox 1994; Kramar 1999) and thus can be a more successful tool for advancing gender equity than EEO or ‘women’s issues’ (Sinclair 2000; Smithson and Stockoe 2005). Edelman, et al. (2001:1590) acknowledge the similar ideals of diversity and AA arguing ‘it decries discrimination and extols inclusiveness. It condemns arbitrariness and supports

fairness, discredits segregation and celebrates integration.’ It is therefore possible for organizations to effectively combine competing discourses if an organization is genuinely open to removing inequality (Liff 1999).

However, despite some similarities there are problematic differences. Diversity management is not supported by a legislative or regulatory framework. It can be argued that diversity management lacks the emphasis on power differentials and structural inequalities (Liff 1996; Lorbiecki and Jack 2000; Sinclair 2000) as well as removing the basis for collective action and redress by focusing on individual differences and choices (Kandola and Fullerton 1994). Furthermore, it can dilute societal and organizational responsibilities for providing equal treatment and equal opportunity (Liff and Cameron 1997; Linnehan and Konrad 1999) by supplanting legal categories of employee differences with an approach that equates dimensions based on historical disadvantage with those based on managerial ideas about how to produce an effective and creative workforce (Edelman, et al. 2001). Therefore, diversity management can justify an organization that is predominantly male but diverse on other dimensions.

There is evidence supporting a shift of discourse in Australia away from AA and EEO towards diversity management. Teicher and Spearitt (1996) argue that diversity management is the ‘second generation’ of equal opportunity in Australia, spurred on by business cases for efficiency and competitiveness. Strachan, et. al. (2004) similarly contend that Australia has followed the U.S. agenda of diversity programs effectively replacing AA and EEO programs, with the emphasis of achieving business success. This is believed to be problematic as the linguistic shift towards diversity management masks gender issues in the workplace and fails to adequately recognise the historically marginalised position of women in paid employment (Thornton 2001).

This makes status of women within diversity uncertain as the rhetoric of diversity management fails to acknowledge injustice or inequality, thereby placing it outside of the legal realm (Bacchi 2000; Thornton 2001). However, it is uncertain how this has influenced the gender discourse in organizations.

As previously stated, the present study uses Edelman et al.'s (2001: 1592) notion of the 'managerialisation of law' whereby 'conceptions of law may become progressively infused with managerial values as legal ideas move into managerial and organizational arenas,' to investigate the gender discourse of organizations in response to the Australian legislation *The Equal Opportunity for Women in the Workplace Act 1999 (Commonwealth)*. The potential for 'managerialisation' to occur stems from the ambiguous nature of the legislation. 'Laws that regulate employment relations tend to set forth broad and ambiguous principles that give organizations wide latitude to construct the meaning of compliance' (Edelman 1992: 1532). Legislation is constructed in general terms about the way 'things should be', whilst allowing organizations to construct their own version of the way 'things should be around here.' The understanding of law within organizations is very much a managerial understanding of law; it is an important constraint but not always an important objective (Edelman et al. 2001).

There is significant research devoted to investigating AA, EEO and diversity management in Australian organizations (Burgess, Henderson and Strachan 2005; French and Strachan 2007; Konrad and Hartmann 2001; Lafferty and Fleming 2000; White 2003; Sheridan 1995). There is also scholarship examining discourses of gender (Connell 1992; Grace and Lennie 1998) and diversity (Blackmore 2006; Sinclair 2000) in Australia. However there is less research devoted to bridging these two spheres; that is, using discourse analysis as a means of investigating gender

equity in Australian organizations. This study seeks to make a contribution to understanding cross-sectoral differences in discursive responses to the Australian regulatory framework. It also extends the work of Kelly and Dobbin (1998) and Edelman, et al. (2001) by taking an organizational level of analysis to determine the extent to which diversity discourse has overtaken that of AA and EEO in organizations in Australia.

Method

Three organizations are used as illustrative case studies: a nonprofit, a university and a private sector financial services organization. Eisenhardt (1989) advocates the use of 'polar type' organizations when using a small case sample. As such, it was deemed appropriate to choose organizations that are in different economical sectors as a means of advancing research in the field of gender and diversity. To select cases, organizations that have been recognized as exhibiting 'best practice' in gender equity were targeted. Such organizations are found in the pool of previous winners of the Equal Opportunity for Women in the Workplace Agency's Business Achievement Awards which are presented annually to organizations that exhibit best practice for the advancement of women; and the Employer of Choice for Women citation which is also awarded annually to organizations. To preserve anonymity no further information about the sampling will be disclosed.

To explore the contextual variations in organizational discourse, empirical material was collected through interviews. Data collection was undertaken from June 2007 to January 2008. Interview participants were sourced differently according to organizational constraints. Table 1 outlines the different approaches taken and the various pools of respondents.

<i>Sector</i>	<i>Interviews</i>	<i>Sourcing approach</i>	<i>Participants</i>
Private	N = 17	List generated by organization.	Women in management positions and above positions Individuals in policy-making positions
University	N = 11	Publicly available staff directory	Members of EEO Committee Members of HR department Women academics at level of Associate Professor or above
Nonprofit	N=10	Snowball approach through interviewees	Individuals in policy-making positions Women in middle management positions and above Ordained women

Table 1: Description of Sample

Participants included those who were able to speak extensively about policy development and implementation, or their experiences of these policies in action. All individuals wished to remain anonymous. Each interview was recorded and subsequently transcribed. To increase the quality, interviewees reviewed the transcripts and made any necessary changes to ensure the transcript accurately reflected their thoughts and feelings.

The interviews were semi-structured and open-ended, to ensure a degree of comparability but also allow opportunities for interviewees to relay their unique organizational accounts. Interviews lasted from thirty to ninety minutes and conducted face-to-face where possible. As the nonprofit organization spans the entire of Australia, only three interviews were able to take place face-to-face in the Head Office in Sydney. The semi-structured interview design included several topic areas: 1) their impressions of the state of gender equity in the organization 2) their knowledge of the various policies and programs designed to enable the advancement

of women 3) their perceptions of organizational commitment to gender equity d) the impact of the policies and programs designed to support women.

Once verified, each transcript was uploaded into Nvivo for computer-aided qualitative data analysis (Richards 1999). The transcripts were coded according to the use of the terms ‘diversity’, ‘equal employment opportunity’ and ‘affirmative action’ to facilitate content analysis of discourse. The first stage of analysis involved coding only explicit statements to determine how these terms were mobilised and understood by the respondents. The explicit terms coded were ‘AA’ ‘EEO’ and ‘diversity.’ Equal Employment Opportunity’ was recognised as a term whenever the word ‘equal’ or ‘equality’ was used to describe phenomena within the case-study organization. Findings from this first stage of analysis will be discussed.

Findings

Table 2 shows the number of times the interviewees explicitly used the terms ‘AA’ ‘EEO’ and ‘diversity’ when discussing their understanding of gender equity in the organization. These terms were employed without the prompting of the interviewer but in response to questions about ‘gender equity.’

Table 2: References to ‘gendered’ discourses

	<i>AA</i>		<i>EEO</i>		<i>Diversity</i>	
	Sources	References	Sources	References	Sources	Reference
University	1	1	8	40	0	0
Nonprofit	0	0	7	27	0	0
Finance	2	2	13	44	7	20

From this table it can be seen that only members of the private sector organization explicitly used the term ‘diversity’ when discussing gender equity. It was most commonly utilized when referring to their ‘diverse client base’ which necessitates the

organization employing people to reflect such diversity. In these instances diversity was constructed as 'diversity of sex.' For example:

'And well, I mean our client base is diverse, my client base is fund management companies And, you know, I have a number of female clients that don't all want to, that don't react well or respond well to, you know, a lot of aggressive chest-thumping men, they don't want to speak to someone like that.'

This somewhat narrow view of diversity was attributed to the Australian context by one woman manager: 'Whereas is Australia, I think it's been to a lesser degree because it's not considered that it is a significant issue as it relates to race, primarily just gender.' This 'diversity of sex' focus was evident in the examples proffered to illustrate how the organization approaches diversity management such as through mentoring programs for women and highlighting their Employer of Choice status. It was specifically noted by four women that the organization's Diversity Council is focused mainly on increasing the number of women in certain areas of the organization, particularly in the investment banking arm.

Three individuals noted the organization was trying to broaden its diversity agenda to include other areas, for example internship programs for indigenous Australians. When asked why the agenda should be broadened, the HR Manager stated that there was resistance by some people in the organization to diversity initiatives as it was considered 'just a woman's thing' and she didn't want to 'brand it that way.' This shifting of agenda was put down to diversity being:

'I don't want to use the word, tainted, that it's not the right word, but it kind of got brushed with the -- an HR flavour, rather than a business flavour, and that's the real shift that we have been trying to do that this is a business agenda, not an HR agenda.'

By contrast, one woman stated that since she has achieved equal representation for men and women in her team her 'biggest issue' was managing the existing racial and religious diversity in her team.

There were notable commonalities and differences across case studies in the construction of 'equal employment opportunity.' The most common construction across all three contexts was 'EEO' as *equal representation*, with 'equal representation of men and women in traditional masculine domains' being the most frequent manifestation. However, the exact nature of this manifestation varied: in the nonprofit organization it concerned equal representation in the ministry; the university, in certain disciplines and faculties; and in the finance organization, equal representation in investment banking, equities and 'front-office positions.' Equal representation was also applied to 'senior' positions in the organization by members of the university and finance organization but not the nonprofit. The number of women in holding the position of Dean was frequently mentioned by those in the university, however it was also noted that this number was on the decline. Equal representation was also extended to include committee and panel membership. In the finance organization 'senior' was regarded as 'director or above.' Such variation demonstrates the worth in developing a context specific appreciation of the meanings of not only equal representation but non-traditional areas of work for women and what is considered to be a 'senior' position in the organization.

In most instances, this discussion was succeeded by noting the various *policies and programs* designed to address EEO. However, a direct causal link between such policies and the advancement of women was not made. 'Flexible work options' and 'parental leave' were used as examples in each case organization. Members of the university also noted the existence of recruitment and selection policies, EEO committee, and training and development initiatives as examples of how the organization addresses EEO. A number of people also noted that the role of EEO Officer had changed to become the EEO Manager. This role had previously been

stand-alone but within the past year, had been absorbed into the HR department. When the HR Manager was asked why this occurred, the following reason was put forward:

‘Partly because I think it had to get to our employment brand and our employment brand -- you are aware of the concept of employment brand, which is so -- so, you know, I wanted you know, perception of the employment of (the University) externally just. So that people think that we were people who were fair and just to women, and hence I wanted to have control of that function.’

In the financial services organization, female-specific networking and functions, as well as EEO training (which addresses both sex and racial discrimination) was also noted. This indicates that whilst policies and programs heavily feature in the understanding of what EEO means, the emphasis on different policy areas suggests the need to focus on the organizational context.

A third theme that unites the discourses of EEO across the sectors is the notion of *equal access*; however again the understanding of what this entails differed. For the university, equal access was described as ‘equal access to education for students’ which was also argued to be under threat due to ‘the commercialization of the university.’ In a similar vein, ‘equal access’ for the nonprofit organization took on dual meanings, one of which was ‘equal access to services’ for the organization’s clients (which is similar to the university case) but also ‘equal access to policies’ for those in the organization. For example, both men and women could access the part-time work policy. This was echoed in the finance organization as ‘equal access to policies’ for men and women. This notion was also considered to affect the advancement of women:

‘As much as we honestly have processes and policies in place that say this is not career limiting, but if a guy is working 10-hour days, and you are working five-hour days, then he is just going to get more experience than you.’

A number of women also stated that being able to utilise these policies was largely contingent on your relationship with your supervisor.

Discussion

The notion of diversity management is clearly embedded within the discourse of gender equity in the financial services organization. This could be attributed to the proliferation of diversity rhetoric in professional management literature (Edelman et al. 2001) with its emphasis on the economical benefits of a diverse workforce (Cox and Blake 1991; Thomas 1991). One of the key themes in this literature is the need for an organization's workforce to reflect the global marketplace. This was evident within the diversity discourse in the finance organization as the main reason put forward for workplace diversity was to ensure workplace demography matched that of the clients'. This also supports the view of Edelman and colleagues (2001) who argue that profit is the most cited reason for valuing diversity.

The lack of explicit use of the term 'diversity' by members of the university and nonprofit organizations would suggest that diversity discourse has not completely superseded discourses of EEO, thus questioning the exact nature of the 'see-saw effect' (Bacchi 2000). However, a number of diversity management themes such as the focus on family friendly work arrangements and individual access to policies (Strachan et. al. 2004) within EEO discourse indicate a transition. This supports Scott and Meyer's (1987) argument that public and nonprofit organisations are more likely to embrace new norms as they are judged more by their activities than by their performance with an emphasis on public accountability and the symbolisation of justice (Dobbin and Sutton 1998).

The notion of ‘managerialisation of law’ is evident. The existence of explicit diversity discourse in the financial services organization suggests that the relevant legislation that governs gender equity has been ‘managerialised.’ The use of the word ‘brand’ by the HR Managers of both the financial services organization and university when discussing gender equity, is a clear indication of ‘managerialisation’ through what Edelman et al (2001: 1592) refer to as an ‘infusion of managerial values’ into organizational responses to the law. The extent to which this occurs across the case study organizations also supports their view of managerialisation as a process, with each case organization being at various stages. But a key implication for this finding is that it actively supports Dobbin and Sutton’s view (1998) of HR managers being the primary conduits of this process. This suggests that further attention must be given to how such professionals construct the meaning of legislative compliance and the impact this would have on the management of workers who are having their legal rights undermined by the ‘managerialisation’ of law.

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