Equal Opportunity : 'shock' or opportunity ? Reflections on the Australian experience

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I. Introduction

This advertisement, and the many like it which appear every week in Japanese newspapers, immediately catches the eye of a reader fresh from north America of Australasia. Why? Because such an advertisement would probably be illegal in those countries and —assuming that it was accepted for publication —might provide grounds for unsuccessful applicants to take the company concerned to court. In terms of South Australian law, for example, the advertisement violates three provisions of Equal Opportunity (E.O.) legislation : it discriminates against potentially well-qualified persons who are of the wrong gender, who are not of the right nationality and who are above the nominated age.

In this chapter I want to expand on two simple propositions : first, that it is almost inevitable that Equal Opportunity legislation like that adopted in north America, Australasia and elsewhere will be adopted by other EROPA countries in the coming decade. Where—as in Japan —existing Equal Opportunity legislation is largely ineffective, pressure will almost certainly increase to enforce and enlarge those provisions. Second, that rather than see the introduction of Equal Opportunity legislation as something to be resisted, wise public managers should anticipate it now and welcome the opportunity to introduce international 'best

practice' at the earliest opportunity, so as to maximize the benefits and minimize confusion and disruption when E.O. laws are introduced. To illustrate what may be involved and to demonstrate that there are real, positive benefits from Equal Opportunity procedures, I will draw upon aspects of the Australian experience to date.

II. A Brief History of Equal Opportunity Measures in Australia

Although E.O. measures are now reasonably well developed in the legislation of the Commonwealth of Australia and in most of the Australian states, it is important to state at the outset that many of the most important changes have only been introduced within the last decade. It is also important to emphasize that there is still a long way to go before the intent of law makers is realized in practice.

Women's wages

Australia was one of the earliest nations to grant woman the vote. The state of South Australia enfranchised women in 1894 and the other states followed soon after. Despite this progressive record on voting rights, Australian ideas on employment from the same era seem surprising in the light of contemporary trends. Early trade unions, for example, fought for the right to *exclude* women from many segments of the work force. Legislation was passed which made it unlawful for women to secure employment in many unskilled and semi-skilled trades. In the state of New South Wales, for example, women could not become apprentices to skilled tradespersons such as bakers, miners, plumbers, and so forth (O'Donnell and Hall, 1988 : pp. 4-5). later restrictions excluded women from operating metal or woodworking machinery, machinery used in baking, printing, soap-making and many other trades (O'Donnell and Hall, 1988 : P.7). Unions sought these measures so as to restrict the labour market and thereby raise wage levels for employed men on the

assumption—widely held even until very recently—that women should be homemakers who were supported by their husbands' wages.

A number of significant consequences flowed from these provisions. One was that women were confined to a few areas of employment, primarily in domestic service, the garment industry, or in a few professions such as nursing and school teaching. In the 1930s, of 909 occupations classified by the Commonwealth Statistician, women were reported as employed in only 87. The result was that the Australian labour force was strongly segregated by gender (O'Donnell and Hall, 1988 : P.6). As late as the mid-1980s, Australia continued to have the most occupationally segregated labour force of any of the OECD countries (O'Donnell and Hall, 1988 : pp.24-5). Taking New South wales as reasonably typical, about 40% of working women were employed in administrative and clerical occupations, 20% in professional and technical areas (mainly as teachers and nurses), 15% in the service area (mainly as cooks, maids and housekeepers, and 12% in retail sales, most as sales assistants (O'Donnell and Hall, 1988 : pp.24-5).

A second consequence was seen in wage rates received by women and men. From early in the 20th century Australia evolved a system of national wage setting, known as the Arbitration System. Under this system, national minimum wage rates and wage rates for employees in occupations as diverse as dockyard workers and university professors were set by the Arbitration Commission. The earliest determination of the national minimum wage, made in 1907, set what was seen to be an appropriate income for an unskilled married man with a wife and two or three children (O'Donnell and Hall, 1988 : P.48). When the minimum wage rate for women was considered by the Arbitration Court in 1919, it was set at 54% of the corresponding rate for men.

During the Second World War conscription of large numbers of men to serve in the armed forces created a serious labour shortage in Australia. To meet the urgent needs of wartime production, many women

were recruited to serve in previously closed industries from ship-building to rubber goods manufacturing. So as not to undercut the wages of men away at war, as well as those men still working in these vital areas of the economy, the pay rate for women working in these industries was raised, usually to 75% of the corresponding male rate (O'Donnell and Hall, 1988 : p.49). Although most women were forced to give up their war-time professions following the demobilization of the armed forces, women continued to be paid at three-quarters of the rate of pay for men after the conclusion of the war in the Pacific.

Indeed, it was not until 1969 that the Arbitration Commission finally accepted the validity of the principle of equality : that people performing the same work should receive the same rate of pay. Within a few years this principal was further enlarged to encompass that of 'equal pay for work of equal value', a change which was of importance in an economy where few women did precisely the same work as men (O'Donnell and Hall, 1988 : pp. 53-54).

As one might anticipate, it took time for this ruling to have any real impact on the average rates of pay received by women. An official report released in 1922 presented the following assessment of the progress made since 1972 :

> By February 1992 the ratio of adult female to adult male average weekly (full-time) ordinary time earnings was 84%, which is high by international standards. It had risen from 83% in 1988, a ratio which had been relatively stable for ten years. Average weekly total earnings of women were 67% of those of men. The discrepancy is largely a reflection of the high incidence of part-time work for women, but is due in part also to higher overtime payments to men : overtime is paid at a higher rate than ordinary time. (Commonwealth of Australia, 1992 : pp. 121-122)

Despite the legislative attempts which have been made to change things, the Report notes that the work force is still highly segregated by

gender. Because certain occupations were traditionally seen as women's work, the value of the work done in those industries and occupations continues to be undervalued, another factor maintaining lower average pay rates for women.

Equal opportunity legislation

In the late 1960s, other significant reforms were made to the conditions under which women were employed. Among the most outrageous of the existing discriminatory laws were the so-called 'marriage bars' which affected female employees in the Commonwealths and state civil services. Under these provisions, female civil servants lost their permanent employment status upon marriage, could not be promoted to higher grades and in some services were required to resign. These requirements and the expectations which they created had a deeply adverse impact on the human resource development policies of governments. Since it was anticipated that most women would marry and thus leave the civil service, women usually were not included in departmental training programmes (O'Donnell and Hall, 1988 : p. 8). In these circumstances it was hardly surprising that most women employed in the civil service were confined to the lower clerical ranks or that those few who did make it into the more senior ranks did so at a considerable personal cost. The abolition of the civil service marriage bar in the late 1960s was one of the first of a large number of measures and reforms aimed at achieving genuine equality in the work force.

The pace of change accelerated in the early 1970s following Australia's ratification 1973 of the International Labour Organization (ILO) Convention Number 11 on Discrimination in Employment and Occupation. In 1975 the Commonwealth Government passed the Racial Discrimination Act. In the same year South Australia enacted a Sex Discrimination Act; it was followed by similar acts in other Australian states. The South Australian law established a Commissioner for Equal Opportunities

as well as establishing a Board to which complaints which the Commissioner was unable to settle by conciliation could be referred. The creation of a Commissioner and Board, plus the emphases on initial conciliation, reflected the acknowledged failure of an earlier South Australian bill, the Prohibition of Discrimination Act of 1966. This bill had sought to bring discrimination under the provisions of the criminal law. This meant that violations were handled by the police and had to meet the strict "beyond all reasonable doubt" test which applies to criminal proceedings. In the ten years the Act was in force, only four prosecutions were undertaken, of which one was successful (Sawer, 1990: p.205). While some states followed the South Australian model, others placed the entire responsibility upon a Board or Commission.

Although bills like the first South Australian act originally outlawed discrimination in employment on the bases of the gender of an applicant, their coverage has been subsequently widened. The South Australian Equal Opportunity Act of 1984 (as amended up to 1991), which replaced earlier legislation, made it illegal to discriminate on the basis of gender, marital status, sexual preference, pregnancy, race, religious or political conviction, physical and mental disability and most recently, age. The areas in which discrimination is prohibited are: employment, education, the provision of goods and services, accommodation, membership of clubs and associations, advertising, the conferral of qualifications and the sale of land. The Act also makes sexual harassment in these areas illegal.

At the federal level legislation was put in place somewhat later. In the 1980s five pieces of Commonwealth legislation were enacted: the Sex Discrimination Act was passed in 1984, the Public Service Act (amended in 1984) and the Affirmative Action (Equal Employment Opportunity for Women) Act in 1986, the Human Rights and Equal Opportunity Commission Act (also in 1986) and the Equal Employment Opportunity (Commonwealth Authorities) Act in 1987.[1]

The second two acts were particularly important as they went beyond the outlawing of acts of discrimination and mandated the establishment of affirmative action programmes, first for the Australian Public Service, and then for the private sector. The Public Service Act, as amended, focuses on four 'target' groups which have historically been under-represented in government employment : women ;
migrants to Australia whose first language is not Englich—and their children ;
and people with mental or physical disabilities. Among other things it requires Australian government departments to prepare and submit an annual document in which it reports on the numbers of members of the target groups who are employed in the department and on the department's plans for actions in the coming year to overcome any obstacles to the recruitment of persons from those groups, The act requires that the principle of merit be applied to all appointments, selections and promotion. It specifically precludes discrimination on the grounds of political affiliation, race, colour, ethnic origin, social origin, religion, sex, sexual preference, marital status, pregnancy, age or physical or mental disability or any other unjustified discrimination.

The Affirmative Action Act covers all private sector firms with more than 100 employees and all colleges and universities engaged in tertiary -level education. They too are required to submit annual documents which present both statistical data on the composition of their work force as well as proposed changes to policies and procedures will be made in the coming year. Each institution is to designate a senior executive officer, usually the Chief Executive Officer (CEO), who is charged with formal responsibility for the development and implementation of equal opportunity programs. For universities and colleges, which in Australia receive most of their funding from the Commonwealth government, failure to comply with the requirements of the legislation could result in reductions in funding. For private sector firms, the principal sanction is adverse

publicity : their names are to be reported to the national Parliament.

Legislation introduced at the state level, such as that in New South Wales, required government departments, statutory authorities and local government authorities to draw up plans to ensure that equal opportunity provisions in hiring, employment and promotion were established (O' Donnell and Hall, 1988 : p.79).

III. What are some of the implications of Australian E. O. legislation for managers ?

A. Recruiting new employees

The consequences of equal opportunity policies can perhaps be seen most clearly in the area of recruitment of new employees. In many traditional agencies and enterprises, recruitment to new positions was often conducted on a relaitvely informal basis. These practices are now widely acknowledged to have disadvantaged a number of sections of the population such as women, migrants and Aborigines. Increasingly, therefore, it is necessary under equal opportunity legislation in Australia to specify in detail the skills and abilities which the successful candidate must have as well as others which are highly desirable. It is essential that these criteria be directly related to the work required by the position. Drawing up these criteria is often difficult and demanding. For one thing, irrelevant, arbitrary, and out-dated restrictions such those specifying minimum heights or restrictions on weights which can be lifted cannot be included. Many of these requirements are outmoded and in any case reflect poor practice in terms of material handling, machine design, facility design etc. There is, for example, widespread recognition that lifting jobs need to be redesigned anyway with weight limits being set that are appropriate for all workers. Among the other conventional restrictive clauses which must be eliminated are : those barring women from late -night shifts, those which offer special allowances, such as 'disturbance

allowances' only to male employees, in this case, firefighters. Also unacceptable are other restrictions on women undertaking shift work or overtime.

Other requirements may not really measure the qualities which the employer seeks. For example, a requirement for a position as a residential care worker in an Australian mental health institution stated that the employee had to be at least 85 cm (6 ft.) tall. What the employer was actually looking for was someone able to adequately protect themselves from disturbed patients. Shorter women and men who might have been well qualified to do this work were discriminated against by the advertisement (Strickland, 1986 : p.6).

In the advertisement which was quoted at the beginning of this paper, specifying the naitonality, sex and age of the sales assistant are all discriminatory against other persons who may be well qualified for the position. If Japanese nationality was specified, for example, because the employee must be fluent in the Japanese language, then in place of the reference to nationality, the appointment criteria should state that the successful candidate must be 'fluent in Japanese'. It might also include the requirement that the person be legally entitled to hold full-time employment in Japan.

It is important in framing employment criteria to try to be as specific as possible about the kinds of evidence which a candidate should produce to indicate their qualification for a position. A university department, seeking a person who is an able and effective teacher might specify the person who is appointed"must be able to teach the subject to undergraduate students. Evidence of effective teaching ability, including formal student assessments of teaching, should be supplied by applicants".

B. Making the Appointment

The next stage, of course, is that of evaluating the candidates who have applied for the position and selecting one to whom the position will

be offered. In Australian equal opportunity practice, the preferred model for a selection panel is one which is composed of members who have the appropriate selection skills, knowledge of the work which the person to be appointed will do, and a balance of both women and men (with at least one woman on the panel). In drawing up a 'short list' of candidates, each candidate should be assessed in terms of the appointment criteria which were originally established. Some candidates may lack skills or abilities defined as essential for the position. Others may have acquired the necessary skills in somewhat unorthodox ways ; they need to be assessed both fairly and carefully. The emphases here is upon assessing the merit which each candidate possesses on each of the appointment criteria. In many cases, the merit of candidates will be unevenly distributed. That of course requires the selection panel to weigh carefully the relative merits of each person.

Frequently in making an appointment, a selection panel will wish to interview candidates. The recommended equal opportunity practice includes some questions which may not be asked. Among these are :

- the marital status of the candidate
- whether the candidate has children (or plans to have them)
- what the candidate's child care arrangements are
- the birthplace, or racial or ethnic origin of the candidate
- the employment of the candidate's spouse and/or the spouse's salary
- the sexuality of the candidate
- the candidate's religion
- the candidate's political beliefs or political affiliations (Strickland, 1986 : p.15).

The reason for prohibiting these questions is that they have nothing to do with the ability of the candidate to do the job. Asking a married female candidate who is currently resident in another city what her husband will do if she is offered the position is impermissible ; the matter

is essentially a private one. In the same way, it is not permitted to ask a women applicant if she plans to have children in the near future. It is, however, perfectly acceptable to ask all candidates if there are any reasons or foreseeable changes in their personal situations which might prevent them from performing the full range of duties involved in the position for which they are being considered. Or one might ask all candidates ; "Are you reasonably able to give a three year commitment to this position, until the major project is completed".

In general in Australian equal opportunity practice, the same set of questions must be asked of all candidates. The reason for this requirement is to ensure that all candidates are treated fairly and equally. Since the questions are posed to all candidates, it is essential that the selection panel frames them in ways which are fair to all candidates.

The following examples, taken from a publication by the South Australian Commissioner for Public Employment, illustrate the sorts of questions which should, and should not be asked.

There is of course, a great deal more guidance and advice which is available to employers concerning the process of selecting candidates on their merits. But perhaps this selection is sufficient to illustrate the underlying principal involved : that the questions are put in an open and encouraging way, one which permits each candidate to present their knowledge, skills and abilities to perform the work of the position. They are also phrased in general terms which apply to people from a wide variety of backgrounds. Above all, they do not carry the implication that the candidate is unsuited for the position ; rather, they ask the candidates to demonstrate their merits.

C. sexist language

Another area where equal opportunity legislation and principals have major implications for existing administrative practices is in the area of what is termed 'sexist language'. What may constitute sexist language

DON'T ASK	INSTEAD ASK
Who will pick up your children after school? or: Do you have trouble understanding English? or: Won't your disability prevent you from typing accurately?	Is there anything which might prevent your from performing the full range of duties involved in this position
How do you think the local community will accept you, since they put a high priority on football, and we assume you don't play?	Tell us about your approach to community relations and, specifically, give us an example of how you have established yourself in a new community?
Why should we give you this job?	What particular skills and abilities do you have which make you the best applicant?
How do you cope with stress? or: This is a pretty stressful job, how do you think you'll manage?	Could you give us an example of a stressful work (or other) situation which you've encountered and how you coped with it?
Do you have any plans to marry? or: have a family? or: travel overseas? or: study full-time?	Are you reasonably able to give a three year commitment to this position, until the major project is finished?
Could you tell us why you left your last job / are wanting to leave your present job?	Could you tell us why this particular position appeals to you, or how it fits in to your overall career plan?
I notice you've been out of the work force for 3 years—aren's you going to be a bit out of practice?	This position requires a certain level of practical skill, what is your current level of skill?

Source: (Strickland, 1986: p. 16)

must, of course, depend on the language and culture involved. In English, these concerns are both specific as well as wide ranging. One of the central areas of concern is in the description of jobs. Traditionally,

many job titles implied the sex of the employee —such familiar titles as policeman fireman draftsman and so on. Others implied the gender of a position or an office bearer, such as a foreman, chairman and so forth. Still other titles used specifically feminine endings to identify an employee as female—an actress, a seamstress, a hostess, a stewardess or a typiste. Equal opportunity regulations require organizations to revise their job descriptions so that there are no implications that the people who act in any position will be of one gender or another. Many of the changes are simple and involve no more than using an alternative, existing title, such as referring to all members of the police force as 'police officers', members of the fire brigade are termed 'fire fighters' or all aircraft cabin crew are termed 'flight attendants'. Still others involve no more than the elimination of specifically feminine endings, so that, for example, both men and women are called 'actors'. Still others have involved changes which appear, at least initially, somewhat awkward, such as the change to 'draftspersons', or the heads of committees as 'chairpersons'. Sometimes these can be avoided by choosing an alternative which conveys a meaning which is substantially the same, as in referring to the heads of committees as 'convenors' rather than 'chairpersons'.

Regulations and legal language generally often require wholesale revision. In general, legal 'fig leaves'—such as adding a preface which says that in the regulations which follow 'the singular also implies the plural and the masculine gender implies the female gender' and which thus leave unchanged regulations which speak of the 'employee and his rights and obligations'—are unacceptable. Usually regulations have to be redrafted using terms such as 'his or her', 'she or he', or phrasing rules in a gender-neutral plural such as 'upon reaching the age of 60, employees may…'. Frequently the obligaiton to reconsider rules and regulations and other documentation has unintended benefits. It is often an appropriate occasion to delete obsolete provisions, to consolidate and restructure a

chaotic mass of accumulated provisions, and to recast obscure and difficult-to-understand documents into ones which conform with the emerging standard of 'plain language'.

The prohibition on sexist language extends to spoken words as well. Especially in formal decision-making contexts such as boards or committees of appointment, once common phrases such as 'the man we are looking for must be able to…' or 'he must have at least 5 years experience in marketing' are unacceptable, as is—of course —their translation into any advertisement. Although such regulations will always appear awkward to some officers or to imply some obnoxious stamp of 'political correctness', the point of insisting on such changes is to ensure that discussions and deliberations genuinely include all employees and that committees do not unintentionally bias an appointments process by presuming at the outset the gender of the most able and meritorious applicants.

In educational institutions, the scope of sexually neutral language may extend further still to the question of 'gender inclusive' language and materials. This is a sensitive area, involving as it does a balance of rights—those of the 'academic freedom' of faculty members and those of the students involved. Nevertheless in many countries, students —especially female students—are increasingly intolerant of professors who make jokes which are perceived to be 'sexist', that is to demean women. And they are equally vocal about course content and subject matter which ignores women and the accumulating volume of high-quality research findings which deal with women, whether it is in history, medicine, architecture or engineering.

Although the questions and issues raised by the prohibition on the use of 'sexist language' may seem obtrusive and to imply an unwarranted intrusion into the conduct of daily business, I am well persuaded that it is not. My own experience is that within a relatively short period of time, the use of gender neutral terms and phrases becomes quite familiar.

Before long, indeed, one becomes surprised upon coming across examples of the older forms of speech. Perhaps I may illustrate this point with a personal experience. About a year ago I attended a demonstration of a highly advanced photocopying system which was presented to an audience largely composed of civil servants and educators by a senior manager of the internationally-known manufacturer of the system. The manager's presentation was highly polished, but was full of 'sexist language' of which the person was, no doubt, quite unaware. Nevertheless it was evident to me from the subtle gestures of surprise and discrete looks of irritation in the audience that the effectiveness of the manager's presentation had been considerably reduced by the use of phrases and remarks which were now considered to be 'old fashioned' and unacceptable in the workplaces of much of the audience.

D. sexual harassment and workplace harassment

There is no single, agreed definition of sexual harassment, though there is widespread agreement about what sorts of behaviour at the extreme constitute harassment. The typical case involves a male boss demanding sexual favours from a female employee. In a case recently heard by the Equal Opportunity Tribunal in New South Wales, an intellectually impaired woman was awarded $17,400 as compensation for the harassment she had experienced while working for a now defunct firm.

> [The company director] allegedly asked the young woman to "show the boys what you've got" and a week later to "show her tits off" to another employee…
>
> The next day, the young woman had lifted her top in front of [the company director] and another male [company] employee after [he] told her he would keep "hassling her" if she did not comply.
>
> The woman later returned to her work station in tears, and during the next two days, her boss allegedly asked her to expose her breasts to two other male workers. (Australian March 26-27, 1994)

In Australia (and in the United States and Europe), most cases of harassment involve a male supervisor and a young female employee who is often well-educated and working in a non-traditional area (Ellis, 1991 : p.149). The harmful effects of harassment on the victim—and the company —are often substantial[2]

> The cost of sexual harassment to society in general, and to businesses in particular, is likely to be colossal…[T] he empirical studies show that is frequently damages the victim's health, causing anxiety and depression which leads to her taking time off work, and sometimes to her leaving her employment altogether. These sorts of consequences of sexual harassment led the U.S. Merit Systems Protection Board to conclude that sexual harassment had cost the U.S. Federal Government $189 million over the two years surveyed (Ellis, 1991 : p. 149).

The definition of sexual harassment has grown over time, often as the result of cases brought before the courst. For example, in a case recently heard by the United States Supreme Court, it was stated by the plaintiff Teresa Harris that the President of Forklift Systems Inc. had on a number of occasions said to her in front of other employees, "You're a woman, what do you know ?" and had once said to Harris, whom he knew to be married : "Let's go to the Holiday Inn to negotiate your raise". He was also alleged to have asked her to retrieve coins from his pants pocket and to have suggested that they start 'screwing around'. He also asked Harris if she had won a sales contract by providing sexual favours. In its judgement, the Court went beyoud its 1986 judgement that sexual harassment is illegal if it is "sufficiently severe or pervasive to alter the conditions of the victim's employment" (Japan Times October 15, 1993). In the Harris case, the Court declared that sexual harassment need not seriously affect the psychological that sexual harassment need not seriously affect the psychological well-being of an employee or cause injury. What was crucial is the frequency and severity of the conduct, whether it

is physically threatening or humiliating and whether it unreasonably interferes with an employee's work performance. Thus in the new U.S. definition, sexual harassment occurs when

> the workplace is permeated with discriminatory behavior that is sufficiently severe or pervasive to create a…hostile or abusive working environment. (Japan Times November 11, 1993, p.8)

In Japan, the Labor Ministry has recently announced its definition of sexual harassment, basing it upon the work of a study group report completed in 1992. Sexual Harassment is defined as "sexual speech or conduct that leads to a deterioration of the work environment". Such speech may be offensive or may put another person at a disadvantage due to their reaction to it. A survey of 1,000 female employees in Japan conducted in March and April 1992 revealed that 25% had experienced sexual harassment in the workplace, including such things as sex-related jokes, teasing questions and being touched. In 10% of the cases the harassment affected the employee's performance in the workplace (Japan Times, October 19, 1993).

In Australia, the definition of sexual harassment it both more precise and detailed and the concept has been broadened to include other kinds of discriminatory harassment. In the Australian Public Service harassment —sexual and otherwise—is defined in these terms:

> Harassment constitutes repeated, unwelcome and unreciprocated acts or remarks which make a workplace unpleasant, humiliating or intimidating for the person who is the target of that behaviour. Acts or behaviour which may appear to be humorous and/or insignificant to one person may be disturbing and distracting to another.

The Public Service definition goes on to give these illustrations of actions which may constitute harassment:

- coercive sexual behaviour used to control, influence or affect the career or job of another person;
- offensive jokes, suggestions or derogatory comments about another

officer's racial or ethnic background, sex, sexual preference, disability or physical appearance;

- distribution or display of pictures and posters which are offensive or obscene;
- phone calls that are obscene, offensive or threatening;
- stereotyping, that is, expressing assumptions about an individual's or a group's behaviour, values, culture or abilities on the basis of racial or ethnic background;
- racist language, for example, the use of terms which are regarded as offensive or derogatory to describe racial or ethnic groups;
- constant staring or leering;
- persistent questioning or remarks about someone's private life;
- physical contact such as frequent brushing against a person, pinching or patting or putting an arm around someone;
- unwanted advances, propositions or continual invitations to go out;
- intimidation, abuse or assault

The Australian Public Service directive states clearly that harassment will not be tolerated. "Any form of personal harassment or victimisation can lead to lowered morale and reduced productivity. Proven complaints may result in the harasser being counselled, disciplined or dismissed." It is not necessary that a person has suffered actual disadvantage, but rather that they have been offended, humiliated or intimidated by the behaviour and that the offence which they have taken was reasonable (Bagnall, 1994 : p.28). Under current Australian law, it is not even necessary that the offence be repeated : a single incident or act can constitute a breach of the Act (Ronalds, 1991 : p.42).

In the European Community Code, sexual and racial harassment do not appear directly. However, the Code forbids employers to discriminate by subjecting an employee to a 'detriment', that is, to a real disadvantage. "Sexual and racial harassment are among the most serious of the

detriments to which employees can be subjected…" (Malone, 1993 : p.128 ; see also Ellis, 1991 : p.149-150).

A core part of all these definitions is a recognition that sexual (and other) harassment detrimentally affects workplace morale and employee efficiency. The recent United States ruling goes beyond this. In her judgement, Judge Ginsburg argued that sexual harassment can create a hostile work environment even when a women continues to perform well. The question, she said, was one of equal treatment, "whether one sex has to put up with something that the other sex doesn's have to put up with" (*Japan Times* October 15, 1993).

The focus on the conditions of work makes it clear that sexual harassment is not simply an issue which involves two employees ; it is a management issue and responsibility. Australian regulations make it very clear that managers at every level are responsible for dealing with cases of sexual harassment in their areas of responsisbility.

Managers are also responsible for ensuring that their areas are free from harassment, a responsibility which almost inevitably requires that staff are provided with material and training which make it clear what sorts of behaviour are unacceptable. Failure on the part of a manager to act is, presumably, evidence of lack of managerial ability and must affect chances of promotion and may even lead to dismissal. These provisions place the ultimate responsibility for ensuring that workplaces are free from sexual harassment upon employers. As a minimum condition of compliance with these laws, employers are required to issue clear statements setting out corporate policies on equal opportunity, the prohibition of sexual harassment along with procedures to be followed to deal with complaints when they arise. Similar procedures apply under the European Community Code. There, employers should :

- Adopt a clear policy statement and publicise it.
- Give instructions and training to managers and supervisors
- Impose a positive duty on all employees.

● Have a clearly defined complaints and support system for victims of harassment and make employees aware of it

● Make sexual harassment a disciplinary offence (Malone, 1993 : p. 134).

E. statistical reporting and analysis of employment profiles

A core requirement of equal opportunity or affirmative action legislation in some countries is that organizations and agencies implement statistical monitoring of the composition their staff and clients to determine whether signficant bias is occurring. In these countries it is a requirement that annual reports are submitted to a central agency which monitors progress. In Australia, as was indicated above, organizations covered by legislation make such reports to the Affirmative Action Agency. The statistical profile of the Australian Public Service is compiled annually by the Department of Finance on the basis of records kept on a central database. The overall summary table for 1992 is reproduced below.

Comparing the situation revealed in these figures with those compiled 10 years earlier, the Public Service Commission noted that "a very significant trend is the continuing increase in the proportion of women in the Service, from 36% to 46.6%…but with women still concentrated at the lower levels" (Public Service Commission, 1993 : Appendix D).

Australian universities have used similar databases to measure their success in recruiting students from non-English-speaking backgrounds, Aborigines. Considerable efforts have been made to investigate how successful programmes to recruit women into non-traditional disciplines such as engineering have been.[3]

The compilation of such analytical and comparative statistics are essential if an organization is to identify areas of significant inequality or bias in past employment and to begin to understand the reasons why this has occurred. If bias is discovered, an organization may conclude that is

Australian Public Service—Percentage of EEO Groups in major employment categories in June 1988 and June 1992

Classification Structure	Women		Aboriginal and Torres Strait Islander People		People with disabilities		People of non-Englich Speaking back-ground			
							Group 1		Group 2	
1988	1992	1988	1992	1988	1992	1988	1992	1988	1992	
Clerical/ Administrative	53325	56119	1225	1600	5499	4516	4276	4332	8439	8625
%	53.1%	53.9%	1.2%	1.5%	5.5%	4.3%	4.3%	4.2%	8.4%	8.3%
General Service Officer	1243	1329	52	36	417	212	683	529	337	368
%	15.1%	19.1%	0.6%	0.5%	5.1%	3.1%	8.3%	7.6%	4.1%	5.3%
Professional Officer	2089	2918	8	21	260	204	544	436	488	520
%	29.8%	39.3%	0.1%	0.3%	3.7%	2.8%	7.8%	5.9%	7.0%	7.0%
Technical Officer	785	616	29	17	466	255	491	314	466	341
%	8.5%	10.2%	0.3%	0.3%	5.1%	4.2%	5.3%	5.2%	5.1%	5.6%
Information Technology Officer	594	852	3	8	121	109	246	353	215	281
%	19.9%	21.0%	0.1%	0.2%	4.1%	2.7%	8.3%	8.7%	7.2%	6.9%
Nurses	#	1460	#	7	#	29	#	82	#	67
%	#	87.4	#	0.4%	#	1.7%	#	4.9%	#	4.0%
Medical Officers	80	113	1	0	13	8	33	31	23	37
%	32.5%	29.1%	0.4%	0.0%	5.3%	2.1%	13.4%	8.0%	9.4%	9.5%
All Permanent Staff	61737	66916	1389	1760	6527	5767	6811	6477	10674	10968
%	42.4%	46.6%	1.0%	1.2%	5.2%	4.0%	4.7%	4.5%	7.3%	7.6%

#Information not available

Source: (Australian Public Service Commission, 1993: Appendix D).

should undertake significant efforts to encourage applications from groups which are under-represented.

F. Analysis of promotion 'streams' in administrative hierarchies

Institutions also need to collect statistical information which allows them to examine whether there are internal barriers to promotion, especially to the higher levels in each occupational category. The tables below were prepared for the Australian Public Service to show the number of women in the Senior Executive Service (SES), which is the highest level of the civil service. It is evident that, although the percentage of women employed and appointed has risen substantially over the 1980s, they still form a relatively small minority of Australia's most senior national civil servants.

Women as a percentage of total permanent Senior Executive Service

1984	1985	1986	1987	1988	1989	1990	1991	1992
4.35%	5.37%	6.70%	7.09%	7.93%	9.93%	11.13%	12.32%	13.10%

Source: (Australian Public Service Commission, 1993: Appendix D).

Women as a percentage of total Senior Executive Service appointments and promotions

1988-89	1989-90	1990-91	1991-92
13.55%	15.33%	16.13%	19.90%

Source: (Australian Public Service Commission, 1993: Appendix D).

Monitoring an equal opportunity programme often requires analysis of such things as: the success of different categories of applicants for positions, the rates of promotion and retention of different categories of employees, the degree to which the educational qualifications of different employees are being fully utilised, the average levels of wages for different categories of employees, and so forth (CCH, 1992: pp. 917-919). Many organizations find that their existing personnel and financial record-keeping systems are not adequate to maintain the expanded

categories of information necessary to implement an equal opportunity policy. Introducing new database systems and collecting the information which is required is often expensive in terms of both money and time. These costs can be minimized if senior managers anticipate the need for the collection of such categories of information and ensure that they are built into corporate databases as these are upgraded and refined.

G. Meeting the needs of a multicultural workforce

One of the consequences of growing international economic integration is the growing mobility of labour. Providing equal access to information, training, promotional opportunities for these workers is another aspect of equal opportunity policy and requirements which requires managers to reassess their familiar practices and to enter territory which is often unfamiliar. Because Austalia has encouraged the immigration of people from a wide range of nations over the past 40 years it has had to face the question of providing equal opportunities for its migrant population on a wide scale.

Much of the leadership in the provision of information in a wide range of languages has come from different levels of government. The national government, for example, has created a separate broadcasting network which transmits both radio and television programmes in a wide range of community languages spoken in Australia. As one example of the range of languages covered by the Special Broadcasting Service (SBS), the Sydney radio station 2EA in 1990 listed weekly programmes in Greek, Arabic, Polish, Armenian, Turkish, Hungarian, Dutch, German, Maltese, Portuguese, Lithuanian, Yiddish and Hebrew, Ukranian, Russian, Urdu, Hindi, Spanich, Norwegian, Bengali, Celtic, Aboriginal languages, Lao, Khmer, Kurdish, Tamil, Gujerati, Sinhalese, Punjabi, French, Mandarin, Cantonese, Vietnamese, Korean, Swedish, Danish, Tongan, Fijian, Latvian, Romanian, Byelorussian, Slovak, Finnish, Czech, Estonian, Indonesian, Kannada, Dari (Special Broadcasting Service, c.

1990).

Similar initiatives are taken by state-level government agencies, especially those providing welfare services. In 1980 the state government in New South Wales, for example, created a special unit, the Health Translation Service, to translate health information into a wide range of community languages. Since it creation it has printed and distributed over 3 million leaflets covering: nutrition, preventive health, mental health, women's health, children's health, support of health care treatment, patient's rights, information concerning hospital treatment, school health screening. It offers translations in 17 languages: Arabic, Armenian, Chinese, Croatian, Greek, Italian, Khmer, Lao, Macedonian, Maltese, Polish, Portuguese, Russian, Serbian, Spanish, Turkish and Vietnamese. A small range of publications is also available in Farsi, Indonesian, Japanese, Korean, Tagalog / Philipino, Thai and Tongan (Chesher and Potter, 1990).

Many other agencies routinely ensure that the information which they give to the public is available to all citizens and residents. As just one example, translations of a media release issued in July, 1992 by the Queensland Police covering the activities of their Ethnic Advisory Group, were made available in the following languages: English, Vietnamese, Tagalog, Russian, Khmer, Spanish, Serbian, Croatian, Polish, Chinese, Arabic (Queensland Police, 1992).

Ensuring the full utilisation of the capabilities and skills of a multicultural workforce is a far from simple business and Australia is still exploring the areas in which future progress needs to be made. A discussion paper published in 1988 by the Advisory Council on Multicultural Affairs examined the following key questions: Basic Rights, Social Justice, Participation, Human Resources (including the recognition of overseas qualifications, and the provision of facilities to enable migrants to acquire requisite language skills for effective workplace participation), Language and Communications (including the teach-

ing of English as a Second Language (ESL), and the promotion of bilingualism), Community relations (including the role played by the specialized media such as SBS), (Advisory Council on Multicultural Affairs, 1988). It must also be recognized that like other plicies in the equal opportunity area, muliticulturalism requires both political commitment as well as careful and patient explanation if it is not to become a 'political football'. For an example of the reaction to the policies currently being pursued in Australia see for example (Castles et al. 1992).

H. Balancing family responsibilities and the demands of work

One of the equal opportunity issues which has been relatively difficult for employers to grasp and respond to is that of need for employees to meet family obligations. The reason for this difficulty is quite evident: it requires a major reconsideration of what have traditionally been seen as quite separate spheres of responsibility, the sphere of work and the sphere of the family. As long as the majority of workers were men, and the traditional assumption could be maintained that women stayed at home and were primarily responsible for the raising of the children, this separation could be sustained. However, in Australia the percentage of women in the work force has risen from 25% in 1961 to 42% in 1993 (Wolcott, 1993: p.3). As these increasing numbers of women have entered the workforce the basis of the traditional assumption about what the limits to an employer's responsibility are, has been undermined. Recent census evidence shows that in Australia in sixty percent of families with young children both parents are working (Wolcott, 1933: p.3). Although women continue to take most of the responsibility for child -care and the running of the household, these responsibilities are increasingly being shares between partners.

When both parents are working, it is very common for them to experience conflict and stress arising out of the needs of their families and the obligations of their work.

Men and women tend to agree that work interferes with their energy to be a good parent, the time spent with children, their relationship with their partner, leisure activities and energy to work around the house (Wolcott, 1993 : p.4).

…[W] orkers with family responsibilities confront problems locating and obtaining child care and coordinating work schedules with school and community services. Taking a grandparent to the doctor, the pet to the vet, and attending the school recital do not fit easily into the demands of full-time work.

Sole parents usually experience great difficulty in balancing work and family roles without compromising either of them (Wolcott, 1993 : pp. 4-5).

is it EO ?

In these circumstances, employers are increasingly recognizing that they need to change their own outlook and established practices in order to adjust to the changing social realities of their workers. The most urgent priority for their workers is gaining satisfactory child-care arrangements, such things as infant care, pre-school day care, after school hours care, school holidays and vacation time care and sick child care (Wolcott, 1993 : pp.5-6). In order to meet their family obligations, workers of both sexes often must be absent from work, leave early or arrive late ; often their concern about the welfare of a sick child interferes with their ability to perform to the best of their ability while at work (Wolcott, 1933 : p.7).

A recent study on dependent care found that more than two-thirds of parents—71 per cent of mothers and 64 per cent of fathers—missed some work over one year for reaseons related to the care of their children. This was usuary to look after a sick child (Wolcott, 1993 : p.8).

'family friendly' policies

Increasingly Australian employers have been to introduce 'family friendly' employment practices. The introduction of flexible working arrangements is one such practice. Allowing workers to adjust their starting and finishing hours (often called 'flexitime') over the course of a week is one such arrangement. Others are nine-day fortnights (i.e. allowing an employee to choose which nine days in two weeks she or he will come to work), job sharing, averaging hours and earning of credit hours and unpaid time off (Wolcott, 1933 : p.15).

part-time conversion

Some firms allow employees to work on a part-time basis for a number of years while their children are young. Others have introduced policies which allow their employees to take an extended leave of absence of between three and seven years. While on leave, employees may be required to return to work for several weeks' training each year. Employees on leave often have the possibility of undertaking casual work, if for example, another employee is unwell (Wolcott, 1993 : p.15).

Some firms have taken sdvantage of the opossibilities which have been opend up by new communications technologies to permit some employees to work wholly or in part from home, something termed 'telecommuting' (Wolcott, 1993 : p.17)

childcare

The acceptance by a firm or public organisation that it should accept a new and wider conception of its responsibilities for its employees by providing childcare facilities is often difficult. According to a national survey reported in 1991, only 1% of Australian firms operated child-care centres ; a further 19% supported child-care in principle and 26% were currently investigating child-care arrangements. The remaining firms said they saw no need for adopting a policy on child-care (CCH, 1992 : p. 943). Nevertheless many government agencies, universities, and pro-

gressive large corporations such as IBM Australia, ESSO Australia Ltd., KPMG Peat Marwick and the St. George Bank have established child -care facilities on, or near, the workplaces (Wolcott, 1993 : pp.16-17). In adopting these new responsibilities, firms are accepting the emerging reality that the majority of their employees have family responsibilities which need to be harmonised with the demands of their work. In competitive fields, the provision of child-care as well as other flexible work provisions may give a firm a competitive advantage in retaining highly skilled workers. Perhaps above all, the provision of child-care facilities leads to significant reductions in absenteeism and an increase in productivity. For example, the Australian Taxation Office, in announcing its new policy on child-care in 1991 stated that it expected to make

> significant savings from reduced staff turnover, reduced leave taken for parenting reasons and enhanced productivity.
>
> It was also anticipated that the provision of child care would contribute to improved staff morale, motivation, commitment and enhance the ATO's ability to attract quality staff. (CCH, 1992 : pp.924-4).

I. Disability :

One area of human resource development where equal opportunity principles have a profound effect, but one which for which many managers have little experience or training, is in the area of disability. Sometimes the question of disability arises as the result of an injury to an existing employee, the result, perhaps, of an automobile accident. Increasingly though, the application of equal opportunity principles requires agencies and organizations to think carefully about what the actual requirements of specific positions are, and whether there is any valid reason why a highly qualified person who has a disability, such as confinement to a wheelchair, cannot perform the work satisfactorily. Agencies and institutions are also being required to examine the services which they provide to the public, and to ensure that these are available on

a equal basis to clients who have disabilities. Both of these areas can pose significant challenges to public managers —and can have significant implications for budgets.

The Principle of "Reasonable Adjustment"

One way to illustrate the implications for appointment and continuing employment of members of staff with disabilities is to consider the application of the principle of 'reasonable adjustment' as it is applied in the Australian Public Service. At its heart, the principle recognizes that the duties which are attached to many positions are somewhat arbitrary, reflecting historical practices rather than a completely rational definition of functional requirements. As a consequence, it is frequently possible to make minor adjustments to the duties performed in an office so that a person with a disability is able to perform them to the standard expected of any other employee. As with other forms of equal opportunity intervention, the objective is not to give people with disabilities special preference, but rather to allow them to "compete equally on their merits for recruitment, promotion and other career advancement opportunities." (Department of Foreign Affairs and Trade, 1991 : Appendix 2) Amongst the adjustments which may be made in an individual case are such things as :

- rearranging the physical layout of the workplace
- exchanging some duties between a person with a disability and other officers
- providing essential information in formats suitable for people with sight and hearing impairments
- providing appropriate forms of assistance such as reader assistance for a blind person. Above all :
- accepting that there are often alternative ways of accomplishing a given task or objective which were not taken into account when the duty statement or the selection criteria for a position were originally

drawn up. (Department of Foreign Affairs and Trade, 1991 : Appendix 2)

The public service guidelines make it clear that these adjustments are not meant to give carte blanche to a wholesale revision of existing job descriptions, but are rather to be undertaken carefully and selectively.

> The key premise of the principle of reasonable adjustment is that adjustments are only made when they are reasonable, necessary and feasible, and that each case be judged on its individual merits (Department of Foreign Affairs and Trade, 1991 : Appendix 2).

It is hardly necessary to add that adapting to principles as that of 'reasonable adjustment' requires considerable 'readjustment' to the thinking and practices of many executives. But unless they are able to do so, they are likely to find themselves required to appear before administrative tribunals or courts of law as the result of complaints by subordinates. Perhaps one case which I have personal acquaintance will serve to illustrate this point. A senior public servant with a distinguished record of achievement in the field of agriculture found that his eyesight was beginning to fail, especially under conditions of artificial lighting. As he was able to function in an entirely normal fashion under natural light, he asked that the physical arrangements in his office be slightly altered to allow him to work in natural light. When his request was refused by his superior, the employee took the case to a higher administrative tribunal which found that his request was entirely reasonable and required that appropriate changes be made.

physical design, e.g. buildings, public transportation

A second area of human resources development where equal opportunity provisions have a very significant potential impact on institutions and organizations is the requirement that services be made available on an equal basis for all clients. Although this is a consistent and reasonable requirement, complying with it is often difficult and expensive.

This is particularly the case where extensive alterations must be made to existing buildings and facilities. It is a fairly universal experience that even quite recently constructed buildings are not readily accessible to persons with disabilities. Entrances can often be reached only by climbing or descending stairs, which makes access difficult or impossible for employees and clients with impaired mobility, such as those using wheelchairs. These difficulties are often especially acute in older public transport facilities which frequently can only be entered using steep and narrow stairs. Other more modern facilities may have poorly designed escalator systems with intervening stairs. In all such cases, older building practices and standards make it difficult or impossible for employees and clients to utilize the facilities. Inadequate public transportation facilities may make it almost impossible for persons with disability to secure employment or have any semblance of a normal life.

Although equal opportunity legislation may grant exemption for existing facilities, in practice organizations and agencies tend to find that they must make considerable investments in upgrading physical facilities such as entrances, elevators, toilets and showers so that persons with disabilities are able to have equal access to them. Specific disabled employees or clients may require special facilities. Thus educational institutions may need to secure specialist transmitters and receivers to permit hearing-impaired students to attend lectures. They may also need to acquire special readers for the print-handicapped or make other appropriate arrangements to help blind students meet course requirements.

As with other areas of equal opportunity legislation, the wisest strategy for public managers is intelligent anticipation. It is much more disruptive and expensive to add a ramp or an elevator to a building once it has been completed. All new buildings and public facilities should be designed to anticipate likely design standards and rules covering access by the disabled which may be subsequently introduced. Existing over-

seas standards such as the Australian Design Standard AS 1428 'Design Rules for Access by the Disabled' offer guidance as to possible requirements (Department of Foreign Affairs and Trade, 1991 : §1.33).

Modifications to the workplace : a related issus

There is a related issue, which though it is not strictly an equal opportunity issue, involves similar principles and has similar implications for public managers. In Australia and elsewhere, the widespread introduction of wordprocessors and other keyboard / computer machines was associated with a large increase in work-related injuries. The largest category of these injuries were what came to be known in Australia as 'repetitive strain injuries' (RSI) though the injury syndrome is known by different names elsewhere. In Australia, as a result of the gender-segregated nature of the work force, women tend to be heavily represented in the clerical occupations which are the most intensive users of keyboard machines. Hence women tended to be the most frequent sufferers from RSI. Although there is far from complete agreement about the causes of RSI, in practice it has been found that redesign of the workplace, especially the provision of appropriately designed ('ergonomic') furniture and changes to work practices to allow for periodic breaks and involvement in other duties were successful in greatly reducing the incidence of RSI and hence in maintaining the productivity of the workplace.

IV. Conclusion : EO procedures are about the more effective and efficient use of human resources.

In this chapter I have indicated something of the scope of Equal Opportunity legislation and practice in Australia. I have dwelt relatively briefly upon the detail of legislation and have tried instead to give concrete illustrations of the implications of the policies for managers who are charged with implementing the measures.

Although it is common to regard equal opportunity policies principally as human rights and social justice policies, I believe that this is, in fact, only one facet. It is my view that equal opportunity policies are also a very important from of human resource development policy. Although the primary impulse behind equal opportunity policies has been the desire to secure social justice for all members of society, these policies, at least in Australia, are firmly grounded on the principle of merit in employment. That is so say, the final objective of the many facets of equal opportunity provisions is to ensure that the best qualified person is appointed to a given position. Similarly, the requirement that training opportunities be provided in a non-discriminatory way is aimed at ensuring that all employees have necessary skills to work to the best of their abilities and that promotional opportunities are truly open to all on the basis of merit. Equal opportunity policies which prohibit various forms of harassment in the workplace, too, have a dual purpose. By seeking to eliminate social injustice at the individual level, they also promote productivity at the corporate level.

As I have tried to indicate by my occasional references to experience in the United States, the European Community and Japan, equal opportunity policies are now well established in most OECD countries. Inevitably, as experience of the success and failures of different policy initiatives is established, the most effective models will be adopted by other countries. Countries which do not have such policies at the present time will almost certainly adopt them in the near future, often drawing upon the most successful models. And of course, firms and enterprises which respond to the increasing internationalisation of the world economy by establishing overseas branches in countries where equal opportunity policies are in place will be required to conform to the relevant local legislation.

There is thus a convergence of historical, social and international forces which will make it virtually certain that every industrial economy

will adopt some form of equal opportunity policy in the coming decade. Although such policies are not often perceived as integral aspects of human resource development policy, as I have already indicated, it is my belief that they are in fact an important component of those policies.

Like other aspects of human development, equal opportunity measures often entail significant short-term costs which should, however, be recovered in the longer-term by gains in productivity and efficiency. Among these costs are:

- management time of executives and line managers
- cost or time of a specialist equal opportunity officer
- management and employee time spent in consultation, development and training (including language training)
- modifications to existing databases with attendant computer costs
- provision of facilities to meet the needs of working families, such as child-care
- modifications of buildings and other physical facilities
- provision of information in relevant community languages

This list does not, of course, include all the possible costs, but it does indicate some of the major areas of expense. These costs are, of course, usually an allowable deduction for the purposes of corporate taxation.

In the long run, equal opportunity programs are sound personnel practice and therefore make for good human resource management. When the best person for the job is appointed, rather than a person merely assumed to be the best, there is a proportionately greater chance to increase the efficiency and effectiveness of the organisation. Costs are effectively offset by this increased efficiency. Implementation of equal opportunity policies and practices also yields added benefits which arise from the more accurate knowledge of the internal workings of the business or government organisation because of the availability of a detailed personnel date base and the analysis of the information which it contains.

> An organisation which does not subscribe to [equal opportunity policies] suffers form a disadvantage in the labour market by being unattractive to women (who comprise approximately 50% of it) and to other minority groups. It can also be a productivity disadvantage because of the non-achievement or under-achievement of these groups…It may also suffer a consumer disadvantage from these groups (CCH, 1992, pp.885-6).

Moral : wise managers will incorporate equal opportunity planning into their long-term strategic planning

One of the most significant ways in which managers can reduce the impact of equal opportunity measures on their agencies and enterprises is by incorporating equal opportunity planning into their in the area of equal opportunity is reasonably well established and covers many of the major areas which I have canvassed in this chapter. Thus the acquisition of a new central computing facility, the upgrading of a management information system, the establishment of an overseas branch or the decision to develop new policies to deal with the emerging needs of immigrant workers can all provide opportunities to revise existing practices and policies. The far-sighted manager can utilize these opportunities to increase their preparedness for future policy changes. And at the same time they can also take positive steps to increase the efficiency and effectiveness of their employees.

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NOTE

[1] The delay between the initial ratification of the ILO Convention and the enactment of Commonwealth legislation is largely explained by the replacement of the reformist Labor Party government of Prime Minister Gough Whitlam in 1975 by the more conservative liberal Party government led by Malcolm Fraser. It was not until the Labour government of Bob Hawke was elected in 1983 that these major pieces of legislation were enacted.

[2] See also (Brysan, 1992) for a discussion of the harmful effects of sexual harassment in the classroom.

[3] See (Byrne, 1992) for a review of this area of research.