**Three strikes and some people are still left on the home plate: A climate of gender equity in Australia!**

Associate Professor Erica French

Queensland University of Technology

2 George Street

Brisbane 4000

Australia

Erica is an Associate Professor at Queensland University of Technology where she teaches and researches in the area of equity and diversity at work and project management. She is co-author of the text Managing Diversity in Australia: Theory and Practice with Glenda Strachan and John Burgess.

Emeritus Professor Glenda Strachan

Griffith University

Nathan Campus

Mt. Gravatt

Australia

Glenda is an Emeritus Professor at Griffith University where she teaches and researches in the areas of equity and diversity at work and the employment relationship. She is co-author of the text Managing Diversity in Australia: Theory and Practice, with Erica French and John Burgess.

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Abstract

*The rise of equal opportunity and antidiscrimination legislation in various jurisdictions has encouraged the expansion of organisational policy and practice to encompass a range of approaches designed to address gender segregation and discrimination. This paper provides an overview of gender equity policies in one country through the window of three legislative approaches that have differentially affected the climate of gender equity. Studies from around the world have shown an image and reputation of a culture of masculinity in the construction industry is a primary reason for women’s underrepresentation. What are construction organisations doing to manage the climate of gender exclusion? How has this changed in Australia under three different gender equity Acts? Are any organisational approaches identified related to increased numbers of women, in non-traditional areas of work, or in management? This study uses unique data gathered from organisations under the Affirmative Action (Equal Opportunity for Women) Act 1986; Australian Equal Opportunity for Women in the Workplace Act, 1999 and Workplace Gender Equality Act 2012 and analyses policy approaches against outcomes for women. Findings suggest equity policies in the construction industry in Australia are minimal, leaving women as outsiders in the fourth largest contributor to Gross Domestic Product (GDP) in Australia. Because of the international nature of the industry and the multinational approach of many organisations, especially the larger firms, this analysis and results may shed light on happenings in construction firms or other male dominated industries in other developed economies.*

*Key words; Equity and Diversity at work; a climate of equity;*

**Introduction**

The male dominated construction industry is characterised by extreme gender segregation, both horizontal and vertical. Internationally, women represent a small proportion of employees in construction, for example 8.9 per cent of employees in the USA, 11.5 per cent in Canada, and 14.2 per cent in Japan (Catalyst 2015). Evidence shows that not only are proportions small now, the change in figures over time is also limited. In 2002-03 women comprised 9% of the construction workforce in the UK but within this there is significant horizontal segregation by occupation, with 84 per cent of these employees in secretarial work and 10 per cent in professional categories such as design and management (Gurjao nd, 16). In 2015 (Randstad 2016) reports the number of women in construction in the UK as 20% with the numbers of women in management in construction moving from 6% in 2005 to 16% in 2015. But this report, done by a company within the industry, is not supported by the UK Construction union UCATT who note that women form only 11% of the industry with only 1% actually working on a construction site in 2015. In the US figures remain unchanged over the past 5 years with The United States Department of Labor identifying 9% women in construction in 2010. In Australia in 2016 11.7 per cent of employees in the industry were women (WGEA, 2016a). The proportion of women in the industry has actually decreased since 1995, when women formed 14.8 per cent of the construction workforce (WGEA, 2016b). It is increasingly clear that the percentage of women in construction is low internationally and little has changed in the past few decades.

The sparse literature which deals with the construction industry discusses two threads about gender – getting women into the industry and keeping them there. Once women enter the industry, particularly in typically masculine occupations including management, the literature discusses the issues women face. The primary reason for the lack of women in the industry identified in the literature, predominantly from the UK, is the image and reputation of a male culture (Cartwright and Gale, 1995; Dainty, Bagilhole & Neale, 2001; Fielden *et al.*, 2001; Worral *et al.*, 2010). These issues are similar to those experienced by women in other male-dominated industries and occupations but are often heightened by the extreme nature of the segregation.

Predominantly qualitative studies have revealed that the male-dominated culture and inflexible work practices are major issues (Worrall *et al.* 2010). In the UK interviews of women and men uncovered human resource management (HRM) practices which maintain current workplace environments with men resisting changes to the construction culture which have supported them (Dainty *et al.* 2001) particularly through improved chances of promotion and rapid career development due to opportunities for work overseas. But it is not only men who resist that culture change. In a study interviewing female engineers Watts 2009 identifies two themes that are central to the conflict many women face in construction, , namely the long hours culture and managing the work and family divide. Moreover, Watt (2009) acknowledges that because women are adopting similar work styles to their male colleagues they may not be the agents for change in this industry. The poor image and reputation of the construction industry is the primary barrier according to Fielden *et al.* (2001), and word-of-mouth recruitment, limited terms and conditions of employment, lack of training and male networks presented further hurdles for women. Unsurprisingly, there are very few women in senior management in the construction industry. Using the findings from 2,000 surveys of female and male surveyors, Ellison (2001) found that, despite equal education qualifications, women remain under-promoted in comparison with men, even though women invest time, money and effort into the advancement of their careers. Further, in a study of project managers including both men and women in engineering, construction and information technology, Crawford, French and Lloyd-Walker (2013) found women experience their careers in these industries differently. Not only was this the perception of women but also of men where “two thirds of respondents believe women experience difficulties in their project management careers related to lower pay; fewer opportunities; and less support”. Yet both men and women equally discussed the importance of their individual career development and their commitment to the ‘profession’ and their own career.

In their examination of engineering and construction sectors in the UK, Powell and Sang (2015) revealed the gendered treatment that women experience in everyday interactions at work. They conclude that ‘women’s difference from men is reiterated and experienced as a matter of routine… [and this] has rendered this sexism largely invisible for younger women’ (Powell and Sang 2015: 931). While English and Hay (2015) found some positive measures for women in the construction industry in South Africa, ‘two out of three respondents felt that construction organisations are structurally and culturally male, where long working hours and norms support a workplace culture of inflexibility and discrimination’ (English and Hay 2015: 156). Women who do remain in the industry often occupy special niches to avoid the male culture (Gale, 1994) or develop bespoke long-term careers for individuality and to avoid any resistance through the male-dominated culture (Dainty *et al.*, 2001).

A number of writers are now calling for organisational policy, practice and procedural change. English and Hay (2015: 160) conclude that ‘political policy is insufficient to elicit change; monitored equal opportunity actions that target women are required’. Others argue that policies and practices which focus on ‘fixing the women’ so that they fit in with the extant industry and organisational practices have shown little benefit. Powell and Sang (2015) question existing policy recommendations which argue that women bring different skills to the sector and those which focus on increasing numerical diversity. They argue that these policies reinforce the gendered nature of the sector and ‘fail to recognise how the underlying structures and practices of the sector reproduce gendered working practices’ (Powell and Sang 2015: 932). From an analysis of property industry annual reports in Australia, Warren and Antoniades (2015) conclude that attitudinal and structural change is needed to move towards gender equality.

In this paper we seek to identify what construction organisations are doing to manage equality and inclusion in a highly male dominated industry. We use national reporting data from Australia. Australia can be used as a country case study of organisational interventions in the construction industry as it has had national legislation since 1986 which mandates reporting on organisational programs to advance gender equity. This study investigates how three legislative changes have impacted on implementation approaches to equity management in Australia. It specifically focuses on the extent of equity policies and practices in Australian organisations and asks the question whether there have been any significant changes for women in these organisations?

**The Climate of Equity Legislation in Australia**

Kuenzi & Schminke (2009) remind us that work climates exert an important influence on organizations and the people who work in them. So it is reasonable to expect that the policies, practices and procedure that an organization rewards, supports and expects in the area of equal opportunity will influence the people who work there. Further, while climate and culture are linked they are different. The organisation’s culture stems from the underlying assumptions within the organisation and encourages myths, stories, and beliefs etc. that affect the behaviours of the individuals (Schein, 2004) whereas climate involves the organisational activities. “In particular, [climate] reflects policies, practices and procedures and the extent to which employees agree in their perception of those activities” (Kuenzi & Schminke 2009:638). When considering where the policies, practices and procedures come from, the antecedents of organizational climates are less understood Kuenzi & Schminke (2009). In Australia there have been three Acts of Parliament which have focused on the development of gender equity in employment since 1986 and while the objectives have been similar, the focus on the policies and practices and procedures for how this is to be delivered within organizations has been different. We ask the question: With different policies, practices and procedures for implementing equal opportunity determined by the Government what might the different organisational climates have exposed and what are the outcomes in terms of gender equity in a male dominated area like construction?

**Methodology**

This research reports on three studies each using secondary data. In the first study reports from n = 1976 organizations were reviewed for their management and organizational commitment to equity, organizational support systems and consultation systems, HR approaches and outcomes for the numbers of women in employment, in management and in levels of management. The organizations formed the entire population of Australian private-sector organizations employing over 100 people and legislatively required to submit a report to the Affirmative Action Agency. The reports analysed were current reports for the 1997 reporting year, available from the Affirmative Action Agency in November 1998. An Affirmative Action Agency (AAA) report consisted of a standardized survey form that includes details of the reporting organization and its equal-employment opportunity support systems, employment status of all employees, statistical analysis of employment statistics for women, current personnel policies and practices and strategic planning for EEO/AA. For most items the respondent organisations tick a box to indicate whether or not there is such a policy or practice in place. For the items identified as employment status and statistical profile, respondents are required to give accurate numerical details. Factor analysis of the organisational survey identified eleven elements of equal opportunity implementation and a cluster analysis of all the organisations and their use of the eleven elements identified four clusters of organisations indicating a typology of four equal opportunity implementation approaches (French 2001).

The second study analysed information provided by all construction organisations (n=90) reporting in one year to the Australian Government under the *Equal Opportunity for Women in the Workplace Act 1999* on their equity management practices. These were analysed through content analysis using the typology described in Appendix 1. In 2011-12, 90 construction organisations submitted equal employment opportunity (EEO) progress reports to the Agency. Errors and omissions in seven left us with 83 viable reports. Each progress report becomes a public document and must detail the workplace profile of men and women and their job roles, the equal employment issues specific across seven employment matters (named below), and the organisational policies and strategies for addressing these issues as well as priorities of actions taken and future plans [2]. For this study appropriate reports were downloaded from the Agency’s Online Searchable Database of Reports in May 2012 (available at WGEA 2016e).

Measures

1. Employment Profile. Employment details of men and women in specific job roles were aggregated to four main categories: management (including senior executives, management, supervisory staff and professional staff), operations (including maintenance, technicians, trades and miscellaneous personnel), sales, and clerical staff.

2. Equality and Diversity Approaches. The seven employment matters reported on were: recruitment and selection, promotion and transfer, training and development, work organisation, conditions of employment, addressing sexual harassment, pregnancy and breastfeeding policies. Information on each of the seven employment matters was classified according to the equal opportunity approach taken by the organisation.

3. Organisational Size. Organisation size has been considered to be a significant predictor of the employment status of women (Konrad and Linnehan, 1995; French, 2001). Using four categories used by the Agency, we measured size as the number of employees ranging from 100–500, 500–1000, 1000–3000, and 3000 or more, and took the natural logarithm of the midpoint of each category for use in the analyses.

In order to determine any relationship between the dependent variable (DV) and the independent variables (IVs) ordinary-least-square (OLS) regression analysis was used. IVs consisted of the approach taken, action taken, priority and future actions. The DVs consisted of the specific numbers of women and men in specific job roles. Regression analyses reveal relationships among variables without implying causality. In this case the regression analysis identifies the relationship (if any) between policy implementation and the position of women and men in construction organisations and allows the prediction of such occurrences (French & Strachan 2015).

The third study involved twenty major construction firms in Australia, based on the list of the Top 20 Construction firms published by the Australian Mines and Metals Association (AMMA), which is Australia’s largest national resource industry employer group (AMMA 2016). For this study the appropriate reports were downloaded from the Workplace Gender Equality Agency’s Online Searchable Database of Reports (WGEA, 2016). We analysed each report under the same typology along the six reportable gender equality indicators which under the new legislation include: gender composition of the workforce; gender composition of the governing bodies; pay gap; availability and utility of employment terms conditions and practices relating to flexible working arrangements supporting employees with family or caring responsibilities; consultation with employees on issues concerning gender equality in the workplace; and, sex based harassment and discrimination interventions.

Public availability of the reports under both iterations of the legislation and the potential to be named in Parliament for a non-compliant report may be seen as a pressure to present a socially desirable image through individual reports. Social desirability bias (Fowler, 1988) is a recognised threat to accuracy of information when there is pressure to present a socially desirable image of organisations. The legislation (the Equal Opportunity for Women in the Workplace (EOWW) Act 1999 and the Workplace Gender Equality Act (WGEA) 2012) attempts to ensure accuracy of information through the mandatory requirement of the signatures of both the report writer (usually the HR manager) and the CEO on all reports submitted to the Agency. Further, each report is checked at the Agency, evaluated and the organisation contacted to verify information, make recommendations and give feedback. Trained assessors review report contents to first ensure compliance status under the Act, then evaluate the organisation’s analysis of equal employment issues and identify demonstrated links with the organisation’s current actions and future plans. Information is provided for those organisations not compliant under the Act to assist them to meet compliance standards (EOWA, 2006).

Quantitative analysis of qualitative data can potentially prove a threat to accuracy and reliability as there is the possibility that the researcher may ‘‘force’ cases into categories that reflect the biased views of the researcher rather than the substantive actions of the respondents (Crompton and Harris, 1999). To address this issue we used the pre-determined typology of approaches to determine the categories into which the responses were to be divided and generated an appropriate coding scheme on this basis (Harris, 2001). To address reliability, the coding process was separated from the process of data entry to allow for cross-checking. In addition both researchers worked together on the coding process, with one researcher checking a sample of the coding from the other (Krippendorff, 1980).

Climate 1 – a Climate of Equal Treatment

The three Acts promoting gender equity come in addition to anti-discrimination legislation. The anti-discrimination legislation was seen by the government as insufficient to achieve gender equality and the rationale for further legislation relied on the disadvantaged position of women in the workforce and utilised the concept of systemic discrimination (Department of Prime Minister and Cabinet 1984: vol. 1, 12-13.)

The first attempt at changing the climate of gender equity within organisations involved the first Act, *Affirmative Action (Equal Opportunity for Women) Act* *1986* which was ‘about achieving equal employment opportunity for women’. ‘In order to achieve this goal, the barriers in the workplace which restrict employment and promotion opportunities for women have to be systematically eliminated’ (Affirmative Action Agency 1990: 1). This Act specified that organisations undertake an eight step program which included an analysis of the position of women in their organisation through examination of employment statistics; personnel practices both written and unwritten; and consultation with women employees and trade unions and then policy development to change practice. Based on their own analysis organizations were required to devise a program which addressed some of the problems they identified and set targets against which future progress could be judged (Strachan 1987). Reporting requirements were that organisations comment on what they had done in each of these eight steps including a list of HR policies such as recruitment policies and flexible leave arrangements etc. which the organisation could tick if they had them (Strachan and Burgess 1999). The climate was one of investigation, consultation and HR policy development to address “women’s needs” within organisations. French (2001) in a large study of all organisations who submitted a report to the Affirmative Action Agency in 1997, (N=1976) found organisations implemented a large range of HR policies and practices including anti-discrimination strategies containing equal treatment of women and men through gender blind strategies and policies; and affirmative action (equal opportunity) strategies including different treatment and gender conscious strategies. While more than 80% of organisations implemented equal treatment policies and practices (or none at all); these policies were not significant predictors of increases in women’s level of employment in management. Different treatment strategies were predictors of significant increases in management levels for women yet less than 20% of organisations developed such policies.

Climate 2 – A Climate of Strategic Planning over Implementation

The *Equal Opportunity for Women in the Workplace Act 1999* replaced the 1986 Act but retained similar goals. An equal opportunity for women in the workplace program was interpreted as appropriate action to eliminate discrimination against women and employer initiated measures to contribute to the achievement of equal opportunity for women (Section 3). However, the 1999 Act removed the eight steps outlined in the previous Act as well as the consultation with trade unions, and dispensed with specific goals or targets in favour of a more general, ‘user-friendly’ approach (Strachan, Burgess and Sullivan 2004). Organisations were required to develop a workplace program by preparing a work place profile, analysing the equity issues for women, identifying priority issues, taking action to address them and evaluating the effectiveness of the actions. They had to address seven employment matters: recruitment and selection; promotion, transfer and termination; training and development; work organisation; conditions of service; arrangements for dealing with sex based harassment; and arrangements for dealing with pregnancy, potential pregnancy and breastfeeding. Reporting required an organisation to discuss what they were doing under each of these employment issues, and not just tick a list of activities. French and Strachan, 2007; 2009 and 2015, report on three industry studies in finance; transport, and construction. Analysis showed that industry differences in the implementation of equal opportunity measures do occur. Male dominated industries of transport and construction use more equal treatment strategies for equal opportunity implementation and these are not linked to significant increases of women in management or non-traditional areas of work. While finance organisations, typically a female dominated industry did utilise more special measures, in approaches to equal opportunity but these occurred in work organisation (flexible work) rather than in the HR areas of recruitment or promotion. No significant increases were noted of women in management or non-traditional areas of work but more women were able to move in and out of organisations to undertake caring roles.

Under the second Act there was evidence of a range of different policies and practices taken by organisations in construction to address the seven employment matters reportable (See table 1). In this climate of Strategic Planning rather than Equity Implementation, the areas of ‘recruitment and selection’, ‘promotion and transfer’ and ‘training and development’, reported 42.7 per cent, 74.4 per cent and 65.4 per cent of organisations respectively had no activities of any type to address any perceived disparity or inequality of women in their organisations. Combined with the percentage of organisations that refused to report in these areas the result indicates more than half of all construction organisations had a less than compliant level of activities in the areas of recruitment and selection, training and development, and promotion and transfer to address discrimination or bias against women. Further a limited numbers of organisations (13.4 per cent, 11.0 per cent and 12.3 per cent respectively) took an equal treatment approach to these employment matters which addresses discrimination and encourages equal treatment and access to opportunity. This involved the use of practices that encouraged the equal treatment of men and women in recruitment, promotion and development, such as women on selection panels and equal numbers of men and women offered access to development opportunities. While a limited number of organisations took a proactive approach of some kind – either special consideration activities specifically for women, or neutral treatment programs embedded in organisational flexibility and change in designing and delivering opportunity strategies specific to the disadvantage of either or both men and women. In the areas of ‘work organisation’ and ‘conditions of service’ a number of organisations offered no specific strategies for addressing inequity. In those organisations that did seek to proactively address inequality through EEO, special measures or gender diversity strategies, approximately 70 per cent took action to develop equitable work patterns (work flexibility), while only 35 per cent took action to develop fairness in conditions of service (pay and conditions) (see Table 1).

In the area of addressing harassment, the majority of organisations took a compliance-based approach in ensuring equal treatment through training of all staff, regardless of gender or organisational role. While some were not compliant, these were in the minority. This is not surprising given the strength of provisions in the *Sex Discrimination Act 1984*, which defines and prohibits discrimination and harassment on the basis of sex and outlines extensive provisions for obtaining justice. Further, the tribunals and courts emphasise the importance of appropriate policies and practices and are supporting zero tolerance through judgments awarding increased amounts in damages (Hor, 2012; Jenero and Galligano, 2003). A small number of organisations took compliance to new levels and identified an extension of their harassment policies to include protections for other groups, and identified issues of vilification and bullying throughout their policies and procedures.

Compliance was also an important consideration in addressing the issues of pregnancy and breastfeeding. Many organisations had policies specific to meeting the requirements of the legislation but a small number had extended these to include further issues including adoption and in vitro fertilisation requirements, while others ensured the policies in these areas were also available for either parent.

***Correlation of the EEO approach and numbers of women and men***

The data were examined using multiple regression analyses in order to ascertain any relationship between the policies and practices used and the numbers of men and women within the industry and in management. The only correlation for increasing numbers of women within the industry was a positive relationship with organisational size. A multiple regression controlling for size was performed with numbers of women in management as the DV and the approach undertaken by the organisations across the seven employment matters as the IVs. A second multiple regression analysis, controlling for size, was performed with numbers of men in management as the DV and the policies and practices undertaken by the organisations across the seven employment matters as the IVs. The model showed no relationship between the approach taken in implementing equality and diversity and the number of women in management (or the number of men in management). Further multiple regression analyses were run, also controlling for size, with the number of women and the number of men in supervision and in operations as the DVs and the policies and practices undertaken by the organisations across the seven employment matters as the IVs. Results were similar, with one difference: the policies and practices undertaken to encourage equality in ‘promotion and transfer’ correlate to the increased numbers of men employed in supervision and operations.

A series of multiple regressions was undertaken, controlling for size, with the number of women and number of men in clerical and sales positions as the DV and the policies and practices undertaken by the organisations across the seven employment matters as the IVs Results showed that the approach undertaken to encourage equality through policies in ‘promotion and transfer’ correlates to an increased number of women in clerical and sales positions in the construction industry. Results also showed that policies and practices undertaken to encourage equality in ‘recruitment and selection’, ‘promotion and transfer’ and ‘training and development’ correlated with increased numbers of men in clerical and sales positions.

Climate 3 – A Climate of Outcomes Measurement

The *Workplace Gender Equality Act 2012* uses the term ‘gender’ rather than ‘women’, thus moving from a women only approach to one that includes men. Its first two objectives are to ‘promote and improve gender equality (including equal remuneration between women and men) in employment and in the workplace’ and to ‘support employers to remove barriers to the full and equal participation of women in the workforce, in recognition of the disadvantaged position of women in relation to employment matters’. The 2012 Act aims to focus on outcomes; while the previous Acts focused on the process. The 2012 Act sets out five Gender Equity Indicators (GEI): gender composition of the workforce; gender composition of the governing body; equal remuneration between women and men; availability and utility of working arrangements which are flexible or support employees with family or caring responsibilities; and consultation with employees on issues concerning gender and equality at the workplace. It retains the ‘light handed’ model of compliance (Sutherland 2013).

Under each GEI, minimum standards are created which represent the minimum that an organisation with more than 500 employees must do to demonstrate their commitment to gender equality. In practice, this has translated into a reporting instrument that organisations tick. For instance, ‘Do you have formal policies or formal strategies in place that specifically support gender equality in relation to’ recruitment, retention, and so on (WGEA 2016c). While there is a space on the form for more explanation, in practice this is utilised infrequently by construction firms. Therefore the current forms provide little or no detail about what are the policies and strategies being utilised, and make no mention of what are the priorities for change in the organisation.

In this third study we analysed the latest WGEA statistics for the construction industry. Women make up a high percentage of employees in traditional work areas in construction and are not significantly represented in management. Further, employers are not developing strategies for addressing equal pay; flexible work arrangements or primary carer leave to the same extent that employers in other industries are doing. See Table 2.

A total of fourteen (14) reports of the top twenty (20) construction companies in Australia were available for analysis. Firms ranged in size from 68 employees to 13,000+ employees. See Table B in Appendix.

1. GENDER EQUALITY INDICATOR 1: In the section for reporting on the occurrence of formal policies or formal strategies in place that SPECIFICALLY SUPPORT GENDER EQUALITY (capitals are specific to the reporting form) in relation to recruitment, retention, performance management; promotion; talent identification; succession planning; training and development; resignations etc. Nine of the sample organisation or 64% were barely compliant with the legislation. These organisations either reported nothing in any category or reported that they had policies in some or all of the areas with no strategies for implementation. Those who did report strategies, specifically organisations numbered 6; 8 and 12, reported strong EEO (gender specific programs) and Diversity Programs designed to address disparity in numbers; mentor women; or appoint apprentices. For example. Company No. 6 reported ‘We achieved our 50:50 male to female ratio for our graduate program’.
2. GENDER EQUALITY INDICATOR 2: In the section for reporting on the Gender Composition of the Governing Board only 3 organisations (21%) identified that they had a strategy for getting women on their boards. Company No. 1 reported ‘Measurable objective as per Diversity Policy is ‘At least one female Board member’’. They reported 1 female on their board and were one of only 2 companies in this sample to have women on the board. Some organisations suggested it was not possible to have a policy or strategy because it was a family company or the Shareholders elected the board, or they were a subsidiary of an international company, while others simply said ‘no’ to such a policy or strategy.
3. GENDER EQUALITY INDICATOR 3: In the section reporting on the Equal Remuneration between women and men only one organisation reported any activities. While some reported they had a policy most reported nothing at all! Many said that a remuneration review had occurred in previous years but reported no subsequent activities had occurred. Organisation No. 12 reported that they had created a pay equity strategy or action plan; identified the causes of the gaps; reviewed remuneration decision processes; analysed commencing salaries by gender to ensure no pay gaps; analysed performance rating to ensure there was no gender bias; analysed performance pay to ensure there was no gender bias; and reported pay equity metrics to the board. They were a stand out organisation in this category.
4. GENDER EQUALITY INDICATOR 4: In the section reporting on the Flexible Working and Support for employees with family and caring responsibilities five organisations (38.5%) indicated that they were doing nothing in the work flexibility and caring considerations space, and that these remained the premise of the individual through informal mechanisms. Eight organisations (57%) reported on a range of work flexibility and caring considerations that were in the minimalist range with policies rather than strategies, and most activities in the informal range. One organisation reported on proactive strategies that could be considered EEO and Diversity policies and practices with indicators that all these strategies were linked to formal processes for employees.
5. GENDER EQUALITY INDICATOR 5: In the section reporting on Consultation with employees on issues concerning gender equality in the workplace every organisation indicated that they did consult with their employees. However we noted that most did not have any mechanisms for doing so. Only six (6) or 43% of organisations indicated they consulted with a representative group of some kind. We identified these as proactive in their approach.
6. GENDER EQUALITY INDICATOR 6: In the section reporting on Sex-based Harassment and Discrimination all organisations indicated that they had standalone policy. Four (4), or 28.5% of organisations, indicated that they went no further (less than compliant) but others indicated the use of strategies including grievance processes and training of various types to support the policies for prevention of sexual harassment and discrimination.

**Discussion**

Three attempts at different policy implementation requirements for developing equal opportunity to achieve gender equity in Australia have resulted three different equity climate approaches and less than striking outcomes with remarkably similar results. First, under the *Affirmative Action (Equal Opportunity for Women) Act* *1986* organisations were encouraged through a prescriptive 8 step approach in HR program development. Organisational implementation was through the development of a climate of equal treatment policies and practices. Equal treatment strategies specifically in the area of training and development were the only predictors of a significant increase in one indicator of the employment status of women, namely women moving into the top tier management level from the lower management level. However, gender specific special measures policies and programs were consistently the best predictor of increasing numbers of women managers overall and across all tiers of management yet so few organisations developed these policies.

Second, under the *Equal Opportunity for Women in the Workplace Act 1999* organisations were required to strategically identify their approach to addressing seven employment matters. In a climate of strategic planning for equity, implementation and resulting outcomes changed little. Industry differences were identified under this strategic planning climate, with male dominated organisations predominately implementing equal opportunity through the equal treatment of men and women thus following the letter of the legislation but not its spirit. Results show no significant change to the status quo in the representation of women in management or in non-traditional work areas.

Third, under the *Workplace Gender Equality Act 2012* the requirements have changed to an inclusive outcome focus with organisations required to report the statistical changes (along with implementation along six gender equity indicators) for both men and women with a view to benchmarking within and between industries. Though this new Act has limited years of reporting outcomes, equal opportunity measures of implementation in the male dominated industry of construction has changed little with limited strategic or operational implementation of special measures to address inequity and women remain the outsiders when it comes to jobs in management or non-traditional areas of work.

**Implications for Practice and Research**

The effectiveness of policy development and implementation has become a driving force for managing equality and inclusion globally with evidence that legislative intervention brings significant results (Thornton 1990). This study focuses on the ways three legislative changes have impacted on the climate of equity policy, practises and approaches to equity management in Australia. We ask the question whether there have been any changes for women in these organisations, and the answer is – not many. Overall, the results continue to suggest that inequality regimes (Acker 2006) continue to thrive in organisations, particularly in male-dominated industries and that climate change driven by legislation may not provide the answer.

This study shows that legislation which requires reporting on gender equity measures has produced little change in outcomes. Some industry sectors, such as the university sector, have been very active in the development of policies resulting in a large proportion of universities achieving national recognition, with the result that the expectation across this sector is that all universities will have developed leading policies and practices (WGEA 2016d). In contrast, the construction industry has engaged with the legislation at a minimal level focused on legal compliance. We have noted (French and Strachan 2007) that this approach does more to maximise labour market participation, moving men and women in and out of organisations, than it does to assist in substantive equity in pay; management opportunities, career development or the management of other areas of life (e.g. caring) as questioned by Watt (2009). Yet, this level of engagement remains persistent since the 1980s and the question now is how to move these organisations from minimal engagement.

Consideration needs to be given to the means and details of reporting as this will inevitably influence organisational thinking and the resulting climate. The implementation of minimum industry standards for organisations with more than 500 employees under the 2012 Act is critically important especially for industries such as construction where the level of engagement is low. Special attention needs to be focused on male-dominated industries, especially construction, and assistance and guidance be given – until certain practices become the norm. Consideration needs to be given to the implementation of different measures, and positive goals and actions are needed.

While this study is longitudinal in nature the lack of consistency across the reporting instruments and design is not helpful. However this does not limit the value of this exploratory study as ongoing work in equality and inclusion management specific to the construction industry. The typology used is built on a solid statistical base of more than 1,900 organisations and assisted our investigation into the various implementations of treatment in the name of equity. The importance of this extended research is that it enables us to pay particular attention to the specifics of work organisation where gender is enacted (Robinson *et al*., 2005). All the reporting instruments through each legislative change have continued to contain employment data by sex and employment type linked to each individual organisation and specific information on organisational policies related to issues of equal opportunity in the workplace allowing us to answer the call ‘to develop better comparative organizational data that allow us to view class-gender-ethnic dynamics and outcomes across and within workplaces’ (Robinson *et al.* 2005: 7).

**Conclusions**

Internationally the employment of women within the construction industry remains woeful, despite decades of research, anti-discrimination and equal opportunity legislation across many jurisdictions and the pressure of best practice in diversity management in practice. Women remain both vertically and horizontally challenged in their positions within construction organisations with organisational confirmation that pay equity is almost non-existent and currently not receiving attention. Australia provides an interesting and valid national case study regarding equity climate management through the implementation of equity legislation which forces organisations to engage in the design and implementation of policies and practices designed to overcome inequity in a range of areas. Despite the development of a national approach, industry differences in implementation are evident, with male dominated industries engaging with equity management through minimalist strategies of equal treatment that are designed to treat unequal people equally and are not substantively changing the status quo.

When considering whether this system of developing legislative approaches can be improved within intractable industries we note that other industries are engaging with the legislation to a higher degree with substantive change as an outcome. For this to occur in construction, the system may need to provide specific industry based evidence and mandatory initiatives within an industry framework with national expectations for climate change.

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**Table 1.** Organisations’ approaches to equality in diversity by percentage

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Approach Type | R&S | Promote  Transfer | T&D | Work Organ-isation | Conditions of Service | Sexual Harass-ment | Pregnancy & Breastfeeding |
| Nil – No strategies | 1.2% | 3.7% | 1.2% | 1.2% | 1.2% | 1.2% | 1.2% |
| Traditional – no instruments | 42.7% | 74.4% | 65.4% | 29.3% | 64.6% | 3.7% | 7.3% |
| Anti-discrimination  Equal treatment universal | 13.4% | 11% | 12.3% | 0% | 17.1% | 89.0% | 25.6% |
| EEO – equal treatment universally and special consideration policies for different groups | 18.3% | 1.2% | 7.4% | 12.2% | 1.2% | 2.4% | 11.0% |
| Gender diversity neutral treatment through equal access to increasing flexibility options | 0% | 0% | 0% | 52.4% | 12.2% | 1.2% | 53.7% |
| Combination strategies without special consideration | 1.2% | 3.7% | 1.2% | 3.7% | 1.2% | 0% | 0% |
| Combination with special consideration | 23.2% | 6.1% | 12.3% | 1.2% | 2.4% | 2.4% | 1.2% |

R&S = Recruitment and selection; T&D = Training and development

**Table No. 2 Construction Industry Profile for 2015 compared to Total of All Industries**

|  |  |  |
| --- | --- | --- |
| Measure | Construction Industry | Total of all Industries |
| No. Reporting Organisations | 203 | 4,670 |
| No. Employees | 132,805 | 3,974,792 |
| Percentage of women employed | 16.2% | 48.8% |
| Percentage of women CEO | 2.7% | 15.4% |
| Percentage of women as Key Management Personnel | 12.3% | 27.4% |
| Percentage of women as Senior Managers | 10.1% | 33.% |
| Percentage of women in Technical Trades | 2.2% | 11.7% |
| Percentage of women in Clerical and Administration | 77% | 74% |
| Total remuneration Pay Gap for men and women | 26.3% | 24% |
| Employers that have an overall gender equality strategy | 16.3% | 20.6% |
| Employers that have set a target for gender composition of governing bodies | 9.9% | 16% |
| Employers with flexible work arrangement strategies | 11.8% | 14.6% |
| Employers that offer primary carer leave | 23.2% | 48.2% |
| Employers that offer full pay in addition to government scheme (maternity pay) | 55.3% | 80.9% |
| Employers that offer secondary carer leave | 20.2% | 38.4% |

**Table A.** Typology of organisational policies designed to promote gender equity. Based on French (2001).

|  |  |
| --- | --- |
| **Goals** | **Instruments** |
| **Type 1 – No reporting:**  No comments on employment equity, equal treatment or equal results and no recognition of individual difference or disparity. No issues identified or no strategies outlined at all on any employment matters. | No policy instruments. The organisation supports the current situation, with or without acknowledgement of any discrimination or disadvantage in that situation. |
| **Type 2 – Traditional approach:**The traditional (or classical) classification refutes discrimination plays any role in workplace disparity between different employees (or groups) and supports the different treatment of individuals in the workplace based upon their individual choices. This approach advocates against the specific implementation of equity measures, instead calling on women and minority groups to make different educational and lifestyle choices in order to create change (French, 2001). | No policy instruments, merely an objective to refute discrimination as a contributory factor in workplace disparity. Acknowledgement of individual difference in choices.  In this study comments such as, *‘recruitment and selection is always based on the best match between the prospective candidate to the skills and competencies set out in the job description’; ‘women are mainly employed in clerical positions’;* and *‘when vacancies arise they are advertised externally and internally to ascertain the best person for the position’.* |
| **Type 3 – Anti-discrimination approach:** The anti-discrimination classification acknowledges the importance of the removal of discriminatory practices and processes in order to offer equal treatment based on human rights principles. This approach fulfils the requirements of anti-discrimination legislation such as the *Sex Discrimination Act 1984.* Activity is limited to equal treatment and/or equal outcomes for men and women (French, 2001; Konrad and Linnehan, 1995). | Equal treatment policies and practices evidenced across some or all the human management practices fulfilling a strategy of equal treatment.  In this study comments such as *‘no [job] advertisement is gender biased’; ‘all staff have attended seminars on harassment and are aware of the responsibilities and their rights under the policy’;* and *‘7 of the 9 women on maternity leave have returned to work either in their previous position or a part time position for an agreed period of time’.* Also reported comments such as *‘Our policy is to treat men and women equally’* were included into this category. |
| **Type 4 – Equal employment opportunity (EEO) approach:** The EEO classification acknowledges the importance of the removal of discriminatory practices as well as the adoption of special measures which are identity conscious and designed to assist members of disadvantaged groups – in this case women. This follows the usage of the term ‘affirmative action’ based on recognition and acceptance of the fact that it is not sufficient to make specific acts of discrimination unlawful. ‘Further steps are needed to relieve the effects of past discrimination, to eliminate present discrimination and to ensure that future discrimination does not occur’ (Department of the Prime Minister and Cabinet, 1984, p. 8). Supports Konrad and Linnehan’s (1995) findings which identified gender conscious treatments as having different outcomes for women in organisations. | Identity conscious policies and practices (or different treatment) of specific groups based on differences in outcomes that may be historical, organisational or social in nature as well as identity blind (equal treatment) to address potential discrimination fulfilling a different treatment strategy for different groups.  In this study reports on specific strategies such as apprentice or graduate programs for the recruitment of women were classified as EEO in nature. Examples include *‘we attempt to ensure that there is a female employee on the interviewing panel to ensure that all applicants are given a fair go’;* and ‘*a mentoring process has been established, including coaching with study and career guidance and advice for a number of female employees’.* |
| **Type 5 – Gender diversity approach:**The gender diversity classification acknowledges the potential for bias and discrimination against women within organisational structures and supports the neutral treatment of all individuals based on organisational requirements as a means of addressing any discrimination. While there is debate about exactly what constitutes policies and programs variously labelled ‘diversity’ and ‘managing diversity’ (Bacchi, 2000; Kirton and Greene, 2005), we have used the term ‘gender diversity’ to incorporate elements of organisational/structural change. In order to classify policies as gender diversity, organisations needed to include elements of culture change within the organisation. | Diverse policies and practices based on organisational requirements and differences between employees ensuring neutral treatment of groups and of individuals, encouraging greater flexibility and inclusivity with equal access to benefits and burdens of organisations and addressing culture change.  In this study reports on policies and practices, such as leave opportunities that were the same for both genders, were classified as diverse in nature. Examples included: ‘*the processes established for consideration of individual needs in relation to work organisation and rostering have operated effectively this year with management, and unions combining efforts to ensure that problems and grievances were effectively resolved’;* *‘workplace flexibility is considered by balancing employee needs particularly those related to family with the organisation needs’; ‘every effort is made to provide employees with a means to balance work and family responsibilities including providing job sharing, flexible working hours, carer’s leave and recognising the need to minimise overtime’;* and *‘we continue to provide remote access to the company’s computer systems so that staff with family responsibilities can work from home’.* |

**Table B Analysis of Individual Top Construction Organisation Reports**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Company | Number employed  % women employee  % women managers | Policies and practice  that support Gender Equality | Gender Composition of Governing Bodies | Addressing the Pay Gap | Flexible work and support for Carers | Consultation with employees on issues concerning gender  equality in workplace | Sex-based harassment and discrimination  Policies and practices |
| Company 1 | Total  158  Women Managers  25.7%  Women Employee  37% | AD | EEO | Nil | AD | Yes/ Committee | AD + annual training |
| Company 2 | Total 358  Women managers  19.3%  Women  Employee  40% | AD | Nil | Nil | Nil | Nil | Minimal |
| Company 3 | Total 308  women managers  14.2%  Women  Employee  19.1% | AD | EEO | Nil | AD | Representative  Group | Minimal |
| Company 4 | Total 68  16% female managers  16% total females | Nil | Nil | Nil | Nil | Nil | Minimal |
| Company 5 | Total 194  Women managers  22%  Women employee 37% | Nil | Nil | Nil | Nil | Limited | AD + training |
| Company 6 | Total 704  Women managers  3%  Women employee  19% | EEO | Nil | Nil | Nil | Limited | AD+ training |
| Company 7 | Total 281  Women managers  6%  Women employee  21% | AD | Nil | Nil | AD | EEO | AD+ training |
| Company 8 | Total 3038  Women managers 14%  Women employee 13.7% | EEO | Nil | Nil | AD | EEO | AD+ training |
| Company 9 | Total 5304  Women managers  11.3%  Women employee  10.3% | AD | Nil | Nil | AD | Limited | AD+ training |
| Company 10 | Total 358  Women managers 8.5%  Women employee  11.7% | EEO | Nil | Nil | AD | Nil | AD+ training |
| Company 11 | Total 13,729  Women managers  15.6%  Women employee  13.1% | EEO and MD | Nil | AD | EEO | EEO | AD+ training |
| Company 12 | Total 811  Women managers  11.6%  Women employee  7% | EEO | EEO | Nil | AD | Nil | AD+ training |
| Company 13 | Total 2296  Women Managers 38%  Women employee 47% | AD | Nil | Nil | AD | EEO | AD+ training |
| Company 14 | Total 734  Women managers  0%  Women employee  7.6% | Nil | Nil | Nil | Nil | Nil | Minimal |

All are based on concept of merit or the ‘best person for the job’, and do not contain quotas. All require organisational reporting from organisations with more than 100 employees on an annual basis (with some two yearly reporting under some Acts for those with recognised good performance). To achieve the aims of advancing gender equity, the legislation relies on organisational goodwill to devise and implement policies. While reporting is mandatory, there have been no mandatory policies until the 2012 Act, outside of those which respond to other pieces of legislation, such as industrial law and anti-discrimination legislation. There have been weak compliance mechanisms and these operate essentially when a company does not submit a report or, under the 2012 Act, they fail to meet minimum standards for two consecutive years. The consequences of non-compliance are naming in parliament and preclusion from carrying out business with the federal government.

What has differed from Act to Act is what organisations are asked to report. Organisations have always been required to report the number of employees by employment category and gender however the categories of employment in the reporting forms have differed somewhat under each Act.