

ECONOMIC MANAGEMENT, THE ACCORD AND GENDER INEQUALITY*

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Economic policy under the Labor government has concentrated on promoting the economic recovery of the business sector and thereby generating more employment. The Government has been concerned to present this policy as being informed by a concern for equity. Yet under Labor there has been a deterioration in the standard of living in real terms for the majority of Australians. Most significantly the **economic position of women workers relative to their male counterparts deteriorated between 1984 and 1987**. This is something of a paradox given the equal employment opportunity programmes developed and the affirmative action legislation passed by the Federal Labor Government. This study presents an analysis of the various processes which have combined to undermine women's standing in the Australian economy. It views these processes as being shaped by the drive by capital and the state to promote capital accumulation. It is also informed by a feminist analysis which concentrates on the gender bias of recent economic policy and the failings of equal employment opportunity and affirmative action legislation.

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LABOR'S ECONOMIC PROGRAMME: *restraint with equity?*

Sustained recession has dominated the Australian economy since the mid-1970s. It has been a period characterised by high levels of unemployment and inflation, and low levels of private investment. The period has witnessed a general restructuring of the economy, especially of manufacturing industry. Government attempts to provide some direction for economic recovery have by and large been pragmatic and piecemeal. But it has been the Hawke

Labor Government, drawing principally upon the direction provided by the Treasury, which has constructed the most far-reaching policies to underwrite economic recovery. It has pursued this objective mostly by concentrating on promoting private investment rather than by fiscal largesse. This policy direction would require some belt tightening by all Australians. "Restraint with equity" has been the catchcry.

There have been a number of policy initiatives. Reducing the government's claims on economic resources has been a key component of the strategy to create a more favourable environment for the business sector. Another dimension to this strategy has been the Labor Government's efforts to rein in expenditure on health, welfare and education. Labor's 1983 election platform included a commitment to improve the lot of welfare recipients by agreeing to increase the value of social security payments relative to average weekly earnings and, more generally, to increase the social wage. While there were increases in the social wage in the first two budgets, and notwithstanding the introduction of some support schemes (especially the Family Allowance Supplement scheme), since 1985 the Labor Government has retreated from the commitment. The real value of the social wage has in general declined.¹ Greater restrictions have been placed on access to certain social security benefits, in effect, denying some people of their right to an income. Decreased federal funding of state and local governments has meant a diminution in the delivery of social services at these levels.

Reducing the government's commitment to the social wage is one aspect of the government's endeavour to reduce the government sector's call upon national resources. But this also forms part of a wider concern to effect a redistribution of resources in favour of the business sector. Wages policy has been integral to this. Holding down the rate of growth in money wages has been the centrepiece of the government's economic programme. The policy has been highly effective. **Average weekly earnings of Australian workers in real terms have decreased by some eight per cent over the life of the Hawke governments.**²

Other aspects of government policy have worked to consolidate the fundamentally inequitable nature of government policy. The shift in the burden of taxes away from companies to wage and salary earners has meant that net take home income has been eroded through the proportionate growth in income tax.³ More generally, the Australian taxation system has become less progressive.

The policy of enhancing corporate profitability has been decidedly successful. However, the business sector has not been responding in the manner which was anticipated. The pace of private capital accumulation has not been substantially advanced. There has not been much expansion in private investment, nor has the corporate sector exhibited much initiative in laying the foundations for any substantial development and expansion.⁴ Indeed it would seem that the corporate sector is more content with reaping the advantages of cheaper labour costs and the more intensive utilisation of labour.

In addition, improved profitability for some capitals has been enhanced by the deregulation of the Australian economy and especially the financial system. But of more immediate significance to labour is the recent push for greater "flexibility" in the labour market, in the workplace and in industrial relations.⁵ The move is occurring in the context of the institutional arrangements established under the Accord. These arrangements have locked trade unions into a centralised wage-fixing system which has restricted their right to negotiate wages and employment conditions outside the Arbitration Commission. Thus, the government has created more flexibility for capital at the same time as labour has been shackled by additional institutional impediments and restrictions.

Women and the Inequity of Restraint

A significant element of the Labor Government's programme has been the emphasis upon ameliorating the disadvantaged position of women in the economy. Concern for women's economic well-being has been the most public face of the equity component in government policy. This emphasis was to be reinforced by a commitment to promoting equality of employment opportunity. In turn, this has been linked to Affirmative Action legislation, which has required government and private sector employers to initiate programmes to promote equality of employment opportunity. Policies to discourage sexual discrimination and harassment in the workplace have since been introduced. It has also consciously sought to demonstrate how its own policies have developed to advance these concerns. The annual

Women's Budget Program places on the public record the government's attempts to develop policies to advantage women and indicates the subsequent achievements.⁶

There is some evidence that women's place in the workforce has been advanced. Programmes designed to provide for greater equality of employment opportunity have meant that some women are now working in more senior positions and in areas which have traditionally been designated as male fields of employment. These gains can be seen in the improved earnings of full-time women workers relative to men: Since March 1983, the average weekly wages of all full-time women workers have increased from just under 80 per cent of average male earnings to almost 83 per cent by 1988.⁷ Of the more than one million jobs created during the Labor government's reign, almost sixty per cent of the additional employment positions have been taken up by women.⁸ These have been concrete achievements.

However, these advances belie the failure of the Hawke government to effect any really substantial improvement in women's economic standing relative to men in the Australian community. **More than half of these "greatly increased employment opportunities for women" have been of a part-time and casual nature.**⁹ Moreover, in terms of average wages the evidence on wage relativities, both for all workers¹⁰ and for full-time workers only¹¹ shows considerable stickiness for the period 1983 to 1987. This was at the same time as the most concerted attempts by any government in Australian history to develop a range of institutional devices designed to improve women's position in the work force. The situation needs to be analysed in the context of the Government's broader concerns.

ECONOMIC MANAGEMENT - PATRIARCHAL POLICY?

Within a radical or Marxist discourse the role of the state and the active part played by capital in affecting a redistribution of income and changes in workplace practices would be viewed in terms of a process of laying the basis for a resurgence in, or even a new regime of, capital accumulation. Notwithstanding the force of this analysis, it does not provide an adequate explanation as to why the effects of such a process might have been more disadvantageous for women. While it is wage workers and welfare recipients in general who have borne the brunt of the economic crisis, feminist analysis offers a more satisfactory means of explaining the relatively greater deterioration in women's material well-being. It is necessary to articulate more precisely what is meant by **the economy**, what management of **the economy** actually

means in terms of the contributions women and men make, and the different effects that economic management has for women and men.

The Labor Government's policy initiatives have been based on a conception of the economic crisis that is not simply defined in terms of a crisis of capital accumulation. The Government has recognised that those members of the community who are dependent upon social welfare payments suffered material disadvantages during the course of the recession. A disproportionate number of these have been women, simply because many more women are dependent upon the state for their material well-being.¹² Consequently, the government's commitment to maintaining the social wage or any policy that advanced the economic well-being of welfare recipients would be relatively advantageous to women.

The Government's retreat from maintaining the real value of the social wage is directly linked to the way in which the economic crisis has become defined in terms of a crisis in **the public sphere**. This is the arena of economic activity dominated by commodity or market relations, and includes what is typically called the 'public' and the 'private' sectors. It is this broad arena which is being described when the government, and most economists, refer to **the economy**. Government policies were initially concerned with expanding employment opportunities by expanding the government sector but have become preoccupied with improving the state of **the economy** by advancing the development of the private or business sector. The more recent emphasis on stimulating private capital accumulation is presented in terms of the desirability of restoring some balance between the public and private sectors, **within the public sphere** of the political economy.

What is overlooked in this policy emphasis is the place of the household and the material relations which are formed within this sphere, the **private sphere** of the economy. Unemployment, the erosion of wages and of welfare payments directly impinge upon our individual material well-being, through our lives outside the waged workplace. Thus, the **private sphere** is carrying the burden of the policy of economic restraint. Through real wage cuts and the erosion of the social wage, households are being required to bear the brunt of subsidising the recovery in corporate profitability.

Furthermore, the interconnections between the **private** and **public** spheres of the economy are also overlooked in this policy shift. It seems to ignore the **private** world of consumption and the importance of a healthy **private sphere** as the fundamental arena for the production of people on a daily and generational basis.¹³ More important, this policy emphasis ignores the changing nature of the **private**

sphere, especially in the changing character of family formation, and the changing capacity of this sphere to absorb the costs of economic restraint. The change in consumption patterns, with consumption becoming more dependent upon processed commodities and with more consumption taking the form of eating out, has meant that families are less and less able to insulate themselves from the economic restraints which are being imposed upon them. **Restraint with equity** has involved unequal restraint in the **private sphere** and this has exacerbated a host of problems because of the diminished ability of households to survive the economic crisis.

The distinction between the **public** and **private** spheres of the economy is important in another significant respect. Because relations within the **private sphere** are structured principally in terms of gender relations, it helps to explain why the crisis is being experienced differently by women and men. In general, women have more responsibility for managing the affairs of the family and household. This association of women with the **private sphere** of the economy is also reinforced by the sexual division of labour that occurs across the **public** and the **private** spheres. The sexual divisions of labour which occur within the waged workplace and other arenas of public life, and particularly with the segregation of labour according to gender, helps to consolidate women's place in the **private sphere** of the family, defining women as mothers and housewives.

Consequently, economic restraint is necessarily experienced more intensely by women. The most easily documented manifestations of this are in terms of the relative material impoverishment of women as wage earners and within the family, as well as in terms of those who are dependent upon women.¹⁴ There is, then, a gendered dimension to economic restraint.

The erosion of household income has also impacted on women's attachment to the labour market. Many women have been forced to enter the labour market in order to supplement household income, irrespective of whether or not the main source of household income takes the form of wages or social security payments. By and large, it has been women who have been directly affected by the need to combine family responsibilities with waged work. With inadequate government provision of child-care and other welfare support, part-time work has been the only option for many women. According to one detailed study in South Australia, as many as forty per cent of female part-time workers elect to do part-time work because of family responsibilities. No men indicated that they were in this position.¹⁵ This would also explain why a significant proportion of unemployed women and of those not in the labour force indicate that they are seeking part-time rather than full-time work.¹⁶

Another aspect of policy also has disproportionate effects upon women - the shift in employment creation from the government to the corporate sector. Government, especially at the State and local levels, is an important employer of women, and the government sector has provided proportionately more full-time employment for women than the private sector.¹⁷ This shift has been reinforced by developments in employment relations within the corporate sector. There has been a substantial increase in women's employment in the growth industries of the 1980s, particularly finance, business and property services, community services and recreation. But most of it has been part-time or casual. This complements government policies described above which have encouraged women's participation in the labour market as part-time and casual workers. Women are being subjected the vagaries of the changing labour market in which opportunities to earn a reasonable income through full-time employment opportunities are declining.

INSTITUTIONALISING GENDERED INEQUALITY: EMPLOYMENT GENERATION AND WAGE DETERMINATION UNDER THE ACCORD

The focus of economic policy making under the Accord, both in terms of its industry development strategies as well as its wages policies, has tended to exacerbate the disadvantaged status of women in the labour market. The Accord has brought government, trade unions and employer organisations together, establishing a degree of consensus between these parties on the desired paths for economic recovery. The fundamental concerns have been with addressing the economic problems which the trinity of state, labour and capital has identified as plaguing **the economy**, the **public sphere** of the economy. Almost no women have been involved in the deliberations, hence the reference to the trinity as the fraternal social contract.¹⁸ Consequently, what is defined as being important in the **public sphere** continues to be defined in peculiarly male terms. In effect, economic policy-making under the Accord has amounted to promoting the recovery of a patriarchal order.

Employment Generation and Women's and Men's Labour

Most of the industry development/employment strategies which have been organised under the auspices of the Accord have concentrated on manufacturing industry. The concern has been almost wholly with developing industries in which most employees

are male, such as heavy engineering. Significantly, the future of that sector of manufacturing industry where female employment predominates, namely the clothing and footwear industries, has more or less been written off.¹⁹ Moreover, industry planning has affected different women in different ways, with women from non-English speaking backgrounds being displaced from employment in the clothing and footwear trades and younger and Australian-born/English-speaking women being employed in the finance and community services sectors.

The Accord has also brought a rigidity to the wage fixing system which has been to the general disadvantage of women. It has long been acknowledged that a major obstacle to the achievement of "equal pay for equal work" has been the differential status accorded women's and men's work. Given the segregated nature of the Australian workforce, with most women being concentrated in almost wholly female-dominated occupations and industries, challenging women's disadvantaged status has meant questioning the way in which women's work has been valued. Wage decisions under the Accord have pursued a conservative course with one of the guiding principles being the maintenance of existing wage relativities. The logic of this has been to hold the lid on wage rises generally by not making any wage-decisions that would establish new pace-setters.

The Australian Conciliation and Arbitration Commission has institutionalised women's subordinate and economically under-privileged status within the Australian workforce. Most attempts through the late 1960s and early 1970s to have the value of women's occupations reassessed by the Commission have failed. The cases were dismissed for being poorly prepared or, where they did proceed and where comparisons with other occupations were made, the Commission confined these comparisons to other female-dominated occupations.²⁰ The Commission, in effect, consolidated a distinct and separate comparative wage justice system for women. Subsequent hearings that have endeavoured to escape the sexual division of labour on the basis of genuine comparable worth, have been thrown out precisely because of the Commission's determination to maintain this system. To overturn the established tradition would be to open the flood-gates and sow the seeds for community-wide flow-ons.²¹ The celebrated struggles of nurses have highlighted the Commission's unswerving commitment to the inequitable wages system. In February 1986 the Commission rejected the principle of comparable worth because acceptance "would strike at the heart of long accepted methods of wage fixation in this country".²²

The denigration of women's work also continues to be formally enshrined in most industrial awards. After over a decade of legislation designed to remove

discriminatory practices written into industrial awards, there remain explicit differences in the letter of the law which exclude or limit women's access to particular occupations and industries. A survey prepared by the Office of the Status of Women and the Women's Bureau of the Department of Employment, Education and Training in October 1987 identified 305 Federal awards with restrictions which limit the amount of money women can earn compared with men in the same jobs. Similar sorts of restrictions are evident in many state industrial awards.²³ The Federal government has indicated its determination to remove these, by abolishing the right for exemptions against discriminatory clauses. However, it has added the rider that clauses covering 'substantial' health and safety matters will continue to be exempted.

Not all the blame should be attributed to the Federal Commission. State industrial commissions and tribunals have helped to consolidate the disadvantaged position of women in the workforce. They may have been marginally more progressive in the implementation of equal wage principles but, by and large, they have tended to follow the lead of the Federal Commission. Moreover, the operation of the Accord has been significant in subordinating State commissions to the will of the Federal Commission. For example, in 1986 the Victorian Commission granted substantial wage rises to nurses. One of the ostensible grounds for this determination was that the 1972 equal pay principles had never been applied to nurses' wages. Yet the Commission did not justify the decision in terms of any evidence of the comparability of the value of nursing with other (male) occupations but rather in terms of changes in work value over time. Had the decision been informed by a comparable worth hearing the Commission could not have granted a substantial increase in wages to most nurses at the same time as it determined that no adjustments should be made to the wages of first year and student-registered nurses. The Commission was moved by the necessity to secure industrial harmony and boost wages to help obviate a shortage of nurses yet, at the same time, contain the costs of wage increases. In the process, the principle of comparable worth was effectively jettisoned.²⁴ The decision of the N.S.W. Commission to reject a recent application by N.S.W. nurses for a wage increment mirrors the Victorian precedent.²⁵

Unions under the Accord have also been party to promoting rigidity within the system. The A.C.T.U. has been the principal architect of the various Accord deals and has given little consideration to the differential consequences of the Accord for women and men. Indeed the A.C.T.U. reorganised and downgraded research efforts devoted to industrial issues affecting women - by making the Working Women's Centre more responsible to the executive - at the same time as it was negotiating the

Accord with the Labor Party.²⁶ State trades halls and labour councils fare little better in their concerns. Only three state labour councils employ women's officers - Western Australia, Victoria and New South Wales - and the Greiner government has withdrawn funding for the New South Wales position.

Employers have benefited not only from the marked decline in real wages. They have also gained from the shift in the focus of employment from men to women - as it has been women's employment which has grown most rapidly over the course of the Accord. This development reflects a shift in the character of employment from full-time to part-time and casual - a shift that coincides with the crisis in the **private sphere**. We are witnessing a dramatic shift in the nature of work as this trend is evident for women in nearly all areas of employment.²⁷

This change in the nature of work has been referred to as the "feminisation" of work.²⁸ The increased utilisation of female labour has been associated with increasing flexibility in employment practices and in the organisation of work. For the majority this means no job security and payment by piece-rates or by the hour. This process can also be linked to the evident intensification of work in such areas as the retail and clerical industries whose existence is increasingly bound up with the growth in largely female work, casual, part-time and poorly paid.²⁹ Indeed this is one of the paradoxes of the Accord. It has introduced explicitly institutional rigidities into the industrial relations system, both into negotiations on wage and working conditions. Yet, simultaneously employers have been changing the character of many of the new employment positions thrown up by the restructuring of the Australian economy. Women have been directly disadvantaged by this process although "feminisation" of work is not a process restricted to women workers.³⁰

The Accord Wages System: Two Tiers/Two Tears?

The two-tier wage system was devised as a means by which wage rises could be contained following dissatisfaction with the "rigidity" of the previous two versions of the Accord. Under the first-tier it was envisaged that community-wide wage rises would be granted and this initially involved the Federal Commission granting a flat wage increase to all. This amounted to a discounting at the higher end of the wage and salary bracket and could be represented as being more egalitarian in character than across the board percentage increases. However, the extent of this egalitarianism is questionable given the shift towards part-time work accompanied by

pro-rata wage increases. Women did not benefit significantly from this decision. Subsequent wage decisions have departed from egalitarian concerns insofar as wage increases have been granted on a percentage basis, disproportionately benefiting those (mainly men) at the top of the scale.

However, it is in the second-tier negotiations where the position of women has been most affected. Unions have been permitted to make further claims for wage increases on the basis of increased efficiency and productivity. Initially it was envisaged that the claims and benefits flowing from such claims would be community-wide as all industries restructured and the general efficiency of workers increased. But negotiations on second-tier increases have become based around single unions or enterprises and industries. The successes have essentially been contingent upon union organisation and industrial muscle - two factors which have historically been important in securing men's advantaged position in the waged workforce.

Multi-skilling has been presented as one means of promoting efficiency and enhancing the restructuring of the workplace. Moreover, some sections of the union movement have argued that multi-skilling will deliver higher wages to all workers, because it will underwrite the restructuring of workplace relations to allow increased efficiency and productivity. It is also held to be progressive because the introduction of multi-skilling can present opportunities to break down the barriers of hierarchy in the waged workplace, especially between men's and women's work. Yet, preliminary evidence suggests that the first workers to have benefited from the introduction of multi-skilling in the workplace have been male skilled workers who are in an advantaged position. They have a range of skills that are already acknowledged and it is less difficult for them to extend these and to reap the benefits of higher remuneration.

Another reason for the failure of the second-tier system to deliver wage gains for women is that the establishment of this institutional device for rewarding productivity increases followed a period in which capital and the state had already begun to effect a restructuring of the labour process to enhance productivity. Workers in some industries had already been subjected to an intensification of work *before* the institution of the Accord. Occupations and industries in which women predominate were among the first to face this process. Retailing, banking and clerical work are the most salient examples. In these three areas opportunities to strike agreements to increase efficiency in return for a second-tier wage increase have either all but been exhausted or have been only partially successful and involved the further erosion of working conditions. Decreases in full-time employment positions have been among

the sacrifices some workers in these industries have made in order to obtain second-tier wage increases.³¹

There has also been a more subtle gender-based impact of the second-tier productivity negotiations. Historically the Federal and State industrial commissions have defined productivity narrowly in terms of the precedents set within the manufacturing industry. This has tended to be reinforced by the pattern that has emerged under the second tier system. Most of the agreements which have been ratified by the Commission have been in manufacturing and other industries in which male occupations are dominant - the metal trades industry award is a bench mark award.³² Those employed in service industries - industries where the bulk of women workers are found - have been most hard pressed to demonstrate increased productivity because of the way in which productivity has come to be defined and calculated. Throughout 1987, when unions commenced negotiating with employers for changes in "work practices" to facilitate restructuring and increase efficiency, it appears that, on average, male unionists have been more advantaged by the second-tier wage increases granted.³³

The decisions handed down by the Commission clearly reflect an intrinsic bias in the way in which the Commission, as well as the trade union movement generally, have defined productivity and skill. The bias involves a **masculine view of work**. For example, in the case of one female-dominated occupation in the printing industry - photo-compositors - the Commission refused to acknowledge that changes in work practices, which entailed an upgrading of skills and increased productivity, should be rewarded through an increase in award wages.³⁴ Similarly, the decision in 1987 by the President of the New South Wales Industrial Commission to reject a wage claim by college-trained diploma-carrying nurses highlights the double-standards applied in the classification of work. Fisher held that the nurses might be entitled to a small rise because "they have suffered three years without income unlike their hospital-trained sisters," not because of any upgrading in formal qualifications and skills, to say nothing of the changes in nursing practices that this education has already engendered. A diploma course, the tertiary training of nurses, according to the president of the N.S.W. Industrial Commission, "did not make nurses professionals".³⁵ In effect, this decision devalued the transition and upgrading of nursing education.

This is the fundamental paradox of the Accord, for as the wages system and wage relativities have become structured around a particular conception of productivity, the Arbitration Commission has ignored the need to define more precisely what is

actually meant by the notion of productivity. There is a double standard being applied here. With the compliance of employers and the union movement, the state has refused to reassess the value of work when it might provide a more substantive basis for affecting changes to the relative position of women in the labour market, to the value of women's work and to women's wage-earning capacity. At the same time, wage increases in the mostly male-dominated occupations are approved - although even these are relatively piecemeal. The trinity of the state, capital and labour has reinforced the earning differentials between women and men, and this is being done in the name of comparative wage justice and in the context of **restraint with equity!**

The treatment of superannuation is a further dimension of this problem. In 1986, in response to A.C.T.U. demands, the government sought to contain the immediate cost of wage increases based on national productivity improvements by proposing that such increases be used to improve existing superannuation schemes or be paid into new ones which would be phased in over 1986 and 1987. Initially the government planned to endorse an A.C.T.U. claim for an across-the-board increase of 3 per cent. There were advantages for both: the government believed that an enhancement of superannuation funds would make available more finance for investment purposes and thus help fuel economic recovery; while the possibility of union-controlled superannuation schemes could give the union movement a greater say over the direction of investment within the economy. It was clear to the union movement that the principal beneficiaries among its constituents would be male workers. The superannuation deal was struck with the knowledge that only one in four women had occupational superannuation compared with one in two men. The A.C.T.U. has since listed this difference as a matter of concern, although it does not seem to have done all that much to alter the imbalance.³⁶

In fact the Federal Commission decided not to grant a community-wide increase of 3 per cent in the form of a superannuation payment but to recommend that the claimants "return to the marketplace" for direct negotiations. This has only served to widen the distinction between the way in which men and women are defined and treated within the labour market.³⁷ To date most of the superannuation deals that have been struck have been in male-dominated industries. The consequence will tend to be that women in general, already disadvantaged by their status in the workplace will face still further relative inequality upon their retirement.

CHALLENGING THE SEXUAL DIVISION OF LABOUR: STATE SUPPORT FOR EQUALITY OF EMPLOYMENT OPPORTUNITIES

The macro-economic policies pursued by the Hawke Labor government through the Accord and through the programme of deregulation and privatisation of the economy have been publicly portrayed as being gender-neutral. It is clear that this has not been the case, that policies have had different consequences for the relative economic fortunes of women and men generally. Yet, to its credit, the Hawke government has developed a number of conscious policy initiatives directly concerned with redressing the comparatively underprivileged position of women in the economy.

The Hawke government strategy for women is centred on a broad equal employment opportunity program and anti-discrimination legislation. The Sex Discrimination Act was passed in 1984 although the fight against sexual discrimination and harassment relied largely upon State government anti-discrimination boards to put the Act into effect. A recent High Court decision on the legality of Commonwealth sanctions has enhanced Federal authority in this regard. The second major thrust came in 1986 with the government's foray into promoting equality of employment opportunities through Affirmative Action legislation. This legislation was passed with a view to consolidating and extending the government's own attempts to develop equal employment opportunity programmes.³⁸

An appreciation of the policies needs to recognise the institutional context in which the strategy has been formulated. The formal challenges to the inequitable structure of the labour market and workplace have themselves been devised within institutional arrangements which are inherently gender-biased. The explicit attempt to address the obstacles confronting women's economic opportunities has involved a host of contradictions which constrain its effectiveness. This is because of the failure to address the institutional arrangements which underpin the sexual division of labour and the terms on which this sexual division of labour is being challenged.

Equal Employment Opportunities and Affirmative Action Policies

The principal thrust of the Affirmative Action policy mirrors the strategies pursued under the Accord. In the first instance, its fortunes are reliant upon the priorities and the goodwill of government. Indeed, the slow progress of the equal opportunity

program can partly be attributed directly to other government policies being given priority. There have been cuts to the funding of the Human Rights Commission, which is responsible for arbitrating complaints laid under the federal Sex Discrimination Act, for research into the incidence of discrimination and for education and promotional work directed against sexual harassment. Child care funding, a prerequisite for equal opportunity, has been inadequate and, while recent increases in funding go some way toward ameliorating this situation, it will not eliminate the long waiting lists for child care.

The Affirmative Action legislation is also similar to the Accord in that it has been based on the consensual support of various government departments, large employers and, to a lesser extent, the trade union movement. It relies upon the goodwill of these male-dominated institutions, the institutional embodiments of the sexual division of labour, to challenge the basis of this division of labour. It is not surprising that the pursuit of affirmative action will be contradicted by the pursuit of other priorities, for example, proposals by the Greiner government to cut back funding of the women's unit in T.A.F.E.

The establishment of the Affirmative Action Agency has provided an institutional framework and some resources within the public service structure which those committed to affecting some change can utilise to advantage. However, it is necessary to acknowledge the limitations. Much of the bureaucracy continues to be run by men who have quietly resisted the introduction of A.A. and E.E.O. The incorporation of women into the bureaucratic power structure, especially as managers of E.E.O. programmes and in women's offices, has often facilitated this resistance by "ghettoising" the "femocrats".

Problems with the application of the government's Affirmative Action legislation are also apparent. In 1986 the Federal government enacted legislation which required all enterprises, private and federal government departments and statutory authorities which employ 1,000 or more workers, and most educational institutions, to implement equal employment opportunity programmes. These enterprises were required to report on the progress of the E.E.O. programmes by February 1988. However, the government has no formal sanctions which can be imposed on those enterprises or institutions which fail to meet the requirements of the legislation. Its only recourse is to publish the names of those enterprises or institutions which fail to cooperate. Nor does the Affirmative Action legislation stipulate any requirements for attaining definite progress in advancing the position of women in the workplace.

Essentially, the government's Affirmative Action policy rests on the goodwill of those enterprises which elect to participate. It is not unexpected that some enterprises refuse to acknowledge its existence or to treat it in a cavalier fashion. A number of enterprises have evidently not met the deadline for submitting details of their E.E.O. programmes, while others have given little consideration to developing an enterprise-based programme (as is the case of C.S.R.). The endorsement of the programme by others belies the actual employment practices of these enterprises (as appears to be the case with Coles-Myer).³⁹ Meanwhile, before tackling any of these problems, the government has announced that it intends proceeding with the next stage of the programme. This will require firms with more than 500 employees to draw up equal employment opportunity programmes and submit progress reports to the government. Such enterprises, with fewer resources, will have a better case for non-compliance. The Agency, already overcommitted, will be in a substantially weaker position to administer this expanded coverage.

Affirmative Action legislation presents an obvious challenge to managerial prerogative. This is particularly relevant where management is claiming that a more "flexible" labour market is needed. The consequences for women are evident in the retail industry for example. As part of their opening ambit on the second-tier negotiations employers have been pressing for the abolition of the official working week. They want an end to the concept of a 9 to 5 day and they want Saturdays and Sundays to be treated like any other working day. If successful, this will have particularly detrimental consequences for the majority of workers in the retail industry. Shop assistants will be materially disadvantaged; women working in the industry are already among the lowest paid in the community. The government is becoming more sympathetic to this argument, endorsing the case for more flexibility in wage levels.⁴⁰

The trade union movement's record in the area of affirmative action leaves a lot to be desired. The A.C.T.U. was party to the government's working party on the Affirmative Action Act at the same time as it was limiting the work of the Working Women's Centre. In general, the trade union movement has done little to get its own house in order. Men continue to dominate leadership and decision-making positions within the union movement.⁴¹ This is not to suggest that there has been no progress - the A.C.T.U. is taking up such issues as parental leave, child care, outwork and superannuation.⁴² But these need to be set beside the general thrust of the A.C.T.U.'s wages and industry policy and its endorsement of the Dawkins' Report on education and training. The latter has been roundly criticised for the likely detrimental

consequences that its implementation would have for women. According to the Vice-Chancellor of Macquarie University, "the planned changes to the higher education system could profoundly disrupt its affirmative action program" in the educational sector."⁴³

More significant has been the comparative inaction of State trades halls and industrial councils. Two-thirds of all women workers are covered by State rather than Federal awards (42 per cent of men are covered by Federal awards and 41 per cent by State awards).⁴⁴ Any actions initiated by the State trades halls and industrial councils with respect to policies on affirmative action and equal employment opportunity programmes are of more immediate consequence for women workers in general. Yet, although a number of programmes have been developed, the State trades and industrial councils have left much of the initiative for policy-making to the A.C.T.U or have resisted attempts to provide other means of pursuing equality in employment opportunity.⁴⁵ The ostensible support for equality of employment opportunity by the right-wing machine-dominated N.S.W. Trades and Labor Council belies the entrenched patriarchal attitudes towards women. This is epitomised by one of the machines' key unions - the Shop Distributive and Allied Employees Association. This union's official policy holds as sacrosanct both the nuclear family and the maintenance of the family by the housewife - an outlook which is incompatible with the notion of a woman working full time and pursuing a career in the work force.⁴⁶

Equal employment opportunity programmes also have to contend with the fact that discriminatory social mores and practices have been incorporated into the very structures of the institutions that shape the form of the labour market and workplace. The anti-discrimination legislation is limited in application because the legislation exempts any industrial practice which is done in compliance with any other act, regulation or award. The application of the legislation is severely limited by health and safety regulations. Similarly, superannuation schemes have been exempted from the Act. Such exemptions have become the means by which employers and trade unions have been able to justify and entrench discriminatory employment and work practices. B.H.P.'s attempt to exclude women from industrial occupations at its Wollongong plant and the S.D.A.'s campaign against E.E.O. programmes are cases in point.⁴⁷

However, it is also evident that there are at least two inherent contradictions in the application of the programmes. The first concerns the manner in which the promoters of E.E.O. have stressed the continuing importance of merit and skill, with its implicit gender bias, in governing principles in employment and promotion. The

second is that the challenges to discriminatory employment practices are being predicated on the basis of workplace practices which have historically been shaped by masculine modes of behaviour, mores and practices.

Merit, Skill and Gender Bias

The government has sought to placate opponents of Affirmative Action legislation by arguing that employers will not be required to meet quotas to improve female/male employment ratios. There has been an assurance by the Minister for Industrial Relations that ability, merit and qualifications will continue to be the overriding criteria in employment selection.⁴⁸ Yet this is double-edged. In the first instance, these employment criteria are shaped by factors outside the workplace. The sexual division of labour within the family and attitudes towards education act to constrain women's employment opportunities and underwrite the sexual division of labour within the labour market.

Moreover, ability, merit and qualifications are not "objective" criteria. Historically each has been valued in terms of their sexual ascription. The labour market, occupations, job-casting and the workplace have all evolved in terms of the sexual division of labour. This division of labour has been the basis of award determinations, in the design and construction of the workplace and the shape and manner of operating workplace technology.⁴⁹

Some barriers to women's elevation in the workplace might be removed, but the general way in which waged work is organised will continue to act as a fetter upon women's economic advancement. Professional women may well benefit from the legislation but the policies are of little relevance to the majority of women workers in segregated female-dominated industries and/or occupations where there are no promotion or long-term career prospects.

Further, Affirmative Action legislation does not begin to tackle the problems of the underlying hierarchical organisation of society and the way in which these hierarchies are predicated on the sexual division of labour. Affirmative action policies, as they have been developed, can do little to combat the sexual division of labour that structures both the **private** and the **public spheres** of the political economy as well as their interaction. The contradictory consequences of this failure are evident in the government's limited funding of childcare; they help to lock women into the **private sphere** at the same time as the government is seeking to formally promote a higher

profile for women in the **public sphere**. Equally, changes in education policy at State and Federal levels will restrict women's access to education and training and thus their access to employment opportunities.

Fighting Discrimination: Sexual Practice and Sexual Harassment

An integral component of the government's policy to advance the lot of women in the workplace has been the Anti-Discrimination and Sex Discrimination legislation. The legislation is a positive and admirable response to sexist, racist and other discriminatory practices. It has provided the means by which both individual and groups of women can challenge institutionally-based cases of discrimination in the workplace. The action taken against B.H.P.'s discriminatory employment practices is a path-breaking example of how the legislation can provide the means by which barriers to women's employment in particular occupations and industries might be broken down.

The Sex Discrimination Act also provides the means by which the more personal forms of discriminatory work practices can be challenged. This includes the right to take action against sexual harassment. Indeed such actions have probably been the most publicised aspect of the application of the Sex Discrimination Act. However, it is evident that the legislation is only a half-way measure. In addition, there are problems with the application of the Act.

The media's treatment of the Sex Discrimination Act, particularly cases dealing with sexual harassment, highlights the difficulties in dealing with such discriminatory practices. Some reports have presented particulars of the harassment of women in a delicate and sympathetic manner and, in the process, challenge the legitimacy of sexual harassment. Other reports, including the reporting of the N.S.W. Equal Opportunity Tribunal's investigations in the Loder case,⁵⁰ have been intent on sensationalising the events. They have provided in lurid detail a step by step account of the sexual harassment, deflecting the merits of the action being taken and, in effect, presenting the discriminatory practices as though they were acceptable.

This points to one of the problems with the application of the anti-discrimination legislation. While gender relations are essentially unequal it is necessary to appreciate that these relations are often considered to be normal. This makes for some difficulty in establishing what constitutes discriminatory attitudes and practices within our normal day to day interactions.

A similar point can be made about relations and interactions which are more clearly sexual in nature. Within the broader framework of patriarchal relations, relations which inform sexual behaviour have developed in such a way as to mirror and reinforce the oppression of women. Workplaces are not immune from this. Attitudes towards sexuality and sexual interactions are necessarily a feature of social relations within the workplace. They are part of the structure of relations which arise out of as well as underwrite the inequalities that occur within the workplace.

We can see what this means concretely in terms of the way in which men secure a monopoly of access to particular occupations and industries through particular definitions of work. For example, according to one union official, the reason why the occupation of motor mechanic/engineer has been considered to be inappropriate for women is that women have breasts which "get in the way"⁵¹. The observation is based on a possibly widely-shared belief as to what are the "natural" attributes for this particular occupation - attributes which are necessarily male. The process of the occupation being established as men's terrain at the same time signals a social construction of woman as sex object. Male control of the occupation can be further enhanced by more overt forms of objectifying women by the practise of decorating the workplace with "girly" posters (replaced by computer printout pinups in white collar workplaces).⁵² Sexual harassment of women is another dimension of unequal gendered relations, one of the ways in which men assert their supremacy in the workplace.

Such discriminatory practices are part of the "normal" pattern of many gendered workplace relations. Herein lies one of the difficulties in breaking down some of the obstacles to women's advancement in the waged workplace because, and this has been evidenced in a number of sexual harassment cases brought before anti-discrimination boards, some men simply do not consider their attitudes and behaviour to be discriminatory. Indeed, without wanting to be seen to justify their attitudes and behaviour, their declared innocence of unseemly conduct has to be considered in the light of the historically "normal" and to all intents and purposes acceptable though unequal pattern of relations with their female subordinates.

The Sex Discrimination Act at least provides an institutional means of challenging such discriminatory practices and, equally importantly in forcing a rethinking of what attitudes and behaviour are acceptable, it will contribute to the process of redefining gendered and sexual relations. The legislation provides a basis for challenging the patriarchal order around which different institutions have become organised as well as enabling more direct challenges to the way in which individual men secure their

supremacy in the workplace. This will necessitate changes in masculine and feminine modes of behaviour for both reflect and contribute to the shape of gender relations and the sexual relations and interactions embodied in these.

As a prelude to challenging discriminatory work practices more attention has to be devoted to analysing the inequitable nature of the social and sexual relations of the workplace.⁵³ But the actual mechanisms for challenging discriminatory work practices present problems, especially for cases involving sexual harassment. Two problems stand out for consideration.

The judiciary which is responsible for administering the legislation has historically reinforced many of the institutional inequities which have locked women into subordinate positions within the work force. It is not surprising therefore that the very courts which are responsible for outlawing discriminatory practices have in a number of instances, in terms of their effect if not their intent, dismissed as not unreasonable behaviour what the law deems to be unacceptable and illegal. It has evidently been extremely difficult for anti-discrimination boards and industrial commissions to accept the veracity of women's complaints of sexual harassment. This was abundantly clear in the Loder case but it has been evident in other hearings as well.⁵⁴ The recent decision by Justice Marcus Einfeld, president of the Human Rights and Equal Opportunity Commission, in finding a doctor guilty of the sexual harassment of three female employees was more explicit in questioning the claims and motives of the women concerned. More significantly though, in refusing to award damages - because the women suffered only "minor discomfort" - it appears to give men some licence to engage in discriminatory practices.⁵⁵ Challenges against discriminatory work practices have often resulted in the judiciary denying the significance of the unequal social relations and sexual interactions which characterise most workplaces. Discriminatory practices, including sexual harassment, are in effect viewed as normal and acceptable by the courts.

In this context challenges against discriminatory practices typically mean that it is as much the social behaviour of women that is placed under the microscope. More assertive feminine modes of behaviour which begin to challenge the bases of the sexual division of labour end up being defined as the alien element. The practices being challenged end up being reinforced.

The institutional means of challenging discriminatory practices also need to be questioned. Complaint-based legislation singles out those women who dare challenge the more specific manifestations of the patriarchal order. In the case of the Einfeld judgement, the women not only suffered the indignity of having their motives

for bringing the action questioned by Justice Einfeld but they were disadvantaged by the decision not to award damages as well as by the refusal to allow them the right to apply for costs. Quite clearly, women usually only succeed in such action at tremendous personal and material cost to themselves.⁵⁶ Some consideration ought to be given to the extent of compensation that is due. More generally, it may be necessary to rethink the process which, in effect, singles out those women who dare to proceed with cases of sexual harassment. The successful cases establish precedents which challenge the basis of women's subordination. But those women who take action often end up being "doubly" victimised.

In general, the sex and anti-discrimination legislation only partially addresses the inequitable nature of the gender relations which underwrite both occupational and industrial segregation. Moreover, it does so in an extremely costly manner to those individuals prepared to challenge this structure. This fact may well discourage resort to the legislation.

Conclusion

It is wage workers and the recipients of welfare who are having to carry the cost of Labor government economic policies. However, it is also evident that the policies have had differential consequences for women and men and that they have had quite deleterious effects upon women's economic standing. This appears to be largely the consequence of the government's economic priorities, with its concentration on rejuvenating capital accumulation by encouraging expansion of the corporate dimension of the **public sphere** of the political economy. This also has to be set in the context of capital's general efforts to reduce real wages and intensify work and its success in increasing the proportion of casual and part-time workers in the private sector and its success in linking this to the strategy of the feminisation of such work.

The corporatist union of capital, labour and the state, of male-dominated institutions, has meant the further integration and consolidation of the various processes which have institutionalised the divisions between men and women and the consequent inequitable access to economic resources.

In other respects the emphasis of government policy has provided an environment in which the relatively subordinate position of women in the economy has been cemented. The redevelopment of manufacturing industry has been one of the priorities of the Accord and unions within the industry have been perhaps more

successful than unions in any other arena of the economy in affecting some influence over the shape of the wages system which has evolved within the Accord. The consequence has been that as these male-dominated unions have struggled to secure their position, other workers have been locked into a system that has obstructed any serious reconsideration of wage relativities across different industries. This has happened contemporaneously with a model of wage determination which has linked wage increases to changes in work practices and increased worker productivity, largely defined in terms of the character of work relations within the manufacturing sector. Thus, workers in a range of other industries, and especially those in which women predominate, have not been able to demonstrate improvements in efficiency and productivity.

The efforts to construct institutional means for erasing the sexual division of labour within the labour market and within industries have to a large extent been unsuccessful. This is partly because the government has lacked any real commitment to this objective. But it is also because of the overall thrust of economic management, through the rejuvenation of capital accumulation by emphasising the value of activities in the **public sphere** over those in the **private sphere** of the political economy, through the employment generation programmes which concentrate on mostly male-dominated industries and occupations, and through the valorisation of men's work. Set alongside the limited scope of the anti-discrimination legislation, it is little wonder that there has not been any substantial improvement in the economic well-being of women.

Notes

1. Economic Planning Advisory Council, Aspects of the Social Wage: A Review of Social Expenditures and Redistribution, Council Paper No. 27 April 1987. See especially Chart 3. There are, of course, some difficulties in assessing the consequences of cut-backs in the total social wage for different communities.
2. A.B.S., Average Weekly Earnings, States and Australia November 1982 - February 1988, (6302.0).
3. A.B.S., Taxation Revenue, Australia, 1986-87 (5506.0) Table 1.
4. Invetech, "Management Attitudes Study on New Technology", Melbourne, 6 June 1988.
5. National Labour Consultative Council, "Labour Market Flexibility in the Australian Setting", Canberra: A.G.P.S., 1987; T.N.C., Anti-Union Employment Practices, Sydney: June 1985; Phillipa Hall, "Deregulating Employment: Current Trends", Scarlet Woman Issue 23 1987; Malcolm Rimmer and Jon Zappala, "Labour Market Flexibility and the Second Tier", Centre for Industrial Relations Research Working Paper No. 3, University of Sydney, June 1988.

6. The most recent issue of the Women's Budget Program has been retitled the Women's Budget Statement which more accurately reflects the contents. The Women's Budget Program was little more than a report on how most government policies affected women.
7. A.B.S. Average Weekly Earnings, States and Australia, November 1982 - February 1988, (6302.0)
8. A.B.S. The Labour Force, April 1988 (6203.0)
9. loc.cit.
10. A.B.S. Average Weekly Earnings, States and Australia, (6302.0.): All Employees Average Weekly Earnings. The proportion of all female employees to all male employees average weekly earnings were:

Nov						Feb	
1982	1983	1984	1985	1986	1987	1988	
64.8%	65.5%	65.5%	64.8%	64.4%	65.1%	66.4%	

11. ibid., Full-time Adult Weekly Ordinary Earnings. The proportion of ordinary earnings of full-time female employees to male employees were:

Nov						Feb	
1982	1983	1984	1985	1986	1987	1988	
79.9%	80.6%	81.8%	82.3%	82.4%	82.0%	82.8%	

12. For instance, two-thirds of women over the age of sixty years rely upon the state for old-age pensions compared with only half of retired males. See Women's Budget Statement, 1987-1988, Canberra: A.G.P.S., 1987, p.195.
13. Ann Game and Rosemary Pringle, "Production and Consumption: Public versus Private", in Dorothy Broom (ed.) Unfinished Business, Sydney: Allen & Unwin, 1984.
14. Mary Ann O'Loughlin and Bettina Cass, "Married Women's Employment Status and Family Income Distribution", A.N.Z.A.A.S. May 1984; Frank Jones "Income inequality", and Meredith Edwards "The distribution of income within the household", in Broom, op.cit.
15. A.B.S. Type and Conditions of Part-time Employment, South Australia, October 1986 (6203.4).
16. A.B.S. Persons Not in the Labour Force, September 1983. (6220.0) Table 8 notes that 75% of women not in the labour force would prefer to work part-time; 40% had left the workforce for family reasons.
17. A.B.S. The Labour Force, April 1988 (6203.0); A.B.S. Labour Statistics Australia, 1986, Canberra: A.G.P.S., 1987 (6101.0).
18. Carole Pateman, "The Fraternal Social Contract: Some Observations on Patriarchal Civil Society", Paper presented at the Australian Women's Philosophy Conference, Adelaide 1983; Ann Game & Rosemary Pringle, "From Here to Fraternity: Women and the Hawke Government", Scarlet Woman Issue 17 1983.
19. This is signalled in Department of Industry, Technology and Commerce Australian Industry: New Directions, Canberra: A.G.P.S., 1987. There have been some gains in award requirements on workers earnings in the clothing industry, in terms of provisions for outworkers - although policing of these

19. This is signalled in Department of Industry, Technology and Commerce Australian Industry: New Directions, Canberra: A.G.P.S., 1987. There have been some gains in award requirements on workers earnings in the clothing industry, in terms of provisions for outworkers - although policing of these conditions leaves a lot to be desired. See Helen Whitechurch, "A Victory for T.C.F. Workers", Scarlet Woman Issue 23 1987.
20. Edna Ryan & Anne Conlan, Gentle Invaders Australian Women at Work, 1788-1974, West Melbourne: Nelson, 1975, Ch. 6; Margaret Thornton, "Job Segregation, Industrialisation and the Non-Discrimination Principle", The Journal of Industrial Relations Vol. 25 No. March 1983; Glenda Strachan, "Equal Employment Opportunity and Industrial Relations", The Journal of Industrial Relations Vol. 29 No. 2 June 1987; Christine Short, "Equal Pay - What Happened?", Journal of Industrial Relations Vol. 28 No. 3, September 1986.
21. The point is developed in Thornton, loc.cit., and Strachan, loc.cit.
22. Short, op.cit., pp. 329-32.
23. S.M.H. 31 October 1987.
24. Short, op.cit., p. 331.
25. S.M.H. 19 February 1988.
26. The Working Women's Centre was set up in 1975 following the provision of Federal government funding to the Australian Council of Salaried and Professional Associations. Upon A.C.S.P.A.'s amalgamation with the A.C.T.U. in 1979 the Centre became part of the A.C.T.U. where it continued to retain some autonomy. In late 1984 the A.C.T.U. executive appointed a women's coordinator to assume responsibility for advancing the A.C.T.U.'s management of industrial affairs affecting women. Some of the functions of the Centre were thereby removed and it was brought more directly under the control of the executive.
27. Unpublished A.B.S. data: Wage and Salary Earners (Employer Survey Series): males/females, full-time/part-time by broad industry, 1983-1987.
28. Judy Wajcman and Stuart Rosewarne, "The 'feminisation' of work" Australian Society September 1986.
29. Ann Game and Rosemary Pringle, Gender at Work Sydney: Allen & Unwin, 1983; Haydon Manning "The Banking Labour Process", The Journal of Australian Political Economy No. 18 June 1985; Stuart Rosewarne "The Political Economy of Retailing into the Eighties", J.A.P.E. No. 16 March 1984; Rimmer & Zappala, op.cit., pp. 15-16.
30. See Wajcman & Rosewarne, op.cit.
31. Rimmer & Zappala, op.cit. pp.15-17.
32. ibid., pp. 21ff.
33. ibid. See also A.B.S. Average Weekly Earnings, States and Australia, November 1987, (6302.0).
34. Rosslyn Reed, "Making Newspapers Pay: Employment of Women's Skills in Newspaper Production", The Journal of Industrial Relations Vol. 29 No. 1 March 1987, esp. pp 34-5.
35. S.M.H. 19 February 1988.
36. A.C.T.U. Bulletin November 1987.
37. A.F.R. 27 June 1988.

38. Women's Budget Statement, *op.cit.*, pp.203-6.
39. S.M.H. 25.1.88; Sheryl Bagwell, "How to get to the top at Coles - be a man." Times on Sunday 11.10.87
40. S.M.H. 2 November 1987.
41. For example, the Metalworkers' Union, which has played such a key role in negotiations on the wages system, did not have any women representatives at the 1987 A.C.T.U. Congress. The A.C.T.U. has, however, set aside three seats on the 38 seat Executive specifically for women.
42. A.C.T.U. Bulletin November 1987.
43. Times on Sunday 14 February 1988.
44. A.B.S. Incidence of Industrial Awards, Determinations and Collective Agreements, May 1985 (6315.0)
45. Pat Ranald & Meredith Burgmann, "Are Women Getting More Than They Deserve?" Scarlet Woman Issue 23 1987.
46. Rosewame, *op.cit.*, pp. 78-79.
47. Diana Covell and Chloe Refshauge, "Jobs for Women Challenge B.H.P.", Scarlet Woman Issue 21 1986; Chris Burvill, "Women Beat the Big Australian" Refractory Girl No. 29 May 1986; Louise Casson, "Jobs for Women Campaign" Refractory Girl No. 28 May 1985. B.H.P. is presently considering appealing against this decision.
48. S.M.H. 2 February 1988.
49. Game & Pringle, Gender at Work, *op.cit.*; Anne Phillips and B. Taylor, "Sex and Skill: Notes Towards a Feminist Economics", Feminist Review No. 6 1980.
50. Susan Tiffin, "Against the Odds: Fighting Sexual Harassment Under Anti-Discrimination Legislation", Refractory Girl No. 27, May 1984.
51. S.M.H. 1 June 1988.
52. Rosemary Pringle, "The Sexual Division of Labour" I.A.P.E. No. 10 June 1981.
53. The cutbacks in the research and educational activities of the Human Rights Commission will no doubt contribute to setbacks in programmes which would address this matter and illuminate an appreciation of the oppressive nature of gender relations.
54. For example, a recent N.S.W. Industrial Commission hearing into the unfair dismissal of a supervisor on the grounds of misconduct, for sexual harassment, demonstrates this point. Justice Macken reversed the decision because due process had not been accorded the employee. But, in the course of the judgement, the woman's claims of being harassed were dismissed because, according to Justice Macken, she "did not impress me as having the same degree of respect for the truth..." Industrial Commission of New South Wales, 31 March 1988, No. 167 of 1988.
55. S.M.H. 29 July 1988, 2 August 1988, 9 August 1988.
56. S.M.H. 1 June 1988.

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