AFFIRMATIVE ACTION

CHALLENGING THE PECKING ORDER

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The adoption of Equal Employment Opportunity (EEO) goals and legislation, and the use of Affirmative Action (AA) programs to achieve these goals, are an important response by governments to the demands of the women's movement, and other movements. They have been supported by trade unions, largely through the impetus of women and other activists, but they are also consistent with traditional labour movement support for specific reforms which will benefit their members.

For me, the most important aspect of EEO and AA legislation and programs is that they are a public acknowledgment that discrimination exists, and that there is an obligation on the part of the state and employers to take steps to remedy it. In that sense, they are an important ideological blow against conservatism, however limited or watered down their effects may be. Like other reformist legislation (e.g. health and safety legislation) supported by the labour movement, the struggle then continues about the nature of its content and how effectively it can be implemented. Another important aspect for unions is that EEO and AA programs present a challenge to unions themselves, and to their own structures. Although there are now far more women actively involved in unions, it is still a fact that women and other oppressed groups are under-represented in decision-making bodies. This means that unions need their own EEO and AA programs, and some are now developing them, particularly the public sector unions.

Once EEO and AA legislation and programs are on the agenda, the issues involved are clearly of industrial importance: they include access to jobs, selection processes, work organisation and rates of pay. I intend to focus on both the limitations of existing EEO and AA programs and the important industrial issues they raise which must be addressed by unions.

My own experience of EEO and AA legislation and programs has been in the South Australian and federal public service areas while working for public sector unions. It is, of course, in the public sector, where governments can legislate directly, that most programs are under way. The federal AA legislation now being debated in parliament does not encompass private employers, but their participation is voluntary. This means it will be largely ineffectual for the mass of women, and other groups who suffer discrimination and are employed in the private sector. Whether real attempts are made to combat discrimination and widen the range of jobs available to women and other groups in the private sector will largely depend on trade union action and negotiation.

The South Australian public service has had EEO policies since 1975, but an EEO management plan for implementation was not actually adopted until 1985. It was called EEO and not AA because the Public Service Board (PSB) felt the latter sounded too radical and would provoke too much resistance. The plan was devised at PSB level with minimal consultation with unions. There was a consultative body, but it met very infrequently, and a separate executive body with no union representation actually made the final decisions about the plan. Each department was then meant to adopt its own version of the plan and conduct a statistical study of the distribution of designated groups (women, ethnic minorities, Aborigines and the disabled). It was then supposed to devise a series of specific programs to achieve a more equitable distribution of these groups through the structure. This could involve, for example, having programs and employment goals for each group. But there were no compulsory targets for particular departments, except for the setting by the PSB of a minimum level of recruitment of Aboriginal people to the service as a whole. The new SA public service legislation contains EEO principles, but no specific directives or time frames for departments to implement them.

The federal program is also called EEO, and is similar in structure to that of South Australia, except that it does have legislative compulsions under the new Public Service Act for departments to complete certain steps within given time frames, and obligations to explain why if they do not.
However, departments still have control over the precise nature of the plan, and there is capacity for procrastination (at which senior bureaucrats are expert).

In practice, the limitations on implementation of these programs are enormous. The basic major obstacle to real implementation of EEO or AA is the hierarchical nature of the public service and the fact that class structures are closely integrated with other oppressive and discriminatory practices. And, of course, all the budgetary pressures and cutbacks on the public service as a whole have their effects. Because the oppressed groups are at the bottom of the structure, real implementation of EEO could throw the structure into crisis. If women, for example, who do most of the lowest-paid and lowest-classified jobs, had real opportunities for promotion, who would do these jobs? Management is very conscious of these issues, and meaningful upgrading of these jobs, which is again required by a serious EEO program, means increased expenditure.

The example of the clerical barrier in the South Australian Public Service illustrates this point. This barrier exists at the seventh year of adult service as an assessment before progress can be made to higher-paid classifications. Criteria for assessment are whether the work is repetitious, routine and without major responsibility, or whether it is more varied and responsible. And, (you guessed it!) most of the jobs usually done by women, like typing, word processing, reception, switchboard, etc. have been defined as below the barrier.

Since 1975, all during the discussion of EEO programs, the unions have made industrial claims for the removal of the clerical barrier. These were refused by the Public Service Board and both conservative and Labor governments. Now that EEO is a public issue, the present Labor government is becoming more embarrassed by union claims that real EEO means the removal of the clerical barrier. This is a useful lever in the argument, but it will still take an industrial campaign to achieve the removal of the barrier. There are similar structural constraints on women's jobs in the federal public service which will require industrial campaigns and negotiations, and major work reorganisation.

The second major obstacle to implementation of EEO is the fact that they are often opposed and/or misunderstood by management who feel extremely threatened by it and obstruct it as much as possible. As a trade union official, I have spent many hours explaining the principles of EEO to managers. Those managers who do support EEO are under pressure to implement it in the way which will be the least disruptive and cost the least. This usually means promotion of a few hand-picked women, and representatives of other designated groups, and having some extra training programs without tackling the discriminatory structures and practices which affect the mass of workers.

Thirdly, the staffing and resources of the EEO units set up to implement the programs is woefully inadequate. This relates back to general budget cuts in the public service, but departments do also have some discretion about allocation of staff. Perhaps even more importantly, the status of EEO units and officers in relation to other management structures is often, at best, ambiguous and, at the worst, powerless. The results of long and painstaking research, or investigations of complaints, are simply ignored by other levels of management. The better staff in these units often refer EEO matters to the unions because they know it will take industrial bargaining power to achieve the results.

Having examined all these limitations, it might seem tempting for unions to abstain altogether from involvement in, or support for, EEO programs. But there are several dangers in doing this. Firstly, management can then undermine the union by claiming it is not interested in EEO issues which affect its members. Secondly, management may attempt to set up a parallel system of representation outside the unions to implement its plans. I understand this happened to some extent at the beginning of EEO programs in the NSW public service, when a system of spokeswomen was set up by management. They were not necessarily union members but became involved in industrial issues. I understand this situation has now changed and the unions are now more closely involved. In the federal public service, unions have claimed, and achieved, consultation and involvement in EEO plans, and have been able to negotiate them as industrial issues. This means they can argue for real changes which will be in the interests of their members.

Finally, I believe that unions can only do this if they get their own act together and make sure that members of oppressed groups have a real voice in their own unions. If these groups are involved in formulating the union policy and programs for EEO, and are on the decision-making bodies, the union can plan industrial campaigns to achieve EEO objectives, despite the inadequacies of management-initiated EEO plans.

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