



Human Rights
Commission

Te Kāhui Tika Tangata



Framework for the Future:

Equal Employment Opportunities
in New Zealand





Human Rights Commission

Te Kāhui Tika Tangata

Commission Offices

TĀMAKI MAKĀURAU – AUCKLAND

10th Floor, Tower Centre, Cnr Queen and Customs Streets
PO Box 6751, Wellesley Street, *Tāmaki Makaurau* Auckland

Waea Telephone: (09) 309 0874

Waea Whakāhua Fax: (09) 377 3593

TE WHANGANUI Ā TARA – WELLINGTON

Level 8, Vogel Building, 8 Aitken Street
PO Box 12411, Thorndon, *Te Whanganui ā Tara* Wellington

Waea Telephone: (04) 473 9981

Waea Whakāhua Fax: (04) 471 6759

OTAUTAHĪ – CHRISTCHURCH

Ground Floor, KPMG at Cranmer, 34-36 Cranmer Square
PO Box 1578, *Otautahi* Christchurch

Waea Telephone: (03) 379 2015,

Waea Whakāhua Fax: (03) 353 0959

<http://www.hrc.co.nz>

Phone: 0800 4 YOUR RIGHTS

0800 496 877 (toll free)

TTY (teletypewriter) 0800 150 111

Fax: (09) 377 3593 (attn. InfoLine)

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Foreword

Getting it right in the workplace is the ideal for the vast majority of employers and employees. But how do we know that equal employment opportunities (EEO) are being achieved in New Zealand? This report provides the first broad overview of the status of EEO across public and private sectors and allows for an international comparison of legislation, policy and practices.

The findings show that the reality for many New Zealanders does not match the rhetoric of a "fair go for everyone at work."

The report, *Framework for the Future: Equal Employment Opportunities in New Zealand*, is important for a number of reasons:

- It provides a benchmark by which we can monitor progress in the future by using eleven criteria including policy development, leadership, reporting requirements, training, workplace practices and the participation of employers and employees in best practices.
- It describes the business case for EEO, explains how human rights can help promote equality at work, discusses EEO and the Treaty of Waitangi, and explains why good EEO policies serve to benefit everyone.
- It assesses EEO progress for women, people with disabilities, Māori and Pacific peoples in detail and examines progress and other issues for older workers and new migrants.
- It recommends a number of practical steps to improve equal employment opportunities including the development of a network that better connects the separate groups that work with equal employment opportunities.

The report will be an important reference for employers, employees, equal opportunities agencies, human resource practitioners, policy analysts and researchers. It is stuffed with statistics, research and information from New Zealand and overseas. It points to strategies for future activities. All of us have an interest in the framework outlined to help New Zealand achieve equality in the workplace..

Dr Judy McGregor
EEO Commissioner

Summary Edition

This report is a summary of the comprehensive report *Framework for the Future: Equal Employment Opportunities in New Zealand*.

Significant sections of the full report are not included in this short summary. This summary should be read in conjunction with the comprehensive report. For the full report, download from www.hrc.co.nz/eo or ring **0800 4 YOUR RIGHTS (0800 496 877)** to order a free copy.

1. About the Authors

Michael Mintrom is an associate professor in the Political Studies Department at the University of Auckland, where he offers courses on Policy Analysis, Evaluation, and Research Methods. He received his Ph.D. in Political Science from the State University of New York at Stony Brook in 1994. Prior to that, he received an MA in Economics from the University of Canterbury and worked from 1987-1990 as a policy analyst in The Treasury. He has published extensively and consulted to government and private organisations on the topics of policy innovation, the advocacy of policy change, and education reform. His research has often involved qualitative comparisons of legislation and programme design and quantitative explorations of the factors explaining policy change. His books have been published by Georgetown University Press, Princeton University Press, and the American Enterprise Institute. In 2001, he received the Miriam Mills Award for an Outstanding Young Person in the Field of Policy Studies from the Policy Studies Organisation in the United States. He is currently serving as President of the Public Policy Section of the American Political Science Association.

Jacqui True is a senior lecturer in the Political Studies Department at the University of Auckland, where she offers courses in International Political Economy, Global Civil Society, and Gender and Politics. She received her Ph.D. in Political Science from York University in Toronto, Canada in 2000. Prior to that, she received a BA in Political Science from Victoria University of Wellington and graduate degrees from Monash University in Australia and the University of Arizona. She is the author of *Gender, Globalization, and Postsocialism: The Czech Republic After Communism* (New York: Columbia University Press, 2003) and a co-author of *Theories of International Relations* (Macmillan/St.Martins 1996, 2nd edition, 2001). She has served as a gender specialist on several international research teams. She has also published widely on cross-national institutional efforts to promote gender equity and the differential social impact of global economic restructuring in scholarly journals, including *International Studies Quarterly*, *Review of International Political Economy*, and *International Feminist Journal of Politics*.

2. Executive Summary

Definition

Equal Employment Opportunity (EEO) is a practice currently intended to eliminate workplace discrimination on the basis of age (from sixteen years), colour, disability, employment status (unemployed or a recipient of a benefit or compensation), ethical belief (lack of religious belief), ethnic or national origins (includes nationality and citizenship), family status (having dependents, not having dependents, being in a marriage or a relationship with a particular person or being a relative of a particular person), marital status (single, married, separated, a party to a marriage now dissolved, widowed, living in nature of marriage), political opinion (including having no political opinion), race, religious belief, sex (includes childbirth and pregnancy), and sexual orientation (heterosexual, homosexual, lesbian, bisexual).

EEO should be broad enough and sufficiently flexible to recognise and respond to all forms of discrimination, even those that we currently cannot see or testify to. EEO is a definition, a practice and a philosophy that is subject to continual change. For example, the *State Sector Act 1988* in section 58(3) defines an EEO programme in a specific manner. At a minimum, the definition of who is to be covered by EEO policies tends to expand with time. Further, with greater education and social awareness, people often reinterpret their own circumstances and may view their treatment by employers or other employees as problematic.

Background to EEO in New Zealand

New Zealand has developed a body of laws that, taken together, offer a range of protections to workers, and promote fair treatment for all. In 1984, the Government Employing Authorities issued a statement on equal employment opportunities. Promulgation of this document and implementation of actions consistent with it marked the start of efforts explicitly designed to promote EEO in New Zealand. Subsequent legislation mandates the creation of EEO plans and reporting of EEO progress across the government sector.

Rationales for EEO in New Zealand

Often arguments made to support equal employment opportunities policies have rested on the intrinsic worth of individuals. We call this the human rights rationale for EEO. It is a critically important rationale. But other more context-specific rationales also exist, some of which are more obviously pragmatic in orientation. In addition to the human rights rationale, we discuss five further rationales for pursuing EEO in New Zealand. These are: the importance of fulfilling obligations associated with the Treaty of Waitangi; the social changes and increasing diversity of New Zealand society which affect the composition of the labour force; the need to assure quality of service and firm performance; the imperative to pursue national economic growth; and the gains that come to all from promoting an enabling society.

EEO Reporting in New Zealand

EEO is a legislative requirement in the core public service, some of the state sector, and for local governments, although those requirements differ somewhat from sector to sector. No legislation mandates the practice of EEO in the private sector. However, all employers are required to meet their

non-discriminatory statutory obligations under the *Equal Pay Act 1972*, the *New Zealand Bill of Rights Act 1990*, the *Human Rights Act 1993*, and the *Employment Relations Act 2000*. We review the current state of EEO reporting in New Zealand. Current EEO reporting is inadequate on several grounds. These include the limited number of organisations subject to reporting requirements, the wide variation in the quality of reporting in the state sector, and the lack of resources that have been devoted to systematic EEO reporting and monitoring in the core public service.

EEO Progress in New Zealand

Of the four EEO target groups, women have achieved the most progress in their relative position in the New Zealand labour force. Yet, this progress has been quite limited, and equality with men in participation rates, pay, and seniority across occupational classes is a far-off goal. Major gaps exist in our knowledge about the position of people with disabilities in the New Zealand labour force. Greater attention needs to be paid to collecting reliable annual data on the recruitment, retention, pay rates, and seniority of people with disabilities. With the available statistics we assess that there has been little progress, if not regress, in the employment position of people with disabilities. In 2003 significantly more people with disabilities are unemployed, and have complained about discrimination than in the middle 1990s. Some progress has been achieved in the employment position of Māori since 1990. Māori labour force participation rates have increased and their unemployment rate has decreased substantially. However, the Māori unemployment rate is still double that of European/Pakeha New Zealanders. Māori are over-represented in low-skilled, lower-paid sectors of the economy although the last decade has seen significant change in the representation of Māori across occupational classes, including professional and associate-professional classes. The status of Pacific peoples in the New Zealand labour force tends to be worse than the status of Māori.

Benchmarking EEO in New Zealand

We benchmark New Zealand's EEO experience against the experience of Australia, the United Kingdom, Canada, and the United States. Eleven criteria are used in this benchmarking exercise. We assess differences in: (1) Enabling legislation; (2) Coverage – hiring, training, promotion, termination; (3) Inclusiveness – who are identified as EEO groups; (4) Governance – where responsibility lies for creating and monitoring policy; (5) Leadership; (6) Infrastructure – resources devoted to the promotion of EEO; (7) Reporting requirements; (8) Measures of progress used; (9) EEO training efforts; (10) Stakeholder involvement in EEO policy-making; and (11) Evidence concerning the diffusion of EEO principles and practices across workplaces.

Factors Shaping EEO Progress

We discuss seven factors that we consider to be important in shaping EEO progress. They are: strong legislation, appropriate support structures and resources, labour force development, the nature of employment relations, leadership, support networks, and broad normative commitment to EEO. On their own, efforts to improve any one of these factors would yield at least some positive results in terms of EEO outcomes. But these factors are not independent. Improvements in one tend to support improvements in another. Hence, for those seeking to promote better EEO practice, we believe the best strategy would involve working to strengthen all of the factors presented here.

3. Recommendations

The fourteen recommendations presented here emerge from our discussion in Chapter 7 of future directions for the pursuit of EEO in New Zealand. They fall into two sets. Recommendations 1-6 concern actions intended to secure major policy change, and that would take several years to initiate. Recommendations 7-14 concern actions that could be taken immediately. These would build on current strengths and provide a strong basis for pursuing broader changes.

Towards Major Policy Change

Recommendation 1: EEO advocates should work towards the introduction of legislation that places strong positive duties on all employers, starting with large organisations, to develop and implement EEO plans, and regularly report on the outcomes.

Recommendation 2: Future EEO legislative initiatives, policy development, and implementation activities should be preceded by reflection on how best to reconcile EEO as a philosophy and practice with the Treaty of Waitangi.

Recommendation 3: Any new legislative initiatives should be supported with the use of incentives to encourage positive changes and to discourage lack of action on the part of employers.

Recommendation 4: Incentives-based models to promote EEO should be tested and refined in the public service, as part of a renewed commitment to EEO in the state sector. Urgent attention should be given to greater promotion of EEO in the health and education sectors.

Recommendation 5: Efforts to compel private companies to establish EEO initiatives should ensure that the business benefits outweigh any compliance costs. New Zealand-based evidence should be developed to support the business case for widespread adoption of EEO initiatives.

Recommendation 6: Any agency established to monitor EEO efforts should have sufficient resources to closely analyse EEO practices as well as the power to sanction bad practice and reward good practice. It should also have sufficient resources to track changing outcomes, assess and report on best practices, and work with organisations to help them achieve positive EEO outcomes.

Building on Current Strengths

Recommendation 7: Actions by private interests to promote EEO should be encouraged. Branding and other innovative practices would allow organisations that exemplify EEO good practice to publicise their initiatives and advance their reputation among consumers and potential employees.

Recommendation 8: The relationship between the Human Rights Commission and the EEO Trust should be assessed with an eye towards strengthening it. Future joint efforts between the two organisations could involve (1) building capacity for research and analysis, (2) sponsoring original research, and (3) improving information dissemination.

Recommendation 9: EEO advocates should jointly explore with educators ways to improve the education outcomes of those who have been traditionally disadvantaged both in the education system and the labour force. For example, the Human Rights Commission could work with the Tertiary Education Commission to forge strategies to promote greater representation of women, people with disabilities, and racial and ethnic minorities across a range of training programmes.

Recommendation 10: Political leaders, including Cabinet Ministers (especially those with responsibilities in areas such as State Services, Labour, Disability, Women, Senior Citizens, Pacific Island Affairs and Māori Affairs), should explore new ways to further promote EEO good practice in New Zealand, with the goal of making New Zealand a world leader in efforts that link the pursuit of human rights and human development with the pursuit of economic development.

Recommendation 11: Public and private organisations should engage in coordinated efforts to promote greater public awareness of EEO as a philosophy and practice. These should include (1) utilising best practice examples and (2) developing guidelines for small businesses.

Recommendation 12: New efforts should be made to ensure that public service departments exhibit exemplary EEO practice. These could be supported by new leadership, more resources, strong incentives for chief executives, the development of effective EEO training programmes for senior managers, and research and monitoring activities.

Recommendation 13: Efforts should be made to develop a strong, diverse EEO advocacy coalition. Members should focus on achieving social change, and should keep in close touch through on-going small conferences and task forces designed to explore EEO issues of specific interest to the New Zealand workplace.

Recommendation 14: Support should be given to the on-going production of evidence-based research and the provision of statistical analysis relevant to the pursuit of EEO in New Zealand. Efforts should also be made to develop a website-based facility where researchers can freely access datasets and other statistical sources relevant to EEO research.

4. Introduction

The New Zealand labour force is becoming increasingly diverse, and this trend will continue into the future. This can be shown through an assessment of current trends in labour force participation, demographics, and immigration policy. But diversity at the aggregate level may not necessarily be reflected in industrial sectors, or in occupational status, or workplace practices. Diversity of the labour force in general can be accompanied by major forms of horizontal and vertical segregation of workers. In such instances, the gains that could come when organisations leverage diversity may not be realised. The worst-case scenario for New Zealand is greater diversity in the labour force accompanied by more, not less, workplace discrimination. To ensure continuing social and economic development, greater diversity in New Zealand's labour force must translate into positive outcomes across all workplaces. Achievement of those positive outcomes cannot be left to chance. In light of this, the promotion of equal employment opportunity as a universal workplace philosophy and practice must be given high priority.

The definition of EEO is necessarily a moving target, and research on the status of EEO in New Zealand must be undertaken with full knowledge of the dynamic nature of EEO as a philosophy and practice. As a working definition, here we treat EEO as a practice intended to eliminate workplace discrimination on the basis of gender, race and ethnicity, age, and disability. EEO should be broad enough and sufficiently flexible to recognise and respond to all forms of discrimination, even those that we currently cannot see or testify to. We note that the *Human Rights Act 1993* identifies as unlawful discrimination on the grounds of sex, including pregnancy, marital status, religious belief, ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status, and sexual orientation. This list of unlawful forms of discrimination is likely to expand as we become aware of new or previously unseen forms of injustice and exclusion. For instance, pregnancy has only lately been explicitly included as an unlawful form of discrimination under the law.

In July 2003, the newly established EEO Unit of the Human Rights Commission invited us to engage in their EEO Framework Project. The brief was broad. Until then, no comprehensive picture had been developed of EEO policies and practices across all sectors of employment in New Zealand. We were asked to work with publicly available information to produce a thorough analysis of the mechanisms being used to monitor and report on EEO. We were also asked to provide an objective assessment of EEO progress for disadvantaged groups since 1990 and to benchmark New Zealand's EEO initiatives with those of peer nations. Based on our findings from these parts of the study, it was anticipated that we would identify factors shaping EEO progress. Overall, the study was expected to provide an integrated and comprehensive platform for further action.

This report is the result of the EEO Framework Project. It is structured as follows. In Chapter 2, we provide some background on the development of EEO in New Zealand. We also review six rationales for EEO. These range from the most fundamental rationale – the pursuit of human rights – through to the importance in New Zealand of acknowledging and meeting obligations established by the Treaty of Waitangi, and on to more pragmatic rationales, such as the pursuit of national economic development. Having reviewed these rationales, in Chapter 3 we explore EEO reporting requirements in New Zealand. Since over 80.0% of the labour force is employed in the private sector, and there is no requirement on private employers to develop and report on EEO policies, we know very little about workplace practices affecting most New Zealanders. Of course, some evidence points to instances of EEO initiatives being pursued in the private sector to positive effect. But no systematically collected evidence is available about the scope or impacts of activities in the private

sector. In some of the state sector, reporting is mandatory. However, often the reports produced are not subject to careful central monitoring.

In Chapter 4 we discuss the progress of four groups traditionally disadvantaged in the New Zealand labour market and workplace. These are women, Māori, Pacific peoples, and people with disabilities. Despite some positive trends, we find that in the period since 1990, labour market and workplace outcomes for each of these groups have changed far too little. Assessing general outcomes using a range of indicators, we find all of these groups continue to be disadvantaged compared to others in the New Zealand labour force. To gain a better understanding of how New Zealand's EEO initiatives compared with those of peer nations, in Chapter 5 we engage in a benchmarking exercise. Using eleven criteria, we assess EEO policies in New Zealand against those in Australia, Canada, the United Kingdom and the United States. We find that New Zealand's EEO initiatives have not kept pace with developments elsewhere. Based on insights gained through the assessment of EEO progress in New Zealand and the benchmarking exercise, in Chapter 6 we discuss factors shaping EEO progress. Finally, in Chapter 7 we propose a range of future directions for the pursuit of EEO in New Zealand. While we contend that major policy change is necessary, we also recommend that efforts directed towards such change begin in incremental ways, building on current strengths.

People like to talk of New Zealand as an egalitarian society, one where everybody gets a fair go, and anybody can make it if they work hard enough. Things are not that simple. This review paints a disappointing picture of the current state of EEO initiatives in New Zealand compared with elsewhere. The mid-1980s seemed a promising time for EEO in New Zealand, however since the late 1980s there has been minimal EEO leadership. Yet we remain optimistic for the future of EEO in New Zealand. A range of people across sectors of the economy and who represent diverse social and political interests display a willingness to think about how to improve labour market outcomes for traditionally disadvantaged groups. Efforts to build an effective advocacy coalition among these interested parties could create strong commitment to broad social change. Historically, New Zealand governments and citizens have shown that they care about social equity and the pursuit of human rights. That history provides a solid foundation for a country seeking to secure social and economic development for all, and that recognises the paramount importance of protecting and advancing human rights across all fields of social and economic activity.

This report is a summary of the comprehensive report. Sections of the full report are not included in this summary and therefore some references to chapters may not be accurate.

For the full report, download from www.hrc.co.nz/eo or ring **0800 4 YOUR RIGHTS (0800 496 877)** to order a free copy.

5. Background and Rationales for EEO in New Zealand

The origin of equal employment opportunities as a concept can be traced to discussions around equal rights that occurred in the United States in the late 1950s. Out of those discussions and the efforts to promote equal employment opportunities for both African Americans and women, the Equal Employment Opportunities Commission was established in 1965 under the Johnson administration (Kessler-Harris 2001). Subsequently, efforts have been undertaken in many countries to give greater employment opportunities to those who have long been marginalised both in the labour force and in society more generally. All countries have their unique histories of settlement, immigration, and interactions between indigenous peoples and later settlers. Historical processes tend to create unique approaches in the social and economic development of nations (North 1981). Consequently, looking across a range of countries today, while all may have adopted policies consistent with an EEO philosophy, the issues to be addressed and the policy particulars tend to differ from place to place. Given its linkages to other countries through membership of international organisations, New Zealand has tended to be a close follower of international trends on issues to do with human rights and the pursuit of fair employment practices. Here, we provide some brief background information on the emergence of EEO as a philosophy and practice in New Zealand. We then introduce a set of six rationales that offer strong justification for the on-going pursuit of equal employment opportunities in New Zealand. These rationales include making good on our basic commitments to human rights, recognising responsibilities associated with the Treaty of Waitangi, harnessing the social changes underway in New Zealand, pursuing greater product and service quality on the part of businesses and other organisations, and the imperative of promoting national economic development and an enabling, inclusive society.

Background

New Zealand has developed a body of laws that, taken together, offer a range of protections to workers, and promote fair treatment for all. In 1984, the Government Employing Authorities issued a statement on equal employment opportunities. Promulgation of this document and implementation of actions consistent with it marked the start of efforts explicitly designed to promote EEO in New Zealand. At that time, EEO was designed to cover four main groups: Women, Māori, minority ethnic groups, and people with disabilities.

The timing of this move to promote EEO in New Zealand was not propitious. It occurred against a backdrop of major change in the public sector. As Boston et al. (1996) note, efforts to introduce EEO "ran up against a managerialist restructuring agenda that aimed to reshape the public sector in the image of successful private sector firms and to do away with bureaucratic restrictions on managerial discretion" (246). One implication is that the core public service – where the policy and reporting requirements concerning EEO were, and remain, the most comprehensive – has been progressively downsized. In 2001, the public service was around 37.0% of its size in 1985, when EEO reporting began in earnest. The downsizing in the late 1980s and 1990s had EEO implications that were not factored into decision-making and that were not closely monitored. The Commission for Employment Equity (1991) observed in 1990: "When two departments did an EEO audit of their restructuring process it was found that a disproportionately large number of designated group members lost their jobs during the restructuring process" (1991: 39). For example, compared to European/Pakeha men and Māori women, Māori men were disproportionately affected by privatisation efforts and redundancies associated with them.

Even under the best of circumstances, EEO as a practice and as a philosophy is likely to be subject to continual change. At a minimum, the definition of who is to be covered by EEO policies tends to expand with time. With greater education and social awareness, people often reinterpret their own circumstances and may view their treatment by employers or other employees as problematic. This is the case with various forms of harassment. The point also holds true for people with disabilities. We believe these are not isolated cases. For example, with increasing Asian immigration into New Zealand we are now seeing the Asian ethnic group becoming more salient as a target for EEO efforts. Likewise, breastfeeding mothers are also becoming more aware of their rights in the workplace due to changing health awareness and social norms about breastfeeding and its benefits for the infant. These observations suggest that we must be willing to view EEO in an expansive way, and be open to new interpretations of the applicability of EEO policies. For researchers seeking to determine the effectiveness of EEO policies, the changing nature of EEO can be somewhat frustrating. This is because the relevant baselines for collecting EEO statistics will often be subject to change. At a practical level this means that good time series data – which would allow for the evaluation of EEO programmes and their success – is unlikely to always be available.

Rationales for Promoting EEO In New Zealand

Often arguments made to support equal employment opportunities policies have rested on the intrinsic worth of individuals. We call this the human rights rationale for EEO. It is a critically important one. But other more context-specific rationales also exist, some of which are more obviously pragmatic in orientation. We believe that advocates for EEO should be cognisant of the full range of rationales when determining how best to make their arguments for policy change. Often, efforts to promote EEO policies meet with fierce resistance from people who believe they have done well under past employment practices and who find any talk of change to be quite threatening. In an atmosphere pervaded by scepticism, hostility, and mistrust, staking everything on the human rights rationale can be limiting. In particular, since the human rights rationale is hard to reject, there is a tendency for people to grudgingly take minimal formal steps towards adopting EEO policies. Having done so, they then go through the minimal motions necessary to exhibit compliance, but do little to change their day to day practices and habits of mind. There is considerable evidence that this has happened in many workplaces in New Zealand. We call it "EEO cynicism." Yet effective, change-promoting EEO policies can generate a variety of positive outcomes for a society. Further, if presented with a strong case that takes human rights as its core but augments it with more pragmatic justifications, only the most ardently conservative people would choose to stand in the way of future EEO initiatives.

EEO and Human Rights

The human rights perspective provides our first rationale for EEO. Human rights are recognised as fundamental by the United Nations and, as such, feature prominently in the Preamble of the 1948 Charter of the United Nations: "... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small..."

According to Article 23 of the *Universal Declaration of Human Rights* adopted by the General Assembly of the United Nations in 1948; "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment; Everyone, without any discrimination, has the right to equal pay for equal work; Everyone who works has the right to just and favourable remuneration ensuring for himself [sic] and his [sic] family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection; Everyone has the right to form and to join trade unions for the protection of his [sic]

interests." According to Article 24 of the *Declaration*, "Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay." Human rights in employment principles are enshrined in several other international instruments, including the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of the Child; and the International Labour Organisation Conventions, particularly, No. 100 on Equal Pay, No. 111 on equality of opportunity and treatment in employment with a view to eliminating discrimination, and No.122 on freely chosen employment.

The *New Zealand Human Rights Act 1993* seeks to eliminate unlawful discrimination on thirteen designated grounds. As well as extending other protections, the Act's intention is to ensure that everybody is treated fairly in the area of employment. The thirteen designated grounds are as follows: age (from sixteen years), colour, disability, employment status (unemployed or a recipient of a benefit or compensation), ethical belief (lack of religious belief), ethnic or national origins (includes nationality and citizenship), family status (having dependents, not having dependents, being in a marriage or a relationship in marriage with a particular person or being a relative of a particular person), marital status (single, married, separated, a party to a marriage now dissolved, widowed, living in nature of marriage), political opinion (including having no political opinion), race, religious belief, sex (includes childbirth and pregnancy), and sexual orientation (heterosexual, homosexual, lesbian, bisexual).

The human rights rationale for equal employment opportunities is distinctive from others because it pays attention to the individual worth and the group identity of those both employed and unemployed. Such an approach leads us to consider how far and in what ways people are excluded from the full range of employment opportunities, including employment in any given occupation or industry within the broader labour force, and any employment benefits, promotion and training opportunities. A human rights perspective asks: What are the obstacles to equal employment opportunity? But as well as making visible discriminatory exclusions from employment opportunities and obstacles to EEO, a human rights perspective highlights how employment practices must be adjusted to meet human rights requirements established in national and international law.

The right to employment is linked to the enjoyment of other social, economic, political and civil rights in modern society. Indeed, the comprehensiveness of the right to employment enables the implementation of the indivisibility of human rights. That is, the right to equal employment opportunities has been shown empirically to be interconnected with rights to equality, to political participation, to security, food, shelter, clothing, family formation, and so on. For example, as the Nobel prize-winning development economist Amartyr Sen (2000: 281) demonstrates, the enhancement of economic independence through employment, especially female employment, helps individuals to be participating citizens. Therefore, EEO for women not only enhances the quantity and quality of *human capital* in the labour market, it increases women's *human capabilities* "to lead the lives they have reason to value and to enhance the real choices they have" by reducing gender inequality in intra-family distribution, contributing to greater social and economic well-being for families and children, and improving the quality of democratic debates in the public realm (Sen 2000: 292). Therefore, the human rights rationale for EEO is broad-ranging and fundamental.

A variety of indicators can be used to assess whether or not the human right to just and favourable conditions of work exists in any given country. To take just one example of a human rights application, the International Labour Organisation when assessing country-compliance asks: What procedures exist to ensure that men and women are actually paid equal remuneration for equal

work? Do, for instance, equal opportunities commissions exist? By whom are they staffed, and to what extent are they independent? (Green 2001).

The New Zealand Treasury's 1987 brief to the incoming government noted that, "for many day to day purposes, people rely on prejudice, intuition, custom, manners and habit to guide their actions in a principled way". Treasury argued that "these methods are probably reasonable at an individual level and for normal events but when the Government is considering basic issues of social policy and considering the desirable shape of social interaction, then more careful consideration is needed" (1987: 413). While the need for well-justified Government policymaking is clearly called for, a human rights or human capabilities-based approach to equal employment opportunities demands that Government seeks to identify and eliminate arbitrary forms of prejudice, intuition, custom, manners and habit that guide the day to day actions of employers and employees in the workplace. This government responsibility to eliminate discrimination and promote EEO is not only a means to national economic growth and productivity, but it is a prerequisite for the expansion of the real freedoms human beings enjoy.

EEO and the Treaty of Waitangi

Māori people, Māori culture, and Māori language are indigenous and unique to New Zealand. This distinguishes Māori in New Zealand from others whose culture and language originate elsewhere – and whose culture and language thrive today both here in New Zealand as well as in those countries from which they originate. Based upon the historical processes of its settlement, New Zealand is a bicultural society, where Māori stand in a unique relationship to the land and to the Crown. The Treaty of Waitangi has provided an implied constitutional basis for the peaceful governance of New Zealand and for the country's social and economic development (see Te Puni Kōkiri 2001). The Treaty's third article extends to Māori both protection and "all the Rights and Privileges of British Subjects". The importance of the Treaty and the notion of partnership that has emerged from it requires us to think carefully about how the pursuit of equal employment opportunities relate to discussions of the Treaty.

At a minimum, recognition of the Treaty brings with it the understanding of the uniqueness to New Zealand of Māori culture and language. Recognition of the Treaty also brings the understanding that there are at least two cultures and ways of doing things in New Zealand. When applied to considerations of the workplace, this results in a perspective that is distinct from a monocultural one, where all employees would be expected to adapt themselves to a dominant culture that permeates the structuring of organisations, professions, and occupations. A bicultural perspective brings with it a set of challenges to those who would prefer to believe that there is one best way to do things and that everyone should conform.

Once we recognise Māori cultural distinctiveness and the Treaty commitment to protecting that uniqueness, it becomes apparent that good faith efforts should be made to adjust work practices to ensure that Māori do not feel alienated from their own culture once they enter the world of work. What happens, then, when we recognise that many other New Zealanders come from cultures that are neither Māori nor European/Pakeha? We believe that the precedent set by biculturalism should carry over and inform a perspective that views New Zealand as a multicultural society. However, such a move contains a major danger. That is, we could readily end up adopting a position of cultural relativism. Taking this position, we might argue that no particular cultural perspective has claims to primacy over others in New Zealand. Such a position then negates the unique, and historically grounded, relationship that exists between Māori and the land and Māori and the Crown.

At a practical level, we believe that the Treaty of Waitangi provides another powerful rationale for the pursuit of EEO in New Zealand. Minimally, commitment to the Treaty requires that every effort be made to ensure that Māori have the same employment opportunities as all other groups. Because the history of New Zealand since 1840 is one where many Māori have not been well-served by the education system and many have been marginalised in the paid labour force, we believe that actions should be taken, wherever possible, to redress past wrongs.

When Māori are well represented in positions of leadership and the professions, when they can shape workplace culture, and when they enjoy, on average, the same levels of employment and personal income that are currently enjoyed by European/Pakeha New Zealanders, then we might say that the Treaty commitments are being met. But to attain and sustain those outcomes, considerable effort will need to be made to improve the employment opportunities of Māori. The challenges are great. Efforts to meet them should not be deflected or undermined by recognition of the increasingly multicultural nature of New Zealand society. Rather, we should seek to be culturally sensitive in all instances, while recognising that Māori claims for cultural sensitivity are based on the uniqueness to New Zealand of Māori culture and language. Therefore, Māori should be consulted on aspects of rule-making and the design of EEO initiatives. On this matter, it is important to note, however, that Māori culture itself is not homogenous, and different Māori have different needs. For example, Māori women will often have different sets of employment concerns than Māori men, and Māori with disabilities will have needs that are distinctive from those who are able-bodied.

Social Change and Diversity

The New Zealand labour force has been changing significantly over recent years (see Department of Labour 2003). From 1990 to 2003, the size of the labour force increased by 25.2%. However, disaggregating the labour force by gender and race reveals the nature of the demographic shifts that have accompanied this overall growth. During this period, the female proportion of the labour force grew from 43.5% to 45.7%. Among Europeans/Pakeha, the size of the male labour force increased from 1990 to 2003 by 9.8% while the size of the female labour force increased by 20.2%. Among Māori, the male labour force increased by 46.6%, while among Māori women it increased by 75.3%. Among Pacific peoples, the size of the male labour force grew by 85.5% over these thirteen years, while for women it grew by 89.1%. In 1990, white males made up 48.3% of the whole labour force. By 2003, they made up 42.3%. Overall, the European/Pakeha share of the labour force dropped from 85.0% in 1990 to 77.6% in 2003.² These basic trends are set to continue. According to population projections developed by Statistics New Zealand, in 2021, Europeans/Pakeha are predicted to comprise 67.0% of the labour force, with the remainder of the labour force being composed of Māori (13.5%), Pacific peoples (7.1%), and people of Asian and other ethnicities (12.5%). Figure 2.1 portrays the changing ethnic composition of the New Zealand labour force.

Given these demographic changes, it is clear that the New Zealand labour force is going to become increasingly diverse, and that traditionally under-represented groups, including women, will comprise a much larger share of the labour force than has been the case in the past. These changes and the increasing diversity of the labour force hold important implications. In particular, more effort will need to be made in the future to ensure that women, Māori, and Pacific peoples are well represented across all industries and occupational groupings.

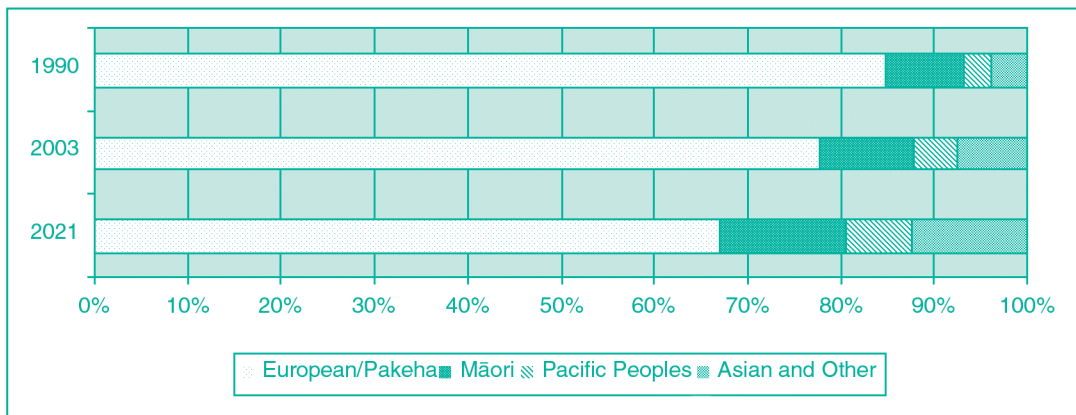


Figure 2.1: Changing Ethnic Composition of Labour Force

Data Sources: Statistics New Zealand Household Labour Force Survey, June Quarter, for 1990 and 2003. Department of Labour (2003) for 2021.

We cannot expect all employers to necessarily display an appreciation of these demographic changes and their social implications. As a result, a rationale emerges for government interventions in the labour market that ensures the increasing diversity in the labour force is reflected across occupations, industries, and workplaces. What occurs in the labour market and in the workplace cannot be separated from broader social activities. Both affect one another and labour market outcomes shaped by many individual acts of discrimination and bias can exacerbate social inequality and the tensions that come with it. This suggests that EEO policies will become even more crucial in the future in New Zealand and that our notions of good EEO practice will have to be continually expanded.

Labour markets are subject to elements of market failure because hiring and other employment decisions are not always based solely on information regarding the appropriateness of the match between potential employees and the jobs they are applying for. Labour markets give high levels of agency to individuals who might use that freedom to exercise discrimination. That discrimination can – in aggregate – produce less-than-optimal outcomes for society. Of course, employers do have to be discriminating when they make decisions about many aspects of an employment contract and on-going employment relationships. But EEO as a philosophy suggests that organisations should be discriminating in ways that focus on job requirements and performance ability, not on matters that are extraneous to the job at hand. Lacking adequate information on which to judge the suitability of individuals for particular positions, employers might rely on stereotypes or other rules of thumb when making their hiring decisions. If it is believed that these judgments are based on ignorance and fear and that they have detrimental impacts for society as a whole, then a rationale emerges for strong EEO policies that positively influence employment decision-making.

Quality of Service and Firm Performance

There is both a "business performance" rationale for EEO in the private sector and a "quality" rationale for EEO in the public sector. In the private sector, considerable research shows positive relationships between EEO policies and business performance. The Australian Federal Equal Opportunity for Women Agency lists five ways in which EEO for women can "boost profitability" supported by statistical and case study evidence. These are as follows: EEO helps to attract and retain the best talent by ensuring that the pool of available employees is as large and diverse as possible; EEO helps a company's productivity and innovation by capitalising on the diverse set of skills and the powerful synergy among a diverse group of employees; EEO helps businesses to attract more female customers by employing more women who may be more in touch with the powerful female consumer base; EEO

can enhance company management styles by ensuring that diverse individuals with a mix of traditionally masculine and traditionally feminine characteristics make up the management ranks; and, lastly, having EEO policies and programmes in place reduces the risk that companies will be subject to prosecution under human rights anti-discrimination and employment legislation.⁴

Beyond these general business rationales, in a recent, highly innovative study of more than 2000 organisations in the United Kingdom (each of which had ten employees or more), a statistically significant link was found between the presence of family-friendly policies and bottom-line business performance (Gray 2002: 5). In this study, 84.6% of organisations judged family-friendly policies to be cost effective. Moreover, all family-friendly policies had a statistically significant relationship with at least one of these performance measures: financial strength, labour productivity, or the quality of the good or service. On average, workplaces that offered the full-range of family-friendly policies performed better than those that did not offer any policies. In New Zealand, although no formal analyses have been completed, anecdotal evidence concerning the efforts of organisations such as PricewaterhouseCoopers, 3M, and Westpac Banking Corporation suggest that family-friendly policies increase worker productivity (See EEO Trust 2001, 2002, 2003). Such research bolsters the business rationale for EEO.

The "quality" rationale for EEO in the public sector has been most fully developed by the Commission for Racial Equality in the United Kingdom. This rationale stresses the enhancement to local democracy and accountability that is achieved when EEO policies and programmes are in place and widely publicised. The quality case also highlights the relationship between an employee's job satisfaction and perception of a fair and equitable workplace, on the one hand, and customer or client satisfaction with the delivery of a public service, on the other (Home Office 2002). Employees who are more content in their workplace are also likely to be more sensitive to customer needs, and generally, more likely to perform to their full ability. Moreover, given that public sector wages tend to be on average lower than private sector wages, public employers that strive to be "employers of choice" through the implementation of a range of equal employment opportunity policies, may still maintain an edge in the competition for the best employees. Like the business rationale for EEO in the private sector, the quality rationale for EEO in the public sector also emphasises how adoption of such policies reduces the risk of legal action concerning discrimination and the potential for government organisations to be "shamed" over aspects of their workplace practices.

National Economic Growth

One of the current government's objectives in New Zealand has been to promote the economic conditions whereby the country could return to the top half of the OECD rankings, when judged in terms of per-capita income. To achieve the permanent income gains that would allow for such movement up the OECD rankings, two things must happen. First, more people must enter and remain in the paid labour force. Second, productivity gains must be achieved within the workplace, so that there is continual growth in the levels of income generated by each worker. Although it may seem counter-intuitive to some members of the business community, efforts to promote equal employment opportunities can contribute significantly on both counts.

Compared with other OECD countries, New Zealand has recently experienced relatively low unemployment (OECD 2003). However, levels of unemployment differ across social groups. For example, Māori and Pacific peoples are unemployed in far greater proportions than are European/Pakeha New Zealanders. Whenever people are unemployed, they not only reduce the contributions they make to society, but they must also rely on others to support them – either through the community, whanau, family or the tax system. Finding ways to help unemployed Māori

and Pacific peoples to secure permanent employment could do much for their individual well-being as well as improving the country's overall economic performance. Many Māori and Pacific peoples are not able to access employment opportunities at the same levels as European/Pakeha, and this is cause for serious concern.

The labour force participation rate is another key indicator to consider when assessing a nation's income-generating potential. The participation rate tells us the proportion of the working-age population that is able and willing to work. On this indicator, New Zealand appears well placed relative to other OECD countries. However, participation rates differ dramatically across different groups of New Zealanders. For example, men currently have much higher participation rates than women. While this holds true across all age cohorts, the differences are greatest between men and women in the 20-39 age group. These highest overall economic activity years coincide with peak years for childbearing among women. The challenge, therefore, is to find ways of increasing women's participation in the paid workforce, while appropriately supporting and fairly redistributing the work of social reproduction. (Social reproduction includes all the work that is involved in the family and household sphere, such as caring for children, the sick, and elderly family members, preparing meals and doing housework.) Based on the statistical evidence alone, it is clear that women with young children in New Zealand are not enjoying the same employment opportunities as their male peers (including their male peers with young children). If appropriate ways could be found to improve the employment situation for New Zealand women, the country's total income could greatly increase. Further, moves in this direction would allow New Zealand society to reap the full benefits of its investments in women's education and training.

Raising productivity rates is also essential for promoting national economic growth. To do this, efforts must be made to ensure that all people are producing at their full potential appropriately balanced with their unpaid work of social reproduction. Further, innovation in work practices must be continuous so that, over time, the same amount of effort per person yields greater amounts of output. These are major challenges. Yet, in New Zealand at present, it appears that many people have abilities, skills, and knowledge that are not being adequately utilised in the workplace. An analysis of the labour force reveals systematic disparities across groups with respect to their representation in various occupations and industries. This suggests that, through a combination of selection and self-selection mechanisms, many people are being allocated to positions in the workforce based on characteristics unrelated to their potential. The result is under-utilisation of people's talents; a situation that can be disheartening for the individuals involved and inefficient for society as a whole. Efforts to secure equal employment opportunities for all people are fully consistent with the pursuit of greater economic efficiency. Those who are concerned about generating faster national economic growth would do well to promote greater commitment to EEO. Richard Florida (2002) has recently observed a correlation between cities that are socially diverse and the degree of creative intellectual and technological endeavours occurring within them. Based on this finding, Florida argues that greater social tolerance can be good for economic growth. One of his most often cited findings is that cities with a large "creative class" also happen to have large, socially integrated gay communities. When we recognise the linkages between tolerance of difference, creative thinking, and technological innovation, this finding makes a lot of sense. We can learn from this.

The Enabling Society

Efforts to promote equal employment opportunities tend to originate with the desire to address the labour market disadvantages faced by specific groups. In many instances, members of those disadvantaged groups have served as policy entrepreneurs, spearheading social and legislative changes. For instance, initiatives like the Americans with Disabilities Act (1990) and the New

Zealand Disability Strategy (2001) represent the culmination of efforts to eliminate barriers to full social and economic participation by people with disabilities. Yet very often, actions taken to address the special needs of particular groups of people end up having positive benefits for all members of society. Several examples can be given.

Efforts to ensure people are not unfairly discriminated against in job searches or in promotions lead to the development of more formal and transparent procedures being followed by employers. As a result, all people gain greater knowledge about recruitment and promotion processes, and all can have a greater level of confidence that they have been treated fairly. In fact, by making their criteria for appointment or promotion explicit and by following those criteria faithfully, employers make it easier to provide honest and useful feedback to those who were unsuccessful with their applications. While the extra effort needed to generate, agree upon, and follow a set of screening criteria might appear bothersome to those who claim, "I know what I like when I see it," ensuring fairness of process can produce benefits for everybody.

To improve accessibility of pedestrian areas for people in wheelchairs, many local authorities now place "curb cuts" on footpaths. Once in place, these curb cuts have proven helpful to many people beside those with disabilities, including cyclists, people making deliveries, roller-bladers, and people pushing strollers. As a result, curb cuts are now often used as a *metaphor* for all kinds of innovations that benefit everybody although they were first developed to address the needs of people with disabilities (Hogan 2003). Recently, people have begun to talk of "electronic curb" cuts. During the 1990s, the World Wide Web Consortium developed a set of Web Content Accessibility Guidelines. These guidelines focused on how to develop websites that are accessible, usable, and useful to people with disabilities. But adherence to these guidelines has resulted in a range of mainstream business benefits.

Given these observations, we conclude that the pursuit of equal employment opportunities should not be viewed as yet another instance of political correctness, pandering to special interests, or government imposing unnecessary compliance costs on business. Rather, good EEO policies serve to benefit everyone. The notion of the enabling society acknowledges that many everyday practices and habits of mind are inherently biased, reflecting approaches that work well for some people, but not for all people. When we turn things around, and view situations from the perspective of those for whom present approaches are marginalising and disabling, we gain fresh perspectives, and insights that can lead to innovations that hold universal benefits.

Conclusion

Successive New Zealand governments have demonstrated a commitment to the pursuit of fair and non-discriminatory workplaces. Since the early 1980s, the language of equal employment opportunities has become more commonplace, and governments have promoted the adoption of EEO policies within the public service in particular, and the state sector more broadly. Efforts have also been made to promote practices consistent with EEO in many private sector entities. We contend that continuous commitment to EEO policies, and the careful monitoring of outcomes is essential to ensuring positive economic and social development in New Zealand in the coming years. This country faces a wealth of opportunities, and we benefit greatly from our endowment of a talented and well-trained labour force. Ways must be found to make the most of our people and the opportunities before us. Well-designed and appropriately implemented EEO policies could – and should – play a vital role here. Such policies hold the promise of ensuring New Zealand's continued economic prosperity. They hold this promise because they promote fairness. When people are treated fairly and rewards are merit-based, they are much more likely to show commitment to collective projects – like striving to make New Zealand a truly great society.

Notes

¹ This paragraph adapts Katerina Tomaevski's (2002 a, b, c) framework for understanding the difference between education and the right to education.

² Source: Authors' calculations based on Statistics New Zealand's Household Labour Force Survey results for June 1990 and June 2003, retrieved via INFOS.

³ For further information and discussion, see the Equal Opportunity for Women Agency's website, http://www.eowa.gov.au/Why_EO_Makes_Business_Sense.asp.

⁴ The US Glass-Ceiling Research Centre tracked the number of women in high-ranking positions at 215 'Fortune 500' companies between 1980 and 1998. The study found a strong correlation between a company's profits and the number of senior female executives in its ranks. The study was reported in the Harvard Business Review, see http://www.eowa.gov.au/Why_EO_Makes_Business_Sense.asp.

6. Factors Shaping EEO Progress

Our review of EEO reporting in New Zealand showed that, at present, the vast majority of employers face no obligation to establish EEO plans and programmes and report upon them. Further, our assessment of EEO progress since 1990 shows that, for the most part, labour market outcomes for women, people with disabilities, Māori, and Pacific peoples have not improved greatly during this period. Therefore, efforts to pursue equal employment opportunities in New Zealand have been quite limited in scope – confined to the state sector, and the public service in particular. They also appear to have had limited effects. When the New Zealand case is benchmarked against other countries and their EEO policies, it becomes clear that, on a number of indicators of EEO policy effort, New Zealand now lags behind Australia, Canada, the United States, and the United Kingdom. All of this leads us to ask: what factors shape EEO progress? In this section, we discuss seven factors that we consider to be important. The factors are: strong legislation, appropriate support structures and resources, labour force development, the nature of employment relations, leadership, support networks, and broad normative commitment to EEO. On their own, efforts to improve any one of these factors would yield at least some positive results in terms of EEO outcomes. But these factors are not independent. Improvements in one tend to support improvements in another. Therefore, for those seeking to promote better EEO practice, the best strategy would involve working to strengthen all of the factors presented here.

Legislation

EEO policy is most likely to receive serious attention in the workplace if it is required by legislation. Clearly, the impact of legislation will depend on the provisions contained within it. Legislation that bans discrimination but that leaves it up to individuals to lay complaints is likely to have a weaker effect on the advancement of EEO than legislation that requires the development of EEO plans and makes adequate provision for systematic monitoring and enforcement from a central agency. Although, extensive legislation does not itself guarantee rapid or comprehensive results, as Canadian analysts Bakan and Kobayashi argue, EEO "will never work effectively until it is strongly legislated" (2000: 45, 59). A comparison of EEO outcomes in the Canadian province without any EEO legislation – Alberta – and the province with the most enabling legislation – British Columbia – empirically supports this conclusion.

The challenge for advocates of equal employment opportunities is to create positive ways of fostering support for legislation. EEO legislation should be both strong and positive in its provisions, incorporating positive duties and incentives as well as enforcement mechanisms and penalties for non-compliance. In New Zealand, the *Human Rights Act*, the *Equal Pay Act*, the *Parental Leave and Employment Protection Act*, and the *Employment Relations Act* make provision for employers to be punished if they engage in discriminatory actions and other behaviours that are inconsistent with the pursuit of equal employment opportunities. However, evidence suggests that the vast majority of employers are likely to pay serious attention to developing and implementing EEO plans only when they face sanctions for not doing so.

Appropriate Support Structures and Resources

Laws are developed to change social and economic practices. While laws can be strong in their language, appearing capable of inducing significant change, typically laws do not become effective

until they are supported by government action. Therefore, laws ultimately gain their strength through the design of enforcement structures. In turn, those enforcement structures gain their strength through the resources that are devoted to them.

In New Zealand, the *State Sector Act 1988* requires that each organisation covered by it act as a "good employer". One of the stipulations of how an organisation becomes a good employer is that it produces EEO plans and reports upon them. However, our review of EEO reporting showed that limited resources have been devoted to the monitoring and analysis of the actions being undertaken at the organisational level both in the core public service and in the state sector more generally. The current situation in New Zealand provides clear evidence that legislative intent will not be fulfilled unless it is backed up with appropriate support structures and resources. Two implications arise. First, efforts to strengthen the legislation underpinning EEO by, for example, imposing positive duties on employers will have little practical effect unless parallel efforts are made to ensure effective implementation. Second, even in the absence of legislative change, by taking steps to bolster current administrative structures, significant improvements could be made to the ways that EEO initiatives are currently managed. This requires political will, leadership, and resources. We discuss the leadership issue later in this report.

Labour Force Development

Equal employment opportunity policies can have many goals, and they can be pursued in a range of ways. This suggests that an array of measures could be used to judge the effectiveness of a set of EEO policies. Having said that, some basic outcome measures can tell us a lot about the progress of EEO. For example, were women, disabled people, Māori, and Pacific peoples represented across all occupations and industries in numbers equal to their proportions in the labour force, then this would offer quite compelling evidence that EEO initiatives were meeting with success.

In our assessment of EEO progress, we noted that people with disabilities, Māori, and Pacific peoples currently tend to attain much poorer outcomes in the education system than do members of other groups. As is the case in all developed economies, our understandings of what constitute the basic skills required to participate fully in the labour force have been increasing. For people in the trades, the professions, management, and all manner of related occupations, a good education – often involving several years of tertiary training – is now a requirement. This holds major implications for the pursuit of EEO. You cannot expect to see high numbers of people from traditionally disadvantaged groups rapidly moving into occupations requiring high levels of skill development if many people from those groups continue to exhibit relatively poor levels of educational attainment. And there is nothing to be gained from placing unqualified people in positions requiring specific skills, knowledge, and experience.

These observations lead us to conclude that the success of EEO policies is strongly dependent on the quality of labour force development efforts. Of course, good EEO policies can involve efforts to work with members of traditionally disadvantaged groups to give them the workplace flexibility, training, and mentoring that will allow them to thrive and, therefore, move into positions that would otherwise appear out of their reach. But there are limits to what can be achieved through even the best of such workplace initiatives. What happens in pre-employment years matters. We contend that lack of education and training among disadvantaged groups imposes a binding constraint on EEO efforts. Therefore, efforts to pursue equal employment opportunities require strong support from educators. At a minimum, the education system must have mechanisms in place to address patterns of disadvantage. In New Zealand at present, more needs to be done to expand the educational opportunities open to disadvantaged groups.

Employment Relations

Collective bargaining arrangements offer greater prospects for the advancement of EEO than do individual contracting arrangements. Research on collective bargaining in Australia and preliminary research on the impact of the *Employment Relations Act* in New Zealand, however, provide only ambiguous support for this contention. More research needs to be conducted to assess the relationship between different employment bargaining regimes and different EEO outcomes.

Australian political scientist, Gillian Whitehouse has conducted several studies that closely analyse the impact of collective agreements in Australia on the prevalence of work/family balance policies and on the gender wage gap. Within registered Australian collective agreements, Whitehouse (2001: 114) found that the presence of work/family balance policies peaked in 1998 after considerable campaigning by the Government and the Australian Council of Trade Unions and has since then declined. Moreover, Whitehouse notes that these work/family balance provisions were far more prevalent in female-dominated collective agreements than in male-dominated agreements, a potential driver of further gender occupational segregation.

In another research project, Whitehouse and Frino (forthcoming) focus on the gendered effects of the current combination of industrial agreements in Australia, both in the sense of the distribution of men and women across different types of agreements, and gender inequality within agreement types. They draw on Australian Bureau of Statistics data to illustrate the uneven distribution of men and women between different methods of setting pay and conditions, and investigate gender differences in pay increases and working conditions within a recent sample of collective enterprise agreements. Whitehouse and Frino find that the distribution of women among agreement types, specifically their over-representation in the relatively low paying award-only sector, contribute to gender pay inequities. However, they also find that the gender pay gap is more marked in the higher paying individual and collective agreement streams: "Within collective agreements, there is evidence that more advantageous wage outcomes are consistently attained in male dominated agreements, and accrue to significantly larger numbers of males than females". The implication of this Australian research is that collective agreements may contribute to increasing rather than closing the aggregate gender wage gap.

Research on industrial bargaining in New Zealand reveals different EEO outcomes. Harbridge and Thickett (2003) investigate whether collective bargaining can be used to implement gender equity in pay and working conditions. Reviewing the most recent data on industrial settlements they find that the gender wage gap resulting through collective bargaining is smaller than the gender wage gap across the economy as a whole. Moreover, their research shows that female-dominated collective agreements (where women are the majority of employees covered) in New Zealand have been comparatively more successful than male dominated agreements (where men are the majority of employees covered) in achieving better leave conditions. However, there is at least one caveat to this research conclusion: even in female-dominated industrial sectors such as education and health, male-dominated settlements have achieved higher minimum wages and annual adjustments than mainly female settlements.

In New Zealand's core public service there is evidence that the gender pay gap is largest among those employees on individual contracts. Additionally, there is evidence that the gender pay gap is largest among employees with relatively high salaries, in management roles, and employees with university degrees. Individuals in these groups are also more likely to have individual employment contracts. These findings suggest that collective bargaining approaches are less likely to exacerbate existing pay inequities but they do not provide evidence that collective agreements are a factor shaping greater pay equity.

Leadership

Leadership matters. W. Richard Scott (2001) argues that laws and their administrative support are necessary but not sufficient for attaining institutional development and change. Strategies that give people the sense of being socially obliged to conform, and that ultimately lead to shared understandings and a "taken-for-grantedness" are just as important. But how can these less tangible elements of social change be instigated? EEO progress can be greatly advanced by strong leadership, most notably by the presence of EEO champions within organisations.

Although EEO has been espoused as a practice and philosophy in the New Zealand public service for almost two decades, anecdotal evidence (some of which can be confirmed by reference to baseline data) reveals that EEO has not won a place in the hearts and minds of all people now holding chief executive positions. We have been told of several key examples of how changes in particular people in top positions can lead to dramatic changes with respect to both the advancement and the rolling back of EEO within New Zealand organisations. Were EEO to be enforced as a practice, in the same way that budgeting is enforced, the impact of individual EEO champions would be less dramatic. But, for now, the role of passionate individuals in positions where they are able to influence organisational culture does appear to be crucial.

The British civil service has recognised the importance of EEO leadership by appointing an official EEO champion from among the chief executives of the civil service. Opportunity Now in the United Kingdom recommends that all private companies nominate board-level EEO champions. Moreover, there is strong consensus among policy analysts that incentivising leadership would increase the chances that individuals would choose to be EEO champions. Tying leadership on equity to annual performance reviews at every level, for instance, would send a clear message to managers about the importance of attending to EEO implementation. It would enable organisations to reward EEO actions (training, mentoring, supporting employee resource groups), and measurable EEO results (improved hiring and retention, positive employee attitudes, reduction in litigation costs).

The devolution of management within New Zealand government is a factor that could equally support or inhibit EEO progress, depending on the institutional incentives in place. On the one hand, an increase in department-level managerial discretion can lead to an increase in discrimination. This can manifest itself through the making of arbitrary appointments, the display of favouritism in promotions, and the erosion of equal opportunity standards within an organisation. On the other hand, the devolution of management can lead to more effective, locally-adapted, and sensitive ways of implementing EEO. Compliance can be enhanced through writing elements of EEO implementation into managerial performance targets.

Another way of promoting leadership involves building more positive reinforcement into the EEO process both within organisations and in the country at large. Such reinforcement could be accomplished through competitions, awards for progress – like the EEO Trust's Work/Life Balance annual awards – and meaningful systems of achievement recognition based on a national or industry-wide set of benchmarks. In an environment which seeks to positively encourage EEO practices rather than punish non-compliance, it is important to make clear that outcomes matter.

Networking

EEO as a practice and philosophy can be advanced through the presence of strong networks among advocates and implementers. Social and professional networks represent conduits for the transfer of

ideas for best practice, war stories, and strategic advice. Fostering exchange of information within and across organisations helps ensure that the commitment to equal employment opportunities is built on common goals and understandings.

Networks also represent sites where individuals can come together to provide support to one another. Effective change agents never work in isolation. Therefore, there are limits to what any individual can do without a strong network of supporters. In effect, networks provide an informal infrastructure that can drive EEO progress. The EEO Trust has created a range of ways to promote networking and learning across member organisations. A professional network of EEO officers has existed for some time in the public service, although it has not always received the recognition and the resources that it has needed to be most effective. More lately, the power of equity networks has been recognised in the Faculty of Arts at the University of Auckland. In its efforts to make equity in educational and employment opportunities part of the core business of the Faculty, an Equity Network of department-level equity coordinators was formed to assist the Faculty Equity Committee to formulate, disseminate and evaluate equity initiatives and also as a conduit for sharing information from "the coalface" about successful EEO and equal educational opportunities (EEdO) initiatives. However, since this network is new its positive impact on EEO outcomes has yet to be assessed.

Normative Commitment

Finally, a general commitment to EEO as a workplace philosophy is critical for promoting the advancement of EEO. Of course, there is a question of causality here. If EEO is an embedded workplace practice, then people will adjust their thinking in ways that serve to support it. (The alternative is to experience on-going cognitive dissonance.) More to the point, if you have a workplace with a core group of people (such as an *Equity Network*) who continually think about EEO issues and how they might be advanced, then you are much more likely to see EEO progress there than in an organisation where such a group is not present. Intuitively, we expect EEO to be less of a hard sell in, say, the Ministry of Women's Affairs or at the Human Rights Commission than in organisations that are less diverse and where equity is not on its face part of the "core business" of the organisation. Above all, EEO progress has occurred where there is widespread acceptance by managers and employees of the need for organisational change to achieve performance goals, be they greater profits or improvements in the quality of service. Empirical research can help to increase this acceptance of change by showing the linkages between bottom-line organisational performance and EEO outcomes. Further research is needed, however, to demonstrate these links in the New Zealand context in a range of organisations as a way of encouraging employers to implement EEO in their own best interest.

Conclusion

Equal employment opportunities initiatives were introduced in New Zealand in the 1980s, at a time when a large amount of government restructuring was taking place. Looking back over the ensuing two decades, it is clear that some of the other initiatives introduced in that period have met with much greater general acceptance and have proven more successful in terms of generating intended results. For example, the financial management changes introduced into the public service in New Zealand have been recognised as path-breaking, effective, and worthy of emulation elsewhere (Boston *et al.* 1996; Kettl 2000). Why have the financial management initiatives introduced in that period met with more commitment and more success than the EEO initiatives introduced at the same time? Much comes down to differences in the strength of the relevant legislation, differences in

the development of support structures and the commitment of resources, as well as the presence or absence of strong leadership, support networks, and normative commitments. Of course, all initiatives are shaped, to some extent, by unique factors. In the case of EEO, as noted here, labour force development efforts and the nature of employment relations have also been important factors shaping progress. For those seeking to promote EEO as a practice and a philosophy in New Zealand over the coming years, careful attention should be paid to working on the factors discussed here. In our next and final chapter, we present our views on necessary future directions.

Notes

¹ *The Status of Women in New Zealand 2002, The Fifth Report on New Zealand's Progress on Implementing the United Nations Convention on the Elimination of All Forms of Discrimination Against Women* (Ministry of Women's Affairs, November 2002) claims that the *Employment Relations Act 2001*, which has encouraged collective bargaining, has had a positive impact on women's employment position.

² See Bagilhole's (1997: 237) study of an organisation within Britain's National Health Service for a discussion of these contrary outcomes of managerial devolution.

³ Cluny Macpherson, Associate Dean Equity and Tracey McIntosh, Assistant Dean Equity, "Proposal for establishment of an equity coordinator in schools/departments in the Faculty of Arts", Faculty of Arts, University of Auckland, 9 September 2003.

7. Future Directions and Recommendations

Equal employment opportunities in New Zealand are less advanced than they should be. As a result, current employment outcomes for traditionally disadvantaged groups remain poor relative to overall outcomes. Looking at the record since 1990, there have been quite limited accomplishments in terms of improvements in the representation of women, people with disabilities, Māori, and Pacific peoples across industries and occupations, and in managerial and other leadership roles. Even in the core public service, where EEO efforts have been more focused than elsewhere, progress for designated groups has been patchy at best. These workplace and labour market outcomes are of concern, because they suggest that many New Zealanders who have much to contribute through their talents and skills are currently being under-utilised.

From a human rights perspective, we should worry that many people are not reaching their full potential both in the workplace and in society more broadly. Having the opportunity to engage meaningfully in the labour force, and to come to mutually-agreed arrangements with their employers about work-life balance and career development, can improve both the material and the personal rewards that people receive from paid work. In turn, the greater sense of efficacy people acquire through their labour market participation can have positive benefits for broader social development. All in society benefit from people believing that their talents and efforts are appropriately recognised, and that material rewards are distributed based on principles of merit and fairness. From the perspective of national economic development, the under-utilisation of people who have the potential to contribute more through their engagement in paid work is also of concern. To improve New Zealand's relative position in the OECD rankings, concerted efforts must be made to eliminate the large and sustained disparities that exist among groups with respect to levels of education, labour force participation rates, unemployment rates, and their representation in management and leadership positions. The pursuit of equal employment opportunities is fully consistent with both the pursuit of human rights and the pursuit of national economic development.

Here we discuss future directions for the pursuit of equal employment opportunities in New Zealand. Throughout the discussion, recommendations are made. The discussion is divided into two parts. We begin by considering strategies that would greatly advance EEO in New Zealand. However, efforts to promote major social change have little hope of attaining success unless they build on existing institutional structures and enjoy broad support among both political leaders and citizens. The second part of our discussion is more pragmatic. This explores practical strategies that could, with time, increase awareness among the policymaking community and the public of EEO initiatives and their potential benefits. As John Kingdon (1995: 128) has said of policy work in general, "without this preliminary work, a proposal sprung even at a propitious time is likely to fall on deaf ears." In seeking to understand why past efforts to promote EEO in New Zealand have produced limited results, a fair amount of blame can be apportioned to problems of argumentation and inadequate efforts to build popular support. Legislative provisions alone do not guarantee behavioural changes. People need to be won over to change, by being convinced that actions consistent with formal laws, rules, and regulations are in their own best interests. Research-based advocacy and the development of policy demonstration projects offer powerful approaches to building support for radical change.

Towards Major Policy Change

Based on our review of EEO in New Zealand and efforts elsewhere, here we set forth the core components of policy change that would be appropriate and highly effective. These components

include legislative change, using incentives to change employer behaviour, and establishing an effective monitoring agency. But even as we discuss these initiatives, we wish to reiterate that major policy changes should never be pursued in a hasty fashion. Effort should be directed over the next few years to making incremental changes within the present legislative and administrative framework, undertaking practical research projects to build evidence that could guide broader policy change, and working with all stakeholders to create the shared sense of purpose and momentum necessary to ensure major policy changes do, in fact, produce the intended effects.

Crafting New Legislation

Until now, EEO initiatives in New Zealand have yielded limited results. Viewing developments in New Zealand in comparative perspective offers a number of insights as to why such limited results have been attained. At present, New Zealand law typically places only negative duties on employers. That is to say, employers are liable for punishment if they engage in discriminatory behaviours or other actions that have been deemed as unlawful. However, the onus is on individuals who feel that they have been wronged to take action against employers. In most instances, the power differentials in disputes are substantial. Employers tend to have far greater resources than individual employees. Therefore, the chances are high that in any given instance an employer will be more able to be successful in defending an action or set of actions than an employee will be in proving that he or she was subjected to unlawful treatment. Viewed comparatively, New Zealand law has not kept pace with that of peer nations. Elsewhere, it is common for employers to be legally required to engage in positive duties. Under such arrangements, employers can be found to be in breach of the law not only for engaging in wrongful actions but also for failing to take right actions, such as producing EEO plans and processes and carefully monitoring their effects. At present, only government or broader state sector employers in New Zealand are required under the law to engage in positive duties. But the evidence from this country and elsewhere is clear. Few employers will take steps of their own accord towards promoting equal employment opportunities. To secure broad behavioural changes, employers must be compelled by law to promote EEO in their workplaces. The coverage of employers should be phased in over time, beginning with the largest organisations and progressively including workplaces with smaller numbers of staff. In developing new legislation, careful thought should be given to the uniqueness of the New Zealand context. In particular, efforts should be made to reflect on how EEO as a philosophy and practice can complement efforts to honour the Treaty of Waitangi.

Recommendation 1: EEO advocates should work towards the introduction of legislation that places strong positive duties on all employers, starting with larger organisations, to develop and implement EEO plans, and regularly report on the outcomes.

Recommendation 2: Future EEO legislative initiatives, policy development, and implementation activities should be preceded by reflection on how best to reconcile EEO as a philosophy and practice with the Treaty of Waitangi.

Using Incentives to Induce Behavioural Change

Evidence from New Zealand's state sector over the past two decades shows that even when employers do face positive duties to promote EEO in the workplace this offers no guarantee that the anticipated behavioural changes will occur. All people respond to incentives, from chief executives through the tiers of middle managers and all the way down the line. If, as has been the case in New Zealand, no incentives exist to induce the behavioural changes supportive of EEO initiatives, then those changes are unlikely to occur. In the state sector and even in the core public service, there are not adequate incentives for chief executives and their managerial staffs to promote EEO. Monitoring efforts have been under-resourced and at an operational level those monitoring EEO efforts have not had the

power to impose strong sanctions for non-compliance. We call for a renewed commitment to EEO in the public service. Further, a range of incentives-based models to promote EEO should be tested and refined in the public service, with the purpose of developing models that could be progressively applied to all state sector organisations and, eventually, to private sector organisations, beginning with the largest. Urgency should be accorded to applying new models in the education and health sectors.

Recommendation 3: Any new legislative initiatives should be supported with the use of incentives to encourage positive changes and to discourage lack of action on the part of employers.

Recommendation 4: Incentives-based models to promote EEO should be tested and refined in the public service, as part of a renewed commitment to EEO in the state sector. Urgent attention should be given to greater promotion of EEO in the health and education sectors.

Minimising Compliance Costs

While we advocate the extension of EEO planning and reporting requirements beyond the state sector and into the private sector, we take seriously the concerns expressed by business groups regarding reporting and other compliance costs associated with government policies. Therefore, it is imperative that research efforts and well-designed pilot experiments be undertaken to accurately predict the potential costs that strong EEO requirements could impose on businesses. As much as practicable, such costs should be minimised, so that all workplace efforts to pursue EEO generate net benefits for employers and employees alike. A strong business case can be made for adoption of EEO initiatives, but solid, New Zealand-based evidence needs to be generated to make this case persuasive to the business community, and to ensure as many of the potential problems associated with implementation are anticipated and addressed in advance.

Recommendation 5: Efforts to compel private companies to establish EEO initiatives should ensure that the business benefits outweigh any compliance costs. New Zealand-based evidence should be developed to support the business case for widespread adoption of EEO initiatives.

Establishing a Strong Monitoring Agency

Evidence from a recent review of Canada's *Employment Equity Act* indicates that employers are only likely to adopt required EEO policies when they know that their efforts are being monitored (Canadian Human Rights Commission 2002). Evidence from the New Zealand public service suggests that a number of government departments have failed to pursue EEO initiatives and set targets for the employment of disadvantaged groups, even though they have been expected to do so under the *EEO Policy to 2010* and even though their efforts are monitored by the State Services Commission. From this evidence, we conclude that a monitoring agency must be driven by strong leadership and sufficiently well-resourced to engage in effective assessments of the actions of individual organisations. This need not mean that every employer should be audited every year. Monitoring systems could involve random checks, such as those used to ensure tax compliance. Additionally, organisations achieving good results from their EEO policies could be given compliance holidays, so that they would need to supply reports much less often than other organisations that are not showing EEO progress. As well as having the authority and resources to monitor organisations, this agency should have the power to "name and shame" and impose significant financial penalties on organisations that show inadequate commitment to promoting EEO.

From time to time, the under-staffed Strategic Development Branch, which has oversight for EEO considerations in the State Services Commission, has attempted to disseminate information among

public service departments regarding EEO good practice. Likewise, the EEO Trust has taken a range of steps to increase general awareness among New Zealand businesses of what can be done to promote EEO and to offer examples of EEO best practice. These are worthy initiatives. However, any monitoring agency established under new legislation must have the resources necessary to maintain a theoretically-informed, creative, and rigorous programme of EEO research and analysis. This work would be undertaken with the express purpose of offering policy advice to the government on EEO issues and to disseminate useful advice to organisations regarding how to improve their EEO efforts. In many instances, the agency could benefit from working with public and private sector partners to explore issues and problems of common concern, such as ways to engage in effective labour force development within specific industries or occupational groupings.

Recommendation 6: Any agency established to monitor EEO efforts should have sufficient resources to closely analyse EEO practices as well as the power to sanction bad practice and reward good practice. It should also have sufficient resources to track changing outcomes, assess and report on best practices, and work with organisations to help them achieve positive EEO outcomes.

Building on Current Strengths

Pursued as a group, the strategies reviewed so far could do a great deal to advance EEO in New Zealand. EEO advocates should begin to work on these initiatives. However, it would take several years of concerted effort to generate the broad public and political will that would be needed to ensure they result in major and positive social change. While working towards making these things happen, and to increase the odds that they will happen, several more immediate strategies can begin. They build on current strengths and involve:

- promoting private initiatives
- promoting better educational outcomes for disadvantaged groups
- promoting greater public awareness of EEO
- requiring exemplary EEO practice in the public service
- building a strong EEO advocacy coalition
- new research and information sharing initiatives.

Promoting Private Initiatives

Government initiatives make their greatest contributions to society when they serve to facilitate worthwhile actions that would not otherwise have occurred. Our assessment of the progress of EEO in New Zealand demonstrates that, over the past decade or so, little has happened to open up greater employment opportunities for traditionally disadvantaged groups. To this extent, a market failure has occurred and this failure has broad social consequences. Government can address the failure through new, stronger EEO legislation supported by administrative arrangements that would allow for its effective implementation. But there are limits to the actions that government can take and, ultimately, government must work with others in the economy and society in order to ensure any laws and policy initiatives achieve their intended effects (Le Grand 2003; Schultze 1977). To a large degree, government is dependent on the behaviour of private individuals to ensure that it attains desired policy outcomes. Building on this logic, we contend that wherever possible, government should encourage private initiatives that are consistent with the pursuit of EEO.

In New Zealand, the EEO Trust has taken a range of steps that could be seen as consistent with harnessing private interests for public purposes. For example, the annual EEO Trust Work and Life Awards provide a valuable opportunity for companies to gain good publicity as employers. Similarly, members of the EEO

Trust can include the Trust's logo in their corporate publicity as well as in their advertisements for new employees. These are low-cost "branding" strategies that allow employers to signal to consumers and potential employees that they are supportive of EEO initiatives. Private initiatives of this sort are extremely valuable. Efforts to further promote EEO as a practice and philosophy in New Zealand would do well to tap into the energy and innovative thinking of private entities. In this way, efforts to shape our collective sense of what it means to practice EEO are shared around, and the claim that EEO is an exercise in government-ordained political correctness becomes all the harder to sustain.

Recommendation 7: Actions by private interests to promote EEO should be encouraged. Branding and other innovative practices would allow organisations that exemplify EEO good practice to publicise their initiatives and advance their reputation among consumers and potential employees.

Recommendation 8: The relationship between the Human Rights Commission and the EEO Trust should be assessed with an eye towards strengthening it. Future joint efforts between the two organisations could involve (1) building capacity for research and analysis, (2) sponsoring original research, and (3) improving information dissemination.

Promoting Better Educational Outcomes for Disadvantaged Groups

The changing nature of the New Zealand economy and the increasing need for employees to have strong general skills and job-specific training places a premium on educational attainment. Unfortunately, many people who are disadvantaged in the labour force also tend to have experienced difficulties in the education system. Therefore, a strong link exists between expanding employment opportunities and expanding educational opportunities. EEO initiatives will be frustrated whenever job candidates from disadvantaged groups display lower levels of educational attainment than other candidates. In short, EEO initiatives might appear to fail if well-trained individuals from traditionally under-represented groups simply are not available to fill various positions. For this reason, advocates of EEO share much common ground with those who would like to make the education system work better for those most at risk of failure within it.

Recommendation 9: EEO advocates should jointly explore with educators ways to improve the education outcomes of those who have been traditionally disadvantaged both in the education system and the labour force. For example, the Human Rights Commission could work with the Tertiary Education Commission to forge strategies to promote greater representation of women, people with disabilities, and racial and ethnic minorities across a range of training programmes.

Promoting Greater Public Awareness of EEO

Earlier, several rationales for the pursuit of EEO in New Zealand were presented. Among other things, these included justifications based on the importance of human rights, the importance of recognising New Zealand's bicultural heritage, the major social and demographic changes underway, and the need to have a fully inclusive society if we are to enjoy strong and sustained economic development. As much as we would like to believe EEO is well-entrenched as a philosophy and practice in the New Zealand popular conscience, evidence suggests that it is not well advanced either in thinking or practice. But since EEO initiatives will become increasingly central to the promotion of this country's economic and social development, there is considerable value to be gained from promoting greater public awareness of the meaning of EEO and the benefits that can derive from its widespread practice. To raise consciousness and create opportunities for broad discussion and debate about EEO issues, Cabinet Ministers should find ways to continually promote EEO good practice.

These efforts should be consciously designed to help people understand how the pursuit of human rights and human development can support greater economic development. Further, EEO advocates should engage in an on-going series of effective public information campaigns (Weiss 1993).

Recommendation 10: Political leaders, including Cabinet Ministers (especially those with responsibilities in areas such as State Services, Labour, Disability, Women, Senior Citizens, Pacific Island Affairs and Māori Affairs), should explore new ways to further promote EEO good practice in New Zealand, with the goal of making New Zealand a world leader in efforts that link the pursuit of human rights and human development with the pursuit of economic development.

Recommendation 11: Public and private organisations should engage in coordinated efforts to promote greater public awareness of EEO as a philosophy and practice. These should include (1) utilising best practice examples and (2) developing guidelines for small businesses.

Requiring Exemplary EEO Practice in the Public Service

In his 2003 Annual Report, the State Services Commissioner observed that there is a need for a renewed sense of what is meant by the notion of "public service." He went on to observe that "[i]ncreasing diversity, providing opportunities for people to realise their potential, and ensuring pay and employment equity, are all part of this picture" (3). Elsewhere in his report, the Commissioner called for the exercise of "new leadership" in the public service. Among other things, he suggested that chief executives need to improve their ability to lead change processes, to find new ways to build and maintain the culture of the state sector, and to become better at "facilitating brokerage and best practices" (9). We have discussed aspects of EEO practice in the public service throughout this report. Although the public service leads all other sectors of New Zealand's economy and society in terms of its expressed avowal to the principles of EEO, it is clear much of the initial energy with which EEO was launched in the public service in the early 1980s has long since dissipated. There is evidence that the promotion and implementation of EEO in the public service demands revitalisation.

Given the provisions of the *State Sector Act* and the history of efforts to promote EEO in the public service during the 1980s and 1990s, a variety of actions could be taken to reinvigorate EEO in the public service if the political will existed. Chief executives and all people marked out as potential chief executives should undertake mandatory and high-quality training in how to become effective EEO champions in their organisations. There would also be merit in giving chief executives significant incentives to exercise effective EEO leadership, and to promote changes in their department cultures so that EEO initiatives are treated as part of the core business, recognised as equally important as financial management and budgeting efforts. Finally, we suggest that more resources be channelled into the monitoring and analysis of EEO efforts in the public service. Given that the State Services Commission has long been the department responsible for EEO monitoring, it makes good sense to keep that function in the Commission. However, the SSC's EEO work programme needs to be reconsidered. Mainly due to limited resources, its efforts to monitor and analyse EEO developments in the public service warrant improvement. Its information gathering, data analysis, and research efforts should all be directed towards producing high quality materials that could be readily accessed and widely used by EEO managers, researchers, advocates, and other interested parties. We would also like to see the Commission develop organisational report cards that allow meaningful comparisons to be made across departments on their EEO progress and so that departmental progress across time can be fully assessed (see Gormley and Weimer 1999).

Recommendation 12: New efforts should be made to ensure that public service departments exhibit exemplary EEO practice. These could be supported by new leadership, more resources, strong incentives for chief executives, the development of effective EEO training programmes for senior managers, and more comprehensive research and monitoring activities.

Building a Strong EEO Advocacy Coalition

A diverse group of people in New Zealand have common interests in the pursuit of EEO. However, these people often pursue initiatives in isolation, and do not gain opportunities to talk among themselves about common issues and problems. While the initiatives of the EEO Trust and some of the efforts to build networks in the public service have gone some way towards keeping EEO advocates in touch, more could be done. In particular, the diverse group of people who work on EEO issues in New Zealand could serve as the basis of a deliberately crafted advocacy coalition (Sabatier 1988). Such an entity would be comprised of people who hold a variety of positions – elected politicians, public servants, interest group leaders, researchers, journalists, and so on – who share common views about the merits of EEO and how it might best be advanced as a practice and philosophy. With time, this advocacy coalition could become a significant force for the promotion of major legislative and administrative changes to achieve more EEO in New Zealand.

Recommendation 13: Efforts should be made to develop a strong, diverse EEO advocacy coalition. Members should focus on achieving social change, and should keep in close touch through on-going small conferences and task forces designed to explore EEO issues of specific interest to the New Zealand workplace.

New Research and Information Sharing Initiatives

Finally, new research and information sharing initiatives could greatly advance the cause of EEO in New Zealand. In the development of this report, we have noted many instances where good information and strong research-based findings concerning EEO in New Zealand were lacking. Findings based on sound research build on each other and eventually can give powerful support to the positions of those seeking to change the minds of policymakers and their advisors (Weiss 1980). But strong, original research findings require researchers to engage in new studies, going into the field to interview people and gather relevant data. These research initiatives could be further supported by efforts to develop a website that gives researchers access to datasets and statistical sources that are relevant to EEO research. Such an initiative could be developed, for example, by a joint effort among the Human Rights Commission, the State Services Commission, Statistics New Zealand, and the EEO Trust.

New research on EEO topics could do much to strengthen the position of those who advocate for a greater commitment to EEO. For example, it would be useful for a study to be undertaken of the effects of work-life balance policies on women workers. Using an experimental design, such a study could assess differences in women's workplace productivity – as judged using a range of measures – between organisations that have introduced work-life balance initiatives and workplaces where no such policies are in place. Likewise, new research should be undertaken to build a strong, New Zealand-based business case for EEO. Such research could investigate the EEO practices of private companies and their relationship to bottom line business performance. Selecting cases from the list of top 100 companies that mention EEO issues in their annual reports, the performance of private companies that have implemented EEO practices could be compared with the performance of matched companies in similar industries that have not implemented EEO.

Recommendation 14: Support should be given to the on-going production of evidence-based research and the provision of statistical analysis relevant to the pursuit of EEO in New Zealand. Efforts should also be made to develop a website-based facility where researchers can freely access datasets and other statistical sources relevant to EEO research.

Conclusion

The widespread adoption of effective EEO initiatives is critical for New Zealand's continued economic and social development. Insufficient efforts have been made to create new opportunities for traditionally disadvantaged groups in the New Zealand labour force. Our benchmarking of New Zealand's EEO initiatives with those of peer nations indicates that New Zealand now lags behind other countries. This is the bad news. The good news is that New Zealand does have a history of pursuing social justice through government policies. Further, since EEO policies were introduced in the state sector in the 1980s, some important efforts have been made in the right direction. Building on the best of current practice in New Zealand, a range of focused, new initiatives could close the gap between EEO policy efforts in New Zealand and efforts underway elsewhere. More importantly, such efforts could promote positive changes in the New Zealand workplace that would serve to reduce current inequalities in the labour force. In turn, improving the situation of traditionally disadvantaged groups could generate major – and urgently needed – gains for the economy, while allowing New Zealand to remain a model society, in terms of social harmony and the advancement of human rights. Our goal should be a nation where, in the words of Amartyr Sen (2000: 281), everyone may "lead the lives they have reason to value".

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