

# WOMEN, LABOR SEGMENTATION AND REGULATION

*Varieties of Gender Gaps*



EDITED BY  
David Peetz and Georgina Murray



# Women, Labor Segmentation and Regulation

David Peetz • Georgina Murray  
Editors

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Varieties of Gender Gaps

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*For our mothers, our sisters, our daughters, and our granddaughters.*

## PREFACE AND ACKNOWLEDGMENTS

It is with much excitement that we welcome you to our book, which aims to help reshape international thinking on “gender gaps.” While many studies have looked at the role of society or organizations, we also wished to focus attention on the role of *occupations* in promoting and reproducing gender gaps. Furthermore, we wanted to look at the interactions between some important concepts—regulation distance, regulation content, norms, and labor segmentation—in shaping those gaps. So we have brought together leading authors from the fields of industrial relations, sociology, politics, psychology, and feminist economics, who have outlined some theoretical considerations, considered the lessons from international comparisons, and discussed case studies in particular occupations such as apparel outworkers, public-sector professionals such as librarians, film and video workers, and coal miners.

Our thinking about these and other occupations had led us to consider the varied situations they faced—indeed, *Varieties of Gender Gaps* was our first idea for the main title for this book, but who would buy a book with a title like that?—and the complex interplays between factors that affected them. So often, though, the role of the “family” or “domestic” sphere returned to become a key part of the story. We think that comes through in this book too.

Several factors have led to this book, including a number of bodies that contributed financially to projects to inspire aspects of it. In the early 2000s, the then Queensland government financed a study of pay equity co-led by David, which included the first study of librarians by Robin Price; Chap. 8, which is on that occupation, follows that study up in this book. The Australian

coal miners' union—the Mining and Energy Division of the Construction, Forestry, Mining and Energy Union—financed the original study of coal women by Georgina and David and, along with the Australian Research Council, the subsequent quantitative study of that sector by Georgina and David that forms the empirical basis for Chap. 7. Universities Australia, the National Tertiary Education Union, and UniSuper, again along with the Australian Research Council, financed the study of academics discussed in part in Chap. 9. We wish to thank those bodies for their financial support. Significant parts of Chap. 1 were reproduced from David Peetz's "Regulation distance, labour segmentation and gender gaps," *Cambridge Journal of Economics* (2015) 39 (2): 345–362, by permission from Oxford University Press on behalf of the Cambridge Political Economy Society.

We held a workshop in February 2016 to discuss drafts of the chapters and of prepared commentaries on them, and that experience helped to give the book a greater conceptual coherence than most edited books. We wish to thank Griffith University and, particularly, the Centre for Work, Organisation and Wellbeing for financial support for that workshop. The Centre also helped with enabling subsequent editorial assistance in putting the book together, and we wish to thank Sue Jarvis for her editorial work under considerable time pressure. Of particular assistance in the Centre have been Professor Adrian Wilkinson and Ms. Clare Inwood.

We also wish to thank all the contributors to the chapters for their fine work, and for adhering to the always reasonable (ha!) demands of the editors and publisher. Without them, as the saying goes, this would not have been possible.

We would like to thank all of the authors' partners, who, consciously or unconsciously, donated part of their valuable time and emotional labor to this book. Finally, David would like to thank his wife, Georgina, and Georgina would like to thank her husband, David, for the support they provided during the stressful (and less stressful) times around the preparation of this book.

October 2016

Georgina Murray  
David Peetz

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## ABBREVIATIONS AND ACRONYMS

ABS	Australian Bureau of Statistics
ACES	Australian Coal and Energy Survey
ACTU	Australian Council of Trade Unions
ALIA	Australian Library and Information Association
APS	Australian Public Service
ARC	Australian Research Council
AWaTW	Asian Women at Work
BFI	British Film Institute
CEO	Chief Executive Officer
CFMEU	Construction, Forestry, Mining and Energy Union
CMPA	Canadian Media Producers Association
DaPP	Dad and Partner Pay
DEEWR	Department of Education, Employment and Workplace Relations
DGC	Directors Guild of Canada
DIDO	Drive In, Drive Out
ESI	Employees' State Insurance (India)
FIFO	Fly In, Fly Out
HAD	Higher Duties Allowance
HASS	Humanities, Arts, and Social Sciences
HREOC	Human Rights and Equal Opportunity Commission
HRM	Human Resource Management
HWCP	Homeworkers Code of Practice
ILO	International Labour Office
IMF	International Monetary Fund

IT	Information Technology
JEMS	Job Evaluation Management System
LSE	London School of Economics
MOHRI	Minimum Obligatory Human Resources Information
NDIS	National Disability Insurance Scheme
NMW	National Minimum Wage
OBC	Other Backward Classes (India)
OECD	Organisation for Economic Co-operation and Development
PF	Provident Fund (India)
PPL	Paid Parental Leave
QIRC	Queensland Industrial Relations Commission
QPS	Queensland Public Service
RI	Research Intensive
SER	Standard Employment Relationship
SES	Senior Executive Service
SMEs	Small- and Medium-Sized Enterprises
STEM	Science, Technology, Engineering, and Mathematics
TCFUA	Textile, Clothing and Footwear Union of Australia
TI	Teaching Intensive

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PART I

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# Concepts

## Regulation Distance, Labor Segmentation, and Gender Gaps

*David Peetz*

One of my students was talking about a job she was doing. She was managing an outlet for an organization in the food and beverage retailing industry. She was angry and shocked. She had figured the pay she was getting, while not fabulous, must be normal for her sector—how could she think otherwise? Everybody’s pay was secret. Then one day, by accident, she discovered that a male colleague running a similarly sized outlet in the same city for the same organization was being paid twice as much as her. No wonder she was angry and shocked.

On the other side of the world, thousands of women making shoes for German firm Birkenstock, or its affiliates, discovered that they were being paid a euro an hour less than men doing similar work (that is a gap of over 10 percent)—allegedly an historical hangover from the days when men there performed work that was *körperlich anstrengendere* (physically more strenuous).<sup>1</sup>

In almost every country, women are paid less than men. By how much depends on how you measure it. Part of it is because women, on average, work fewer hours per week than men, so there is a very big gap in the average weekly pay of all men and women, but still quite a gap in the

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weekly pay of men and women who are *full-time employees*. Even women's *hourly* pay is less than men's, on average, and that is partly because they are in different industries and occupations from men. But even when you look at people doing the same work in the same job, women often get paid less than men. We know that because some statistical studies have controlled for hours worked, tenure, industry, occupation, and the like and still found an "unexplained" gap between men's and women's pay.<sup>2</sup> That does not mean women are always paid less: it varies a lot between organizations, and between industries. As we will show, in organizations where pay is highly regulated, or where the norms of managers strongly endorse equal pay for equal work, and that norm is reflected throughout the corporate culture, there may be no immediate difference between the pay of men and women doing identical work. But in organizations or occupations where that is not the case, and where pay is not transparent (through bonuses or other forms of "pay secrecy"), then there is a lot of potential for unequal pay—as we saw in the two examples above. And that is before we look at the inequalities due to the different industries, occupations, and hours worked by men and women.

The purpose of this book is to reconsider some aspects of our thinking on "gender gaps." This term typically refers to proportionate difference in the wages received by men and women. That is the main focus here, but by no means the only one, as we also look at differences of opportunities and other workplace outcomes, including the conditions under which work is performed. This chapter outlines some theoretical considerations and introduces the rest of the book.

Conventional economic theory defines distortions in the setting of pay as being minimized when markets are able to freely operate.<sup>3</sup> Under that logic, the earnings of male and female employees should reflect the skills they possess and the demand for those skills, regardless of gender. Yet casual observation tells us that women are paid less per hour than men. As mentioned, after "human capital" variables such as education and experience, associated with conventional theory, are accounted for, "unexplained" differences persist.<sup>4</sup> Several models of discrimination have arisen in order to try to explain this. Outside of conventional economics, an important development has been the emergence of labor market segmentation theory, which questions the notion of freely operating markets and suggests employers are, quite often, price takers rather than price makers.<sup>5</sup> Yet even with this, important issues remain unanswered.

Highlighting this explanatory gap is the situation of women in the highest-status occupations. Such occupations wield substantial class power. It is widely acknowledged that employees in high-paid jobs have greater labor market power than those in segmented, lower-skilled jobs. They have higher levels of work-related skills, are the most highly educated, and are therefore most aware of their rights when it comes to fighting issues of discrimination and harassment. So if there were one group of women whom we would expect to achieve equality in pay and conditions, it would be those in the highly paid, high-status jobs. Yet, as we will see in Chap. 10, gender inequality in pay appears, if anything, to increase as women approach the top.

In order to explain this, we have to move beyond conventional human capital theory and integrate labor market segmentation theory with another concept introduced here: “regulation distance.” This term means *the extent to which the terms of employment of particular workers are (un)regulated*, including by collective agreements, legislation, or other instruments. It refers to a continuum from “regulation proximity” to “market proximity.” When regulation distance is low, we say that workers have high “regulation proximity”: a set of objective criteria—rules—determines most aspects of their employment (it is not possible for rules to determine *all* aspects of the open-ended employment relationship), and there is limited room for subjective factors, such as whether workers are from the same social milieu as their bosses or look or behave similarly to them, to influence pay and conditions. In the United Kingdom, for example, the situation is shaped by the extent to which employment is regulated by collective agreements or legislation; in Australia, tribunal awards are added to this list. This concept is relevant not only for understanding the situation of high-status women but also for understanding working women in many situations.

When regulation distance is high, we could say workers have “market proximity”—or, alternatively, “subjective proximity.” Hence, “market proximity” does not mean that pay and conditions are governed by simple laws of supply and demand, and the human capital model. High regulation distance reduces the inherent role of objective criteria and increases the potential role of subjective criteria. It increases the likelihood that norms and cultures that favor those in power (men) will dominate outcomes. Norms are the principles that guide behavior—not just attitudes held by individuals about what is desirable, but also perceptions about what is appropriate behavior in a given context—“the way we do things around here.”<sup>6</sup>



Becker,<sup>7</sup> in describing how employers may pay a premium (higher wages or reduced productivity) to satisfy their preference or “taste” for certain types of labor (e.g. male or white labor), put forward a model indicating that discrimination would be self-defeating in a market context (discriminating employers would eventually go broke). In contrast, this “regulation distance” model suggests that a greater reliance on the “market” need not remove distortions and may increase their impact.

The extent to which subjective criteria dominate is influenced by how “visible” women workers are in that particular market—that is, whether those on the “demand” side of the labor market can tell the gender of those on the “supply” side. Gender can only influence outcomes where it is visible. Where it is known and influential, we refer to a “subjectified” market; where gender is invisible and hence unknown, we refer to an “objectified” market. The degree of subjectification will be one factor influencing market “norms.” In theory, a market in which labor was supplied through an opaque intermediary (such as the internet sometimes is) might be objectified and unable to generate discriminatory outcomes. Some “contract for” service arrangements may be like this (e.g. contract writing of software or articles, interpretation of radiographs, etc.), but few, if any, employment relationships are like this at present. Still, in some regulation-distant labor markets, delivery of a simply defined output with simply defined value may be the principal concern of management, and the labor market might be more objectified than in some other regulation-distant markets for labor for which personal interactions are the dominant mode of generating value (e.g. for management positions). Even when distant from a product market, however, as Gottfried and Graham’s study of an assembly line shows, women’s work may be devalued relatively to men’s.<sup>8</sup>

Subjective criteria can appear very objective. Allegedly independent algorithms to help firms hire workers may incorporate factors that indirectly discriminate against women—O’Neill’s *Weapons of Math Destruction* gives the examples of social capital measures influenced by (highly gendered) involvement in sexualized websites, or predictive success algorithms that reproduce gendered histories.<sup>9</sup>

Regulation distance is not the only factor influencing gender gaps. In addition to the nature of market norms, the *content* of regulation matters critically, and regulation distance operates differently for different labor market segments. So we have to consider how regulation distance and labor segments interact: in particular, whether the work that women are undertaking is female dominated, male dominated, or mixed.

These ideas are elaborated upon below, and throughout this book. In this chapter, we consider the factors that are commonly used to explain the gender pay gap. We then discuss empirical evidence about and theoretical propositions regarding the roles played by the content of regulation and norms, regulation distance, labor market segmentation, and the intersections between these last two in shaping gender gaps. Later chapters look first at various aspects of the theoretical framework—the influences on norms and regulation that shape gender gaps, then examine several case studies of gender in occupations that signify various intersections of regulation distance and labor segmentation.

### EXPLAINING GENDER GAPS

*Human capital* theory seeks to explain gender gaps in terms of human capital “endowments”—income-earning characteristics, particularly education and experience, that differ between individuals. Workers experience costs by undergoing education or training, and then receive a return on their investment as higher earnings.<sup>10</sup> Women may have lower earnings than men because they possess fewer endowments, or they may receive a lower return on those endowments. However, studies indicate that differences in the human capital characteristics of men and women explain little of the gender pay gap.<sup>11</sup> There is more substantial evidence that women receive lower returns from education and experience than do men, especially in the upper ends of the private-sector earnings distribution.<sup>12</sup> But this raises the question of why returns are lower for women. It might be time out of the workforce—a result of the influence the domestic sphere has on labor market behavior—or it might reflect other factors that affect older workers, who may be more distant from external regulation.

Other studies suggest that various *labor market factors* play a role in gender gaps. Women tend to be segregated into particular industries and occupations, and those with high rates of female employment tend to have lower average rates of pay.<sup>13</sup> The gender pay gap tends to be lower among union members than among non-members, particularly for lower wage earners.<sup>14</sup> It is lower in the public sector than it is in the private sector.<sup>15</sup> It tends to be lower among people in the lower half of the earnings distribution and higher in the top part, especially within the private sector.<sup>16</sup> When education is correlated with income, a higher gender gap for high-income earners arithmetically reduces the apparent returns on education for women.

*Labor market segmentation theory* explains some aspects of the gender pay gap. The demand and supply sides of labor markets interact to segment labor markets. This process separates workers into groups with different bargaining power and status, so workers with similar productivity are paid differently.<sup>17</sup> On the demand side, gender segmentation can arise from a number of sources, including socially defining “women’s jobs” as relating to the domestic sphere, their portrayal as possessing less skill than men’s jobs, male resistance to women in “men’s jobs,” employer discrimination and casualization, and career blocks in part-time work.<sup>18</sup> Segmentation divides “male” and “female” jobs; it also segments employees from migrant backgrounds, intermittently unemployed people, indigenous people, and people with disabilities. In segmented labor markets, skills (e.g. “care” or “dexterity”) associated with marginal groups are given less value than those (e.g. “strength”) associated with more powerful groups of employees.<sup>19</sup>

Yet, despite its usefulness in explaining low pay in female-dominated occupations, labor market segmentation theory does *not adequately explain other aspects* of the gender pay gap. For one thing, many women are not “segmented” into female-dominated occupations or industries. In 2009, when women constituted 46 percent of the employed Australian workforce, among the 99 ABS industry subdivisions, a third of women worked in industries where they constituted a minority of industry employment, and half worked in industries where they constituted less than 56 percent of employment.<sup>20</sup> Nor does labor market segmentation theory explain the phenomenon of a widening pay gap at high pay levels.

At the cross-national level, differences in the egalitarian characteristics of wage structures play an important part in explaining gender gaps, as women in all countries are over-represented in lower-status occupation and under-represented in higher-status occupations.<sup>21</sup> Within occupations, women are under-represented in the higher-level positions, a process referred to as vertical segregation. Class is thus an important factor in national gender gaps, as is (in complex ways) the nature of welfare state programs.<sup>22</sup> Our interest, though, is also in explaining gender gaps within countries, as they apply to different women in different labor market positions.

## THE CONTENT OF REGULATION AND NORMS

Regulation reflects (and reinforces) dominant social norms, which in turn reflect, not without challenge, the interests of the dominant group(s)—in this case, men. Regulation distance only matters when there is some difference between the values embodied in regulation (manifested as rules) and the

values embodied in the market (manifested as the culture and norms that operate under market/subjective proximity). As Georgina Murray and Marco Öchsner point out, often both regulation and norms simply reflect the interests of capital; in such circumstances, regulation distance is of no importance.<sup>23</sup> In the early nineteenth century, there was little, if any, difference between the values embedded in regulation and in norms for most workers. The Australian arbitration tribunal's 1907 *Harvester* judgment and related rulings on female pay reflected and reinforced the dominant social norms and interests of men.<sup>24</sup> Through a century of women's struggle, social attitudes and legislation changed to attach greater value to women's work. Countless examples of class and feminist struggle led, directly or indirectly, to the introduction of regulation that in one way or another advanced the interests of women. They forced employers, management, and some workers to do things that they otherwise would not have done. To the extent that regulatory changes arose from social mobilization and were ahead of the norms of some of those in power (and, almost by definition, when the former is the cause of regulatory changes, then the latter will occur), regulation distance now mattered. Equal pay legislation in the United Kingdom and other countries,<sup>25</sup> and the introduction in Australia of equal pay for equal work (and later equal pay for work of equal value) through the tribunal system, imposed new behaviors on employers. The *content* of legislation, as it affects women at work (including direct regulation of wages, leave, parental leave, and discrimination, as well as welfare state policies such as those affecting childcare, child allowances, and state payments), varies substantially between nations,<sup>26</sup> and this helps us to understand cross-national differences in gender outcomes.

A critical point here is that it is not just explicit gender regulation that matters. We are not only interested in whether regulation enables or prohibits discrimination on the grounds of sex. Many regulations that appear to be silent on gender matter a lot. For example, regulation of the minimum wages payable to workers may appear to have no explicit gender dimension, but if they apply equally to men and women and they therefore reduce the scope for normative discretion, then they may decrease gender inequities compared with situations where such regulation is absent and wide discretion is permitted for those in power. Regulation of violence (including enforcement of any laws) matters a great deal for women. A fundamental difference between men and women is their experience of violence, best summarized by Margaret Atwood's observation that men are "afraid women will laugh at them" while women are "afraid of being killed."<sup>27</sup> The implicit *threat* of violence, even if never actualized, can help suppress the wage demands of any group,<sup>28</sup> including women.

Gender-based harassment is one way in which the threat or actuality of violence is manifested at work, and prohibitions on sexual harassment, as implemented through the US courts, have been shown to increase female labor force participation and relative female incomes.<sup>29</sup> The less strict the prohibitions on any form of violence, including harassment, the more likely it is that harassment of women will be higher and their relative incomes will be lower.

An important aspect of regulation content arises through union values, embodied in the regulation enacted by unions. For example, in Australia, for many decades trade unions gave little attention to women,<sup>30</sup> and when they did, they actively supported unequal wages for men and women. This reflected the dominance of “family wage” or “male breadwinner” notions in wage fixing and union ideology. Discrimination against women was as much a result of union pressure as it was of employer decisions. However, from the 1960s—under the rising influence of the women’s movement—union policy changed and unions supported a range of equal pay campaigns and the promotion of women and women’s policies within unions. While women remain under-represented in unions at all levels, most severely at senior levels of unions,<sup>31</sup> that under-representation is declining.<sup>32</sup>

Similarly important is the content of *norms*. The norms that are relevant in this respect are driven by the values of people in positions of power in a given situation, not the values of the population at large. In two workplaces or occupations with market proximity, the norms in a female-dominated one will be very different from those in a male-dominated one. Norms will likely vary with education, as education tends to diminish intolerance and be linked to more positive attitudes toward women’s employment.<sup>33</sup> Education effects may mask the impact of regulation distance as protective labor market laws tend to be extended to those with greatest vulnerability, who typically have the lowest skills and education. Norms may also vary with employer values and (conscious or unconscious) strategy, nationality, location, cultural setting, and other factors. Subjective proximity in an occupation where norms favor equality will have a very different impact from that in an occupation where norms favor men or downplay objective criteria for pay determination.

Norms can be very powerful. They can undermine or undo the protections provided by regulation. Indeed, one indicator of regulation distance is whether norms can undo the effects of regulation; if they can, then regulation is neither tight nor close.

## FEATURES OF REGULATION DISTANCE AND LABOR MARKET SEGMENTATION

Several dimensions of employment for an occupation or a group of female workers will vary according to where they are on the regulation distance continuum, and the nature of labor market segmentation in an occupation. For analytical purposes, it is handy to think about polar ends of *regulation proximity* and *market/subjective proximity* on one scale, and on the other hand, it is worth considering whether it is male dominated, female dominated, or mixed. While many groups of workers will sit at one pole or the other, many others will occupy intermediate steps in the continuum, and their characteristics will likewise have appropriately intermediate characteristics. So here we briefly summarize the key facets that relate to each. We return to some of these ideas in the final chapter.

### *Regulation Distance*

- For workers with regulation proximity, the *governance system* of employment, including wages, is based on rules. For workers with subjective proximity, by contrast, employment is governed not by rules but by the norms of the groups who possess power. So, for example, the public sector has high regulation proximity, using a web of rules to govern employment more consistently than the private sector. This not only reduces the pay gap between men and women but also reduces that between heterosexual and gay men, the latter appearing to receive lower pay and employment than the former in several countries, but less so in the public sector.<sup>34</sup>
- Related to this, the *rule of law* is significant for workers with regulation proximity. Where rules exempt certain workers from regulation, then market proximity is high. Outworkers are documented as having minimal protections. If state authorities do not substantially enforce minimum employment standards, due to laxity or underfunding, or if the processes, rules, or costs of the legal system discourage enforcement or produce inconsistent interpretations,<sup>35</sup> then market proximity is increased for all workers so affected.
- The *employment instrument* of workers with regulation proximity will often be a collective agreement that sets out the pay and several conditions of employment of covered employees. By contrast, workers with market proximity will typically be covered by a form of

individual contract, largely determined by the employer, who has the opportunity to shape norms in the workplace.

- Where collective agreements or public sector pay scales codify and regularize pay, management may increase market proximity by introducing flexibility into pay through incentive or “performance”-related pay. This frequently has the effect of increasing the use of subjective criteria at the expense of objective criteria, which in turn has potentially negative implications for women.
- The *role of unions* is often significant for workers with high regulation proximity. Unions are a key form of non-state regulation, seeking to create rules, codify behavior, and ensure that rules are enforced. Most workers with market proximity are non-unionized. Large firms are more likely than smaller ones to be unionized, have collective agreements, and have complex, rule-based governance—and they are also more likely to be influenced by laws affecting equal opportunity for women.<sup>36</sup>
- The *type of personal capital* that is important for shaping pay varies according to regulation distance. For workers with regulation proximity, human capital is important. For workers with market proximity, social capital also plays a significant role.<sup>37</sup>

### *Labor Market Segmentation*

Several additional dimensions of work are a function of the nature of labor market segmentation in an occupation—that is, whether it is male dominated, female dominated, or mixed. The distinctions between these categories are matters of degree; there is a diverse distribution of gender shares by occupation:

- The *impact of the domestic sphere* on the *value of work* varies according to segmentation. In a female-dominated occupation, the skills deployed are typically undervalued, often treated as “attributes” rather than skills because they often share activities that historically had been undertaken by women in households.<sup>38</sup> Hence, the problems of undervaluation are collective in a female-dominated occupation; however, they are individualized in a male-dominated occupation.
- In female-dominated occupations, there may be *structural career barriers*—narrow or poorly defined career paths. By contrast, in male-dominated occupations, career paths may be clearly defined

but career barriers for women arise mainly from restrictions being placed on women accessing promotion or training necessary for career advancement, as a result of direct or indirect discrimination. In mixed occupations, the barriers to career advancement may chiefly operate at the procedural interface between the work and domestic spheres—such as inadequate access to paid maternity leave, permanent part-time work, job sharing, or other employee-focused flexibilities that enable women both to have children and to exit and re-enter the workforce without suffering loss of status or seniority (these are problems that affect women in most occupations).

- In mixed occupations, male and female workers are equally *visible*. But in male-dominated occupations, women are highly visible and their performance is therefore under easy scrutiny.<sup>39</sup> Their visibility, when mistakes occur, heightens the “risk” associated with hiring women, as people often exaggerate the probability of unlikely but visible events.<sup>40</sup>
- *Forms of harassment* experiences will also vary by labor segmentation. In female-dominated and mixed work spaces, sexual harassment events are likely to be individualized; in male-dominated work spaces, harassment can be of this form but it may also take on a collective form (such as displays of pornography).<sup>41</sup>

What number defines an occupation as being dominated by one gender? As mentioned, it is more a gradation than a simple categorization, but some studies (e.g. the one presented in Chap. 8) use 60 percent as the threshold (e.g. over 60 percent male employment means “male-dominated”).

One point worth noting, though, is the existence of segmentation within segments. Some “mixed” occupations may comprise a series of gender-focused and distinct labor markets. For example, academics (the focus of Chap. 9) may, as a whole, be mixed but, in substance, comprise a series of disciplines that vary in their gender composition (men dominate engineering, women dominate education faculties, and so on) and which are not very interchangeable. Film and video production comprises a mixture of occupations, some very male-dominated (e.g. directors), some female-dominated (e.g. makeup). While the lower levels in the industry are relatively gender balanced, in almost all occupations, men are more likely to be placed in higher-level positions, and sometimes, this means distinct occupations—for example, in film and video production,



directors are at the top, makeup at the bottom. Especially in that sense, the field of film and video production is male-dominated, even though many women work in it.

### INTERACTIONS AND VARIETIES OF GENDER GAPS: THE REST OF THIS BOOK

The ways in which various influences interact to shape gender gaps are illustrated in Fig. 1.1. The domestic sphere, the state, unions, and class relations all influence the content of regulation. Each of these also influences the norms by which groups in power operate—norms that are also subject to other influences such as those arising from socialization through education, the media, and so on. The relative impact of each influence on regulation and norms varies: the state has a greater influence on regulation than on norms; the family and domestic sphere have a greater influence on norms than on regulation. The relative width of the arrows in Fig. 1.1 reflects that.

Norms and regulation overlap, shaping each other. The content of regulation and norms then influences gender gaps, contingent upon the

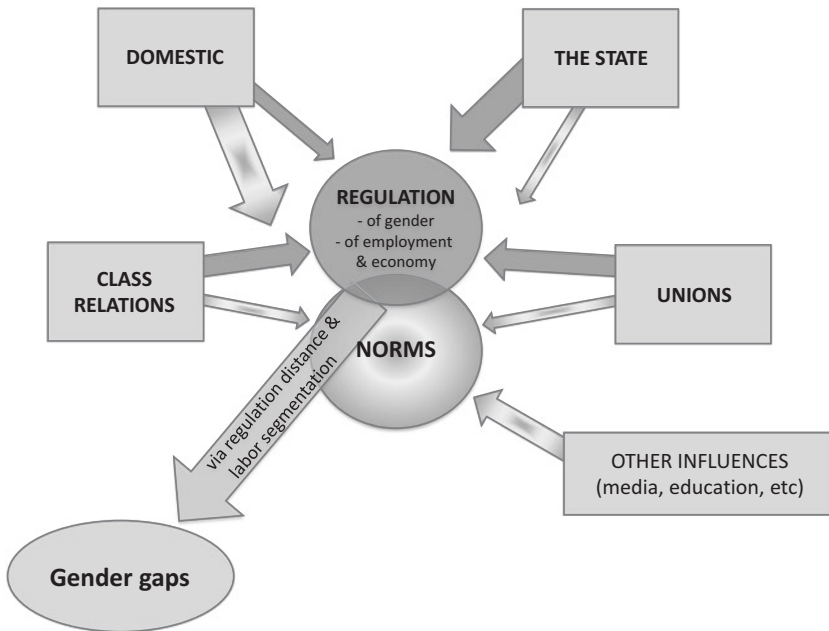


Fig. 1.1 Influences on gender gaps

relative importance of norms and regulation, and the interactions between regulation distance and labor segmentation. When regulation distance is high, we would draw the “norms” circle in Fig. 1.1 as large, and the “regulation” circle as small. When regulation distance is low, we would draw the reverse. Where regulation distance is irrelevant (i.e. where there is no difference between norms and regulation), we would draw them as concentric, almost identical circles.

Norms and regulation then shape gender gaps, mediated by the interaction of regulation distance and labor segmentation that is relevant to that specific group of workers.

The next five chapters of this book provide more conceptual detail on the influences described above: the rectangles in Fig. 1.1. Chapter 2, by Georgina Murray and Marco Öchsner, examines class and gender, locating the gender gap within the context of class relations. Chapter 3, by Heidi Gottfried, considers the changing nature of gender norms and gender regulation by the state, examining the historical development of ruling values regarding gender and pay, as well as the historical development of regulation of gender issues by the state. The dominant mode of regulation (such as under a Keynesian versus a neoliberal logic) will influence the overall degree of regulation distance across a society; the modalities of regulation she discusses (such as breadwinner-driven or gender-explicit) will determine the content of regulation, but they may also (in the case of “non-regulation” modalities) determine regulation distance. Chapter 4, by Suzanne Franzway, looks at the historical development of regulation of gender issues by trade unions, including the norms possessed by unions. It also discusses the treatment of people from diverse sexualities, who may be subject to gendered pay gaps referred to earlier (though the rest of the book mainly concerns gaps between men and women). Chapter 5, by Sara Charlesworth and Fiona Macdonald, specifically analyzes the interaction of the domestic and market spheres, and how the domestic sphere constrains the options for both women and men. Then Chap. 6, by Gillian Whitehouse, provides a cross-national comparison of gender gaps, identifying explanations for cross-national differences.

We can also visualize the interaction of regulation distance and labor segmentation in modern times (where regulation norms are more female friendly than the norms of those in positions of power), along the lines of Fig. 1.2. For ease of reference, labels have been attached to male-dominated (M), female-dominated (F), and mixed (X) occupations, and to workers with regulation proximity (1) and subjective or market proximity (2).

		Regulation distance	
		regulation proximity	market proximity
Form of segmentation	Male dominated	M1	M2
	Mixed	X1	X2
	Female dominated	F1	F2

Fig. 1.2 Intersections of regulation distance and labor segmentation

Thus the chart shows six segments—for example, M1 is a male-dominated segment with regulation proximity, and X2 a mixed gender composition segment with regulation distance.

The forms (or “varieties”) of gender gaps that are most prominent will typically vary according to the segment that most closely approximates the location of particular workers. For example, for women in cell F1 (female-dominated, regulation-proximate), formalized collective undervaluation of skills will be highly problematic. For those in cell M1 (male-dominated, regulation-proximate), individualized harassment and career blockages will be major issues. For those in cell M2 (male-dominated, regulation-distant), individual undervaluation—in effect, pay discrimination—will be apparent. For those in cell F2 (female-dominated, regulation-distant), structural undervaluation will be very common and the work will take place in what are often characterized as low-paid “ghettos.” For women in cell X1 (mixed-gender, regulation-proximate), problems arising from the work–domestic interface will still be prominent, despite the easing of some of the problems characterizing many

other groups. For those in cell M2 (mixed-gender, regulation-distant), the precise combination of problems may be a hybrid of other groups' problems, depending on how that occupation has evolved. For example, if it was formerly a male-dominated occupation that has become mixed through "feminization," there may still be issues of individualized pay discrimination, different forms of harassment, and barriers to career progression, reflecting either or both individual discrimination and the work-domestic interface.

Some of the groups shown in Fig. 1.2 may be located differently in different countries. For example, mining is a male-dominated industry in most countries, but in Australia, coal mining is relatively well unionized, whereas metals mining is non-unionized and dominated by individual contracts. So in Australia, coal (at M1) has greater regulation proximity than metals mining (M2).

In the second half of this book, each chapter has been devoted to a case study that tells us something about one of the cells shown in Fig. 1.2. The first three chapters there deal with regulation-proximate groups; the last three with regulation-distant groups. So Chap. 7, by the editors and Olav Muurlink, examines a male-dominated, regulation-proximate occupation: coal miners. In Chap. 8, Robin Price and Linda Colley analyze female-dominated, regulation-proximate occupations: public-sector professionals. (Another female-dominated, regulation-proximate occupation, care workers, is given special attention in Chap. 5 on the domestic and market spheres.) Chapter 9, by Glenda Strachan, David Peetz, Kaye Broadbent, Gillian Whitehouse, Janis Bailey, and Carolyn Troup, covers a mixed-composition, regulation-proximate occupation: academics.

The next three chapters look at more regulation-distant workers. Chapter 10, by the editors and Mahan Poorhosseinzadeh, considers a male-dominated, regulation-distant occupation, senior executives, showing how regulation distance weakens even this most powerful group of women. In Chap. 11, Annie Delaney deals with a female-dominated, regulation-distant occupation, textiles clothing and footwear outworkers, highlighting the "invisibility" of such a regulation-distant group. And in Chap. 12, Amanda Coles and Kate MacNeill look at a mixture of regulation-distant occupations in the film and creative industries in Canada, also highlighting how the "risk" of women is exaggerated when women are in a minority at the top.

We have spoken so far about these groups as if they are occupations (defined by what workers do), but many of these are located within specific industries that also shape the experience of women workers. In the case

of film and video production, we will see it is really a mix of male- and female-dominated and mixed occupations in an industry that is, overall, dominated numerically and in terms of power by men. (Similarly, we will see that the profession of “academics” is really a series of disciplines, each in distinct labor markets, as if they are distinct occupations in the higher education industry but with varying mobility to other industries.)

The ideas here build on and overlap with many earlier theorists. For example, the idea of “norms” relates to two of Raewyn Connell’s four dimensions of gender regimes within organizations: emotion and human relations (how antagonisms or attachments are organized along gender lines), and culture and symbolism (the language, symbols, definitions, beliefs, and attitudes about gender).<sup>42</sup> The nature of labor market segmentation in an occupation—whether it is male dominated, female dominated, or mixed—reflects a third dimension: the gender division of labor. The fourth dimension—gender relations of power—is core to understanding the ways in which norms and regulation content and distance are created and contested. Like Joan Acker’s “inequality regimes,”<sup>43</sup> and her work well before that,<sup>44</sup> many studies see *organizations* as “the bearers of gender.”<sup>45</sup> We agree, but also think that theoretical attention needs to be given to *occupations* and the power relations that shape gender gaps affecting them. In the following chapters, there is a mix of old and new references to work from feminist, sociological, economic, legal, and industrial relations traditions.

The final chapter, Chap. 13, is by the editors. It brings together the themes of the book and canvasses the reasons why gender gaps persist. It draws on the concepts and case study groups of workers discussed in preceding chapters, as well as makes reference to some other occupations (such as lawyers, a regulation-distant, mixed occupation in transition). Evidence in this book is drawn from a number of countries. The most common examples come from Australia, where the operation of the tribunal system and formalized enterprise bargaining has produced a variety of combinations of regulation distance and proximity with labor segments. However, we also look in depth at a number of other countries—India for apparel outworkers; Canada for film and video workers; Japan for state intervention on the role of women in the workforce—and some chapters take an explicitly comparative approach or refer to trends across countries.

Overall, this book will show how the interaction between regulation distance and content, labor segmentation and norms helps us to understand various aspects of the gender gap. This includes identifying more

clearly the roles of undervaluation, labor market segmentation, human capital, social capital, and public sector and union effects. The book highlights the importance of group norms, social capital, and power in shaping the pay of men and women, as well as the situations where those things matter most. We will see that a greater reliance on the “market” does not necessarily remove distortions. Instead, it can increase their potential and harmful impact.

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37. For example, J. Ang, G. Nagel, and J. Yang, "Is There a Social Circle Premium in CEO Compensation?" in *Financial Management Association European Conference* (Prague: SSRN, 2008).
38. S. Horrell, J. Rubery, and B.J. Burchell, "Gender and Skill," *Work, Employment and Society* 4 (1989): 189–216.
39. R.M. Kanter, "Some Effects of Proportions on Group Life: Skewed Sex Ratios and Responses to Token Women," *American Journal of Sociology* 82, no. 5 (1977): 965–90.
40. D. Kahneman, *Thinking, Fast and Slow* (New York: Farrar, Straus and Giroux, 2011), Chap. 29.
41. J. Eveline and M. Booth, "Gender and Sexuality in Discourses of Managerial Control: The Case of Women Miners," *Gender, Work and Organization* 9, no. 5 (2002): 556–78.
42. R.W. Connell, *Gender* (Cambridge: Polity Press, 2002); R.W. Connell, "Glass Ceilings or Gendered Institutions? Mapping the Gender Regimes of Public Sector Worksites," *Public Administration Review* 66 (2006): 837–49.
43. J. Acker, "Inequality Regimes: Gender, Class and Race," *Gender & Society* 20, no. 4 (2006): 441–64.
44. J. Acker, "Hierarchies, Jobs, Bodies: A Theory of Gendered Organizations," *Gender and Society* 4, no. 2 (1990): 139–58.
45. Connell, "Glass Ceilings or Gendered Institutions?"

## Gender and Class Relations

*Georgina Murray and Marco Öchsner*

Class in capitalist society is based on those who own and control work and those who work but have little power, with only their labor to sell on a competitive market. Because we live in a patriarchal as well as capitalist society, gender is a factor often used to modulate the conditions of labor.<sup>1</sup> Nevertheless, as Kimberlé Crenshaw<sup>2</sup> and other intersectionalists<sup>3</sup> argue, gender is not the only variable that intersects with class in the workplace—sexism, racism, transphobia, homophobia, and ableism are just some of the variables that may affect conditions at our workplaces. Despite this, in a capitalist society class status remains the most important and dominant variable. Within this capitalist framework, working women (and men) need protective state regulation for their well-being and equity in the workplace.

Class relations, defined by our roles in our workplace, are the major delineating relations in a capitalist society. These relations are fundamental to the exercise of power, at the core, to determine who exploits and who is exploited. It is within this capitalist framework that we must consider what “equality” means, especially in terms of the gender debate. It constrains how much progress can be made, even if all feminist demands are fulfilled, when class remains the dominant manifestation of power relations.<sup>4</sup>

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In this chapter, we look at these issues in the context of the current condition of women, review the feminist literature on this topic, elaborate on the significance of class and capitalism for feminism and regulatory theory, and finally consider the effects these variables have on the labor market. In discussing the role of class, we also look at the ideal notion of citizenship, including as it relates to regulation.

## FEMINISM AND EXPLOITATION

There are numerous examples to be found of gender inequity and exploitation. In 2015, the World Bank found discriminatory laws still impeded “women’s economic opportunities” in 155 of the 173 economies its study considered.<sup>5</sup> For example, in 18 economies, wives could still legally be prevented from working. Women continued to negatively experience gaps in relation to ownership of major assets through inheritance; the amount of, length of, and payment toward maternity/paternity leave; laws penalizing the firing of pregnant women; representation on boards, in parliament and in local government; remuneration for work of equal value; and hiring practices.<sup>6</sup> To ignore this material reality would be to ignore a systematically gendered and unequal access to power in a capitalist society.

Many feminists, like others in neoliberal society, have been affected by “influencers,” such as think tanks and the media, and individualistic perspectives.<sup>7</sup> Our democratic ideal of citizenship is what Jürgen Habermas described as *Verfassungspatriotismus* (an ideal of constitutional patriotism)<sup>8</sup> that unfolds within a concept of liberal citizenship.<sup>9</sup> This dominant liberal concept of the citizen can ultimately be identified as cynical because of its underlying assumption that this citizen operates in a classless and non-sexist environment where everyone has equal access to power.<sup>10</sup> Class and gender relations overlap with each other or with other variables that create inequity in the workplace, giving rise to the analytics of intersectionality. This term was first used to describe the combined discrimination against “women of color.”<sup>11</sup> It is generally used now to avoid the “white solipsism”<sup>12</sup> of universalizing the white experience while failing to take into account critical race theory, sexuality, and class. Power is not equally distributed, but rather differentially embedded in institutionalized gendered inequality, irrationality, and hierarchy (“cut off the head of the King,” says Foucault to expose these multilayered levels of inequality).<sup>13</sup> A defining but unacknowledged aspect of this universal

male citizen is that he can work wherever and whenever he wants because of the unpaid domestic reproductive and emotional labor of female members of his family.<sup>14</sup>

We now look at the problems of the gendered nature of power that this liberal model misses, considering some of the leading feminist and non-feminist literature.<sup>15</sup>

### TENSIONS IN THE FEMINIST LITERATURE

Tensions in the feminist literature exist between second-wave feminists (i.e. those set in the empirical socioeconomic conditions of women) and third-wave feminists (those entrenched in seeing women as the individualized subject). By the 1990s, and to some extent in the early 2000s, feminism systematically favored the latter over the former. Class analysis was underplayed because it was seen at some level as associated with those in the “counterfeit male dominated left,” who wore Janus-like “masks on [their] face of sexist hate and fear ... real nice guys we all know and like ... The enemy and he’s our friend. And dangerous.”<sup>16</sup> These radical feminists focused on the systemic and pervasive violence endemic to patriarchal society: “I believe, rape has played a critical function. It is nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear.”<sup>17</sup> While holding some truths, it identified men as the enemy and the embodiment of class: “I feel men-hating is an honorable and viable political act that the oppressed have a right to class hatred against the class that is oppressing them.”<sup>18</sup>

This identification of class as a male form of analysis is linked at its most simple to the frustration of blocked white middle-class women’s ability to reach the top jobs.<sup>19</sup> That is, the deeply personal experience of the glass ceiling gives impetus to the excitement of uncovering the new feminist gaze upon woman as subject<sup>20</sup>: “In ‘woman’ I see something that cannot be represented, something that is not said, something above and beyond nomenclatures and ideologies.”<sup>21</sup> Woman was the subject; the female body, her psyche, and her intimate relationships were the research focus.<sup>22</sup>

The flip-side of this was the French feminist attack on male cultural dominance and “the ways that the life and death of the penis are projected into other forms of culture.”<sup>23</sup> This anti-phallic emphasis on what was referred to as the “pocket signifier” can be found in the work of Hélène Cixous<sup>24</sup>; the psychoanalytic/psychological emphasis that can be found in the works of Julia Kristeva,<sup>25</sup> Luce Irigaray,<sup>26</sup> and Michèle Le Dœuff<sup>27</sup>;

and an emphasis on identity that can be found in the work of women of color.<sup>28</sup> The later challenge to white solipsism—that is, white experience as the universal mode—has continued.<sup>29</sup>

Few of these poststructuralist feminists were motivated to accommodate class analysis in their theorizing, possibly because they did not have to. They wrote in the 1970s and 1980s, a time when their epistemological focus on the individual subject resonated in part with the beginnings of the dominant neoliberal ideology. It was, though, still within the era of the Keynesian compromise,<sup>30</sup> when most Western nation-states still operated in some measure to redistribute resources and where there remained large amounts of postcolonial accumulated surplus to redistribute (albeit unevenly). At their best, these feminists shone a new light on gender(ed) power (or lack thereof) and individual agency.

At this time, there were less fashionable examples of work that did not neglect class in feminist theory.<sup>31</sup> These writers provided a feminist critique of class that critically explored the issue of women and politics and why women were notable by their absence in positions of economic as well as social and political power. This was shown in the work of Helena Saffioti's *Women in Class Society*,<sup>32</sup> and much later in Barbara Pocock's *Work, Bodies, Care: Gender and Employment in a Global World*,<sup>33</sup> which showed power as class-driven and primarily economic and complicated, although not supplanted, by gender, status, and prestige.

According to Edna Ryan,<sup>34</sup> the four main determinants of a woman's class position that controlled her paid work (not her domestic work) in the post-World War II workforce were: women's skills were ignored; they were regarded as invaders of the workforce; they were negatively embedded in a paternalistic social set of relations with their male colleagues, employers, and the legal system; and the gendered segregation of work made it legally possible to deny women equal pay.<sup>35</sup>

By 2008–09, when the Great Recession hit workers with devastating costs, especially through austerity budgets, the individualized feminist subject held few answers for the new victims of polarized wealth distribution.<sup>36</sup> The subsequent polarization of capital under a neoliberal political regime<sup>37</sup> was again important. The key force of inequity in our society had visibly again become economic.

New trends that seem to be developing in relation to a changing material reality are, for example, to be found in the work of Deborah De Moortel and others, who place class inequality back onto the agenda by making sense of how mental well-being relates to the different

welfare regimes.<sup>38</sup> Experiences of class inequalities, as they manifest in well-being, differ by gender within different welfare regimes. Importantly, “gender inequalities are clearer in basic security/market-oriented welfare regimes.”<sup>39</sup> Empirical data and class formations provide crucial information on gendered well-being in our society.<sup>40</sup> Many want to focus on capitalism and the nature of financialization in a global neoliberal context as crucial to the understanding of gender.<sup>41</sup>

### TRAPS IN INDIVIDUALIZING THE SUBJECT

The problem of individualizing the subject in feminist theory became most obvious in the work of classic feminist writers such as Julia Kristeva and Luce Irigaray. They placed a great deal of emphasis on the individual subject, for example, in relation to another subject (i.e. man), or to its place in a specific cultural milieu, but not very often to the economic conditions and structures in which women (and men) find themselves. Indeed, they neglect collective identity.<sup>42</sup> Maybe imputing collective identity to a totalitarian political content, while allowing only for a derivative plurality of subjectivities, these theories’ primary attack has been on the power of hegemonic discourses in dictating gender constructions.

Yet this desired liberation of women, for the most part, has taken into account only the construction of subjectivity itself, primarily as that located in the language that shapes that which opposes the dominant discourse, or opposes a man or men who hold power in a patriarchal society.<sup>43</sup> Therefore, liberation concerns only woman-qua-woman, which fails to account for the specific social configurations that have allowed specific forms of oppression, and exploitation as a general category in itself, to exist. That is, a large proportion of feminist theory analyzes the immediate oppression of the female subject as such (as slave to domestic labor, as underpaid wage laborer), yet does not engage sufficiently with the conditions that allowed this (predominantly economic) oppression to emerge in the first instance. It goes no further than the existence and predominance of “man,” “patriarchy,” or “culture.” To go to the root of these present antagonisms would be to attack the emergence and exploitation resulting from class itself, which predicates the existence of exploitation as a category. It is for this reason that radical feminist theory needs to operate in universals concerning women’s present exploitation, because it is already shaped by a class discourse that dictates what can actually be said.

This limitation on feminist writing does not apply to all poststructuralist work. As Judith Butler notes in *Excitable Speech*, “The subject’s production takes place not only through the regulation of that subject’s speech, but through the regulation of the social domain of speakable discourse.”<sup>44</sup> This regulation is obviously dependent on power relations and the existence of classes. For this, we must go to the root itself—that is, class and capital as determinants of social factors. Nancy Fraser attempted to explain gender in a “bifocal” manner—that is, gender can be understood both in terms of normative recognition (status) and distribution (class).<sup>45</sup> For Fraser, gender equality meant not only intersubjective cultural recognition of equality regardless of gender, but also equal distribution of material resources, so that participants in social discourse may have an equal voice.<sup>46</sup>

This distinction came under attack from Butler, indicating that intersubjective recognition, culture, and norms have always had some form of root in and impact on redistribution—that is, regulation in terms of class. This is especially seen in individuals who choose to oppose heteronormative family and gender norms, and then are denied governmental financial benefits.<sup>47</sup> Ultimately, a more inclusive capitalism may treat men and women alike in terms of recognition, presenting it as fundamentally *friendlier*, yet we must wonder whether a non-redistributive identity politics really is justice.

### THE KEY NATURE OF CAPITAL AND CLASS

The standard sociological explanation for capitalist organization is Weberian,<sup>48</sup> or post Weberian,<sup>49</sup> in that class is based not just on capitalist production but also on the control of capitalist distribution and exchange: “merely the way in which economic goods and services are distributed and used and the possibility of their exploitation.”<sup>50</sup> For Weber, property and the lack of property are crucial in a context where class is primarily procedural:

It is the most elemental economic fact that the way in which disposition over material property is distributed among a plurality of people, meeting competitively in the market for exchange, in itself creates specific life chances.<sup>51</sup>

A more structurally rigorous approach is that of Marx, where the central point of class is not life chances, or exchange or distribution, but the circuits of capital organized around production and, through these, the social relations

of the workplace.<sup>52</sup> We return to the very basics of the capitalist system to understand what is happening to women. Capitalism, as opposed to previous modes of production, is a dynamic and plastic system built on exploitative relations at work. It differs from previous modes of production (such as feudalism, Roman patricianism, and so on) “in that the entire production is owned by the capitalist and the workers cannot live off what they produce.”<sup>53</sup> Under feudal regimes, the commitment of the serf to the fiefdom was that of a semi-independent operator paying a tithe to the lord. Under capitalism, the worker—who has more apparent freedom from the “boss” than the serf—is in reality tied to a workplace in a more complex form of slavery.

The fundamental class relation in capitalism is between workers and owners. Workers sell their labor power to the boss—that is, labor presents itself as a commodity on the marketplace that the worker sells and the employer buys. For the boss to make a profit, labor power must be inscribed with value. The social organization of labor as a commodity ultimately grounds the concept of class. It is this that allows Marx to say that “the history of all hitherto existing society is the history of class struggle.”<sup>54</sup>

Alienation from the product of the workers’ labor is a consequence of this commodity form of production. Male and female workers do not get to design, keep, or often even finish the object of their labor. They are therefore alienated from the product of their labor, the act of production, their species being, and their fellow workers.<sup>55</sup> The effects of commodity fetishism and the “mystical” nature of the commodity itself sustain this mode of production. That is, a commodity’s exchange-value is affected by something other than its use-value, namely the enhanced social relations that the commodity represents (e.g. buying highly inflated costly labels such as a Louis Vuitton bag). This form of exploitation is structurally endemic to capitalism. Companies must continually exploit workers more, to ultimately make more profit, in order to keep this system circulating and expanding. The economic stress felt by workers strengthens class division by delineating differences between rich and poor. This increasing polarization of society destroys the middle class, especially in neoliberal societies that have, since the 1980s, systematically eschewed Keynesian-type redistribution of wealth.<sup>56</sup>

Considering the increasingly transnational character of markets,<sup>57</sup> capitalism has become a totalizing system constantly expanding across the globe. The competitive basis of capital is not a “conspiracy myth,” but an imperative. One can speak of an “inverted totalitarianism,”<sup>58</sup> where the



state is subjugated to the economy and the new “bourgeois” class, with workers losing a substantial degree of power and autonomy.<sup>59</sup> The capitalist state operates foremost in the interests of capital, unless protective worker-friendly legislation counters this.<sup>60</sup> The structural and systematic existence of inequality has consequences for the relationship between the normative (i.e. the ideal standard of correct behavior) and regulations. Within capitalist society, a notion of “ideal” citizenship evolved, largely in Keynesian times, to shape both norms and regulations. We next consider this and explore whether it provides any room, or recognition of the need, for feminist correction.

### CLASS, THE LIBERAL IDEAL OF THE CITIZEN, AND POWER

The social democratic liberal citizen (as follows) operates as a universal ideal type in Western capitalist society. We begin by examining the ideal type of the liberal citizen as found in the work of Thomas Humphrey Marshall from the London School of Economics (LSE), who wrote mainly in the 1940s.

T.H. Marshall’s ideal liberal citizen was a man (sic) empowered with reciprocal rights to the nation-state—a state that would maintain his dignity by providing work and welfare if he could prove need. Marshall and his LSE colleagues, who included the seminally important John Maynard Keynes, gave us our quintessential modern citizen. This LSE citizen was an advanced construct of a man who was free to work in an environment of dignity, unfettered by want or enforced idleness, disease, ignorance, or squalor. This model gave citizens access to residual welfare state benefits with which to live and operate—that is, they had to prove need, unlike in the universal Scandinavian model, where there was entitlement for all citizens. For Marshall, the criterion for the viability of citizenship was rooted in the struggle that began in the eighteenth century with regard to three fundamental principles of citizenship: social, civil, and political rights.<sup>61</sup> The essence of this was for the time advanced, but paternalistic; male dominance and control underpinned these rights, and the concept of civil society, where women remained primarily unpaid domestic workers, allowed men (husbands) to sustain their social, political, and economic position.<sup>62</sup> That capitalist class relations were reinforced by gender inequality was not perceived as a fundamental problem to those subscribing to the LSE’s ideal citizen. For this debate to move forward toward a more democratic ideal, the underlying concept of power needs to be picked apart—which is partly what the Habermas–Foucault debate<sup>63</sup> did when collectivism collided with individualism.<sup>64</sup>

Part of this book concerns the interplay between regulation and norms. Regulation works within the capitalist state to modify the impact of capital as it leans endemically toward crisis. Regulation acts to prevent this happening. The practitioners in the LSE were very aware of the power of regulation to ameliorate the conditions of workers while maintaining the capitalist state. They advocated regulation to control capitalist extremes and excesses and facilitate capitalism. Keynes was particularly good with regard to this principle.

Problematic for this process, however, is that the content of state regulation will reflect the norms and values of the society for or against capital or labor at any point in time. This presents us with a predicament concerning the relation between the normative and regulation—namely that the normative itself is already influenced by the social field, produced through the hegemony of capitalism (e.g. see Gramsci or Žižek on the controlling power of ideology and Han’s achievement-subject facing burnout).<sup>65</sup> The normative and regulation are both in a (slow) interplay, while remaining subjugated to the ever-present influence of capital. Power is asymmetrically distributed, in a totalitarian way, influencing the interplay of norms and regulation for the benefit of profit and facilitating the “invisible” rule of commodification. Habermas termed this the “colonization of the life-world,” as a result of the increasing influence of instrumental rationality and capitalist logic in everyday processes, leading to many pathologies of early social theory, such as anomie and alienation.<sup>66</sup> When capital shapes regulations, these shape norms, which reinforce regulations, strengthening the power of capital, and so on.

Although we may think it is impossible to think outside of hegemonic domination of capital, there are possibilities for resistance, as one can make it face its own contradictions. Next we discuss how capitalism interfaces with gender, highlighting how women are deeply exploited within the process.

### THE SOCIAL INDIVIDUAL AND PRECARIETY THROUGH NEOLIBERAL HEGEMONY

A majority of normative truth is derived from the hegemony of capital. Regulations have affected what is normative and have shaped our reality. Neoliberalism—the shift of money and power from the public to the private sector—is a worldwide economic phenomenon that has been occurring since the 1980s. As a clever adaptation of capitalism, it has shaped and redefined the manner of exploitation in relation to women (and men).

It has shaped many norms and many regulations for the purpose of favoring capital. It is given credit for, among other things, the emergence of a new “precariat” due to “flexible labor,”<sup>67</sup> a transnational capitalist class,<sup>68</sup> “entrenched routine forms of surveillance within commercial strategies,”<sup>69</sup> marital stress due to long working hours,<sup>70</sup> heightened rates of incarceration,<sup>71</sup> and increased physical burnout.<sup>72</sup> This is by no means an exhaustive list of elements in a polarization of wealth that has occurred between the classes in this neoliberal period.

Capitalism is a winner-takes-all system, which at its base is highly competitive, where women have been poor competitors. There has been little progress globally in the quality of women’s participation at work and in improving the gender pay gap<sup>73</sup> over the last 40 years. Women have long held roles typical of what Karl Marx describes as the reserve army of labor—that is, a “surplus laboring population [that is] a necessary product of accumulation or of the development of wealth on a capitalist basis.”<sup>74</sup> The availability of women in the reserve army works for capital in two principal ways: by only employing workers in periods when they are able to immediately profit from their labor (and fire them immediately as demand goes down); and as a lever for capital to use on those already in work, to accept poorer terms and conditions. Women’s membership of this insecure but ready workforce (either locally or in a poor wage country elsewhere) leaves them susceptible to accepting poor wages and conditions. Male workers have felt threatened by this hungry, floating “disposable industrial reserve army, that belongs to capital quite as absolutely as if the latter had bred it at its own cost.”<sup>75</sup>

Members of the reserve army, according to Harry and Fred Magdoff,<sup>76</sup> are most likely to be women, but as the intersectionality literature reminds us, they may also be women of color, the disabled, gay, and so on, and they live in a future of insecure job options.<sup>77</sup> This group includes (1) the unemployed, (2) part-time workers who want to work full time, (3) people making money independently (self-employed) doing various odd jobs or getting occasional work while desiring a full-time job, (4) workers in jobs that are likely to be lost soon (due to economic downturn, increased automation, or their jobs moving to countries where workers earn lower wages), and (5) those not counted among the economically active population but available for employment under changed circumstances.

The International Labor Organization (ILO) figures show that, globally, both men and women are found in this reserve army of labor, but that women are most likely to be in many of the above categories; women are underpaid, earning only on average 75 percent of what men do,<sup>78</sup> and female work participation rates are lower than for males in all countries, for

both rural and urban areas.<sup>79</sup> Forty-six percent of financially secure women surveyed in the United States still live in fear of becoming bag ladies,<sup>80</sup> for the very good reason that they are more likely to face poverty in old age than men; pension and health cuts are likely to have a disproportionate negative impact on women and increase gender disparities.<sup>81</sup> Women still primarily take care of the sick, the elderly, and children. Women still require more temporal flexibility in their jobs than men to care for others and are more likely to be in poorly paid segments within the job market.<sup>82</sup> They bear the costs of family members' healthcare. There is little evidence that the labor market's flexibility generates jobs of high quality,<sup>83</sup> but there is evidence of further insecure low-paid work that hits the working lives of women hardest.<sup>84</sup> In some Latin American countries, the unemployment rate for women is twice that for men.<sup>85</sup>

Greater equality of access to work has not meant greater equity for women at work. Although this is now more complex, as feminization is creating a new demand for women as cheap, easily hired, easily fired labor on an international scale. This new popularity still means women continue to receive poor pay with insecure and flexible jobs.<sup>86</sup> Women are a disproportionate number of those who hold precarious part-time jobs with short-term contracts or no contracts at all.<sup>87</sup> This is not just in Europe: in Japan, for example, over 50 percent of the female workforce, compared with only one in five men, held precarious jobs in 2008.<sup>88</sup> Indeed, Japanese women have often become the sole or major family (poorly paid) income earners. Women now bear the "triple burden"<sup>89</sup>—or even "quadruple burden" if we add husband care<sup>90</sup>—to the more conventional list of childcare, parent care, and having to maintain paid work to finance the family home. Given this, it is questionable whether labor force participation is a true indication of female liberation,<sup>91</sup> especially when their work is most often "casual work [taking] the form of on-demand, unpredictable working hours and an unreliable source of income."<sup>92</sup>

## CONCLUSION

We cannot have gender equity when we live in a society that generates gender inequality within the larger framework of capitalism.<sup>93</sup> As women and men, we work in a capitalist system that perpetuates class inequality. That is because power within this system of work is based on the fundamental inequity of capital, determined by who owns it, who controls it, and who does not.<sup>94</sup> This is not the only base for female exploitation, but in our capitalist society, it is the basic means of women's subordination.

What are the alternatives for women (other than, in the short term, joining or seeking leadership within a strong union) to enable them to get the equity in the workforce and progressive regulation in the polity that they deserve? They are not great. If this chapter began pessimistically—workers play with a “loaded dice” or a “stacked deck” in an increasingly neoliberal capitalist society—it is because we first should recognize that this is a flawed system, but one in which we still need to fight to achieve measures of equity through progressive regulation within the work environment. In the long term, female and male energy should be directed to invest in changing the structure of capitalism, because it is against its *raison d’être* to expect it ever to be fair to women or anyone else.

The feminization of the precariat has consolidated both the relatively poor nature of women’s work and their dominant role as the core of the reserve army. No longer are women workers summarily being dismissed en masse, as they were after World War II, to make way for men. Now the war is different: it is capital against workers, articulated by neoliberalism, whereby “austerity [budgets are] expected to impact more than two thirds of all countries during 2016 [and affect] more than six billion persons or nearly 80 percent of the global population by 2020.”<sup>95</sup> This war is likely to hit hardest “women and girls ... still massively under represented and often oppressed” in the paid workforce.<sup>96</sup> Feminist activism and trade unions are under assault in neoliberal regimes when they are needed most to protect workers’ rights at work.<sup>97</sup>

With the impact of neoliberalism, there is what Guy Standing describes as a “loss of momentum of the social democratic agenda in the 1980s [when the] emphasis shifted to social equity rather than equality.” A feminism that focuses on class by reducing discrimination and gender-based wage differentials should now become a priority for feminism; it must grasp (and in many cases already does)<sup>98</sup> the need to take a transnational as well as a local and national approach to articulating the case for the improvement of the conditions for women workers<sup>99</sup>—not just as workers, but also as citizens in a transnational, ecologically sustainable environment that can look beyond the needs of capital and optimally think of conceiving a new system that does away with capitalism altogether.

In the meantime, any complete analysis of the place of women in Western societies must include the consideration of class. This is not to deny that women are the objects of a subjugation that arises specifically from their gender, but to ignore or downplay the role that class itself plays in the subjugation of women—and the existence of gender gaps—is to misconceive the location of power in a capitalist society.

## NOTES

1. We understand gender here to be non-binary, but rather fluid in its most embracive form, as it is socially defined and consequently has shifting properties that are not biologically determined. The debates around the difference between sex, gender, and sexuality are not central to this analysis.
2. K. Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," *University of Chicago Legal Forum* (1989): 139–67.
3. For example, R. Wiegman, "Critical Kinship (Universal Aspirations and Intersectional Judgements)," in *Object Lessons*, ed. R. Wiegman (Durham, NC: Duke University Press, 2012).
4. K. Marx, *Capital* (Moscow: Progress Publishers, 1974); D. Peetz and G. Murray, "The Financialisation of Global Corporate Ownership," in *Financial Elites and Transnational Business: Who Rules the World*, ed. Georgina Murray and John Scott (Cheltenham: Edward Elgar, 2012); W.I. Robinson, *Global Capitalism and the Crisis of Humanity* (New York: Cambridge University Press, 2014).
5. World Bank Group, *Women, Business and the Law 2016: Getting to Equal* (Washington, DC: World Bank, 2015), 2.
6. *Ibid.*
7. See, for example, "If it was ever possible to characterise women's lives by ... the division of working class life into factory and home, of bourgeois life into market and home ... I prefer ... the profusion of spaces and identities ... in the personal body and in the body politic." D. Haraway, *Simians, Cyborgs and Women: The Reinvention of Nature* (London: Free Association Books, 1991).
8. J. Habermas, "The Public Sphere," *New German Critique* 3 (1974): 49–55.
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## Regulating for Equality: Modalities of Regulation and Gender Gaps

*Heidi Gottfried*

This chapter reviews two strands of scholarship that relate to the state, regulation, and gender gaps. The first strand—feminist policy research—identifies women-friendly policies and welfare state regime logics, leading toward an understanding of political processes and new capacities for change.<sup>1</sup> Here, feminists bring the concept of gender into analytical focus by asking “how gender is constructed in welfare state policies and how these policies are a force in (re)ordering gender relations through an examination of a wide range of contexts.”<sup>2</sup> Gender enters into the framing of policies and into the differential impacts between men and women as individuals and as groups. The emphasis on welfare reform, however, leaves out labor regulations and work politics from most of these feminist accounts.

The second strand focuses on a range of mechanisms regulating employment contracts—including analyses of regulations for equal employment,<sup>3</sup> pay equity,<sup>4</sup> and comparable worth.<sup>5</sup> More specifically, it relates gender to outcomes in and at work. These latter studies, though, fail to offer a sufficiently broad perspective on the mode, content, and proximity of regulation for analyzing the work–welfare nexus, and its effects on patterns

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of class and gender inequalities. By combining these strands, the chapter integrates social policies along with labor regulations into a more holistic analysis of gender gaps.

At the core of this chapter is the development of a perspective for analyzing regulation, both as a structural feature and as a set of claims. The analysis distinguishes between the mode and modalities of regulation. A *mode* informs the structure of propositions, as distinguished from their content. Mode, in this sense, corresponds to the logic informing a set of principles steering policies and institutionalized practices. For example, neoliberalism and social democracy frame different modes of capitalist regulation. My usage draws largely on the regulation school approach.<sup>6</sup> A *modality* is a way of typifying the main thrust of a regulation, based on its content and language. Within a mode of regulation, it is possible to identify a variety of modalities of regulation over work and employment.

This chapter investigates the nature of labor regulation to reveal how men and women are affected, which issues are included (and how), and which are excluded from coverage. How gender is inscribed influences the distribution and recognition of employment risks, rights, resources, and opportunities. Understanding how gender is addressed in regulations can reveal hidden dependencies, which helps to explain women's relatively disadvantaged position in paid employment (including patterns of non-standard employment). I use the example of Japan to highlight the role of regulation in producing large gender pay and employment gaps.

### OLD PARADIGMS, NEW APPROACHES

Older feminist paradigms on the state have examined single policy areas, such as childcare<sup>7</sup> and job training,<sup>8</sup> or structural features, such as welfare regimes<sup>9</sup> and state feminism.<sup>10</sup> Feminist-inspired welfare state analyses have refined typologies of countries, recasting them in terms of gender-sensitive categories that incorporate social care, sexuality, reproduction, and the body.<sup>11</sup> Jane Lewis's concept of the male breadwinner model highlights the gendered assumptions of policy-makers about family forms, and how this contributes to the social organization of care and shapes the gender contract so that women's access to benefits is mediated by their relationships to male breadwinners.<sup>12</sup> A state-feminist approach, by contrast, notes the emergence of women's policy machineries, explores institutional arrangements inside the state devoted to women's policy questions across various issues and countries, and asks what determines the effectiveness of policies to improve women's status.

Neither the feminist welfare state perspective, nor the state-feminist perspective, necessarily expects coherence or unity across policy areas; state feminists avoid welfare state theories' generalizing about national policy styles, but focus too narrowly on women's policy machinery. Both approaches, as referenced above, privilege welfare state structures and policy-making processes over the political field of work, underestimating both the role of industrial relations institutions and employment regulations (union density, minimum wage laws, collective bargaining intensity), and their impact on gendering work. State theories tend to ignore the role of unions as a positive, and sometimes a negative, force through their influence on the formulation of regulations and on organizing women.<sup>13</sup> As a result, old paradigms of feminist policy research fail to anticipate the uneven impact of women-friendly policies on differently positioned women. This has occurred partly due to the lack of intellectual exchange among feminists whose scholarship is bound by disciplinary specialties separating the study of work from analysis of the state.

New feminist political economic studies combine comparative theories of the welfare state, varieties of capitalism, and gender contracts/regimes to investigate labor market segmentation and gender gaps.<sup>14</sup> By only considering vertical sex segregation, the varieties of capitalism perspective exaggerates the class advantages in liberal market economies and overstates the disadvantages of women-friendly policies on women's occupational status, ignoring the role played by labor market structures and a host of labor regulations.<sup>15</sup> Highly educated women have better career prospects, entering high-status occupations in liberal market economies with weaker employment protections.<sup>16</sup> However, less-educated women benefit from institutional patterns such as generous maternity and parental leave, and strong employment protections prevalent in social democratic coordinated market economies, because of the advantages associated with a large public sector.<sup>17</sup> Factors mitigating class effects, such as the more compressed wage and occupational structure in Scandinavian welfare states, benefit the majority of working women, who bear lower risks of ending up in a low-wage bracket.<sup>18</sup> In the public sector, the higher presence of unions and greater compliance with equal pay regulations boost wages for low-skilled female workers.<sup>19</sup> More rule-bound hiring and promotion processes through civil service systems in the public sector also support opportunities for women in management.<sup>20</sup>

Consistent with other studies, Schaefer and Gottschall<sup>21</sup> find that centralization in wage setting promotes greater equity, with firms under sectoral agreements more likely to provide a living wage, followed by those

under firm-level agreements, with the lowest likelihood in workplaces without collective agreements. Women receive lower earnings on average when they work in firms and sectors with no or low union representation. However, Germany represents an anomaly as a country where strong employment protection and relatively high union density coexist with one of the highest overall gender pay gaps (18.6 percent), and where the pay gap is larger at the bottom rather than at the top of earnings distribution.<sup>22</sup> This wage premium for men working in manufacturing can partly be attributed to an industrial relations system informed by a strong male breadwinner tradition prioritizing a family wage for and employment protections of its male membership.<sup>23</sup>

Intersections of employment, care, and migration regimes are at the center of studies concerned with the organization and (de)valuation of care in different welfare states.<sup>24</sup> Marketization of care (through tax credits, vouchers, and cash benefits), and a shift away from public services, fosters the use of forms of unprotected and less protected “home-based, low-paid commodified care and domestic help.”<sup>25</sup> More broadly, Walby shows that class-led forms of organization (unions) and mobilization are linked to higher levels of employment protection and state welfare provision.<sup>26</sup> Likewise, gender-led forms of organization, realized by women’s representation in unions and in parliament, are linked to stronger equality legislation and state-subsidized childcare expenditures. In this literature, the concept of “regulation” does not sufficiently encompass the multiple modalities (ranging from breadwinner-driven, gender-neutral, gender-explicit regulations to non-regulation) that can adequately account for “different directions of change across domains and policy fields” affecting complex patterns of inequality.

### APPROACHING REGULATION

A robust conceptualization of regulation encompasses the normative and institutional meanings as well as the legal dimensions. My approach combines insights from both the French regulation school<sup>27</sup> and feminist theories.<sup>28</sup> In the most thorough review of the French regulation school, Robert Boyer lays out the foundation of “institutional architectures” undergirding capitalist growth regimes.<sup>29</sup> Capitalist growth requires a mode of regulation that endows the system with stability over time.<sup>30</sup> This conceptualization of regulation combines both legal measures codifying norms and institutional mechanisms of enforcement. The diversity

of employment relationships cross-nationally is seen as the outcome of different institutionalized capital and labor compromises. Yet French regulation theorists<sup>31</sup> neither elaborate on normative regulation as inhabited and embodied with specific social practices, nor examine patterns of gender relations within and across institutions affecting gender gaps. Such neglect of gender gaps grows out of their emphasis on institutional machinery of the capitalist growth engine and its links to class.

Judith Butler considers how the category of gender is addressed in regulatory discourses. She argues that “regulatory discourses which form the subject of gender are precisely those that require and induce the subject in question.”<sup>32</sup> Discourses are (re)productive of power in creating norms and rules; “[as] an operation of power, regulation can take a legal form, but this legal dimension does not exhaust the sphere of its efficaciousness.”<sup>33</sup> Butler raises several relevant questions for the study of regulation and gender gaps: how is gender regulated as a norm, how are such regulations imposed, and how do regulations “become incorporated and lived by the subjects”?<sup>34</sup> The emphasis on normative regulation and its discursive neglect in specific institutional logics informs the mode (the logic underlying a set of principles guiding policies and practices) and modalities (the way of typifying the main thrust) of regulation.

Political processes and social conflicts are central to the genesis of institutional forms and political norms that compose a mode of regulation. The mode of regulation links work and welfare by delimiting spheres of influence over social action, but the main thrust of regulation cannot simply be read off from a typology of institutional configurations or architectures. Identifying modalities and interpreting the meanings, both implied and explicit, in provisions of regulations can gauge the extent to which regulation modifies market principles and intimate practices.

A mode of social regulation shapes power relations through the relative importance of public and private spheres; through institutional relationships between the family, the state, and the market; and through the representation of class, gender, and race. The topics and groups addressed (or excluded) in a regulation are “generated and adjusted in a complex interplay of current contingencies and historical legacies.”<sup>35</sup> They vary over time and place. The mode of regulation constructs meaning and stabilizes the social order. Regulations work through modalities by the topics written into and left out of the phrasing and framing of provisions in regulation that reflect and affect power relationships. Which groups are recognized, what issues are included, and how they are represented



(using language of equality or difference) or excluded from coverage reflect and affect power resources within and across workplaces, between work and family, and in family life.

## INVESTIGATING GENDER IN LABOR REGULATIONS: PUBLIC ADDRESSES AND PRIVATE AFFAIRS

Modalities of regulation have consequences for gendering—that is, the ongoing, active doing, or organizing of gender relations.<sup>36</sup> Regulation modalities mediate employment relations, affecting contractual arrangements, including implicit and explicit rights and obligations that are both class and gender based. Four modalities of gendering regulation are identified here.

### *Breadwinner-Driven Labor Regulation*

This delimits a sphere of influence over employment contracts, labor market structures, and institutions that is derived from legal statute, including traditional labor legislation, legally enforceable rules governing trade unions or employer activities and domains of control, obligatory patterns of collective organization, and negotiation or implementation of labor agreements.<sup>37</sup> Conceived in Fordist production, labor regulation standardized benefits around an implicit male-work biography of relatively stable, continuous employment over the life course that reinforced men's non-responsibility for daily work and care in the household. This also shaped ideas about masculinity, femininity, and the "proper" kinds of work for men and women.<sup>38</sup> The male breadwinner model rested on a gendered division of domestic work and working time. Time thresholds, imposed as a basis of qualification for benefits, excluded non-standard employment from regulation or afforded it inferior protection. Labor law frameworks did not adequately grasp or respond to fragmented work schedules, such as unpredictable hours, long and split shifts, or periods of on-call duty,<sup>39</sup> which featured in care work and non-standard employment.

This modality created gender blind spots, leaving some matters silent or excluded from regulation. As male-typed industrial work was the norm, health and safety rules recognized a host of hazards related to the physical demands of work in chemical plants or assembly lines, but did not provide the same level of protection for the work of caring for other's bodies, as in nursing. Much paid care work was categorized as casual or informal labor, ineligible for both social protection and a range

of citizenship entitlements.<sup>40</sup> In 2015, the US Department of Labor issued rules that required agencies and families employing home care aid for the elderly and the disabled to pay at least the federal minimum wage and overtime, ending the 1974 regulation labeling these workers as “companions.”<sup>41</sup> True, the new rules acknowledged that physical labor activities, such as responsibilities for bathing, cooking, and cleaning, should entitle home care workers to receive minimum wages and overtime. However, the new rules excluded time spent sleeping at a client’s home, even though such carers may be called upon at any time to perform a service. The law gave priority to physical labor as deserving of rights and protections, over emotional and affective components enhancing the delivery of good care. Care workers, because of their fluctuating and unpredictable work schedules, fell outside the ambit of working condition norms as enumerated in the European Union’s (EU) Working Time and Pregnancy Workers’ Directives.<sup>42</sup>

### *Gender-Neutral Language*

Another modality of gendering occurs in reference to the “context structure” of class and gender relations. Workplace regulations, such as the minimum wage, and tax policies—while not explicitly tied to gender—often have differential effects on male and female workers because of gender-based hierarchies and the concentration of women in low-wage jobs. Framing regulation in terms of a seemingly gender-neutral standard can have differential gender impacts, both positive and negative. High statutory minimum wage laws have boosted women’s wages and narrowed the overall pay gap and between men and women in lower-income percentiles, since more women than men work in minimum wage jobs.<sup>43</sup> Tax codes can include provisions that either reduce or widen gender gaps. The introduction of a special tax rule in Japan encouraged married women to take up part-time employment by exempting the secondary earner’s income (usually the wife’s) from tax if it fell below a particular threshold.<sup>44</sup> A labor law’s recognition of the boundaries of a bargaining unit and who is eligible to join a union can induce or reduce gender gaps. In a two-year period (2005 and 2006), seven US states authorized union representation and negotiation for childcare providers in private households, and three of these states—Illinois, Oregon, and Washington—concluded statewide contracts.<sup>45</sup> Women, as the majority of home childcare workers, stood to gain from this expansion of rights. For example, the Service Employees

International Union concluded a statewide contract with the State of Illinois, winning a rate increase of 35 percent over three years and subsidized health insurance.<sup>46</sup> However, these are statewide initiatives rather than federal standards; each covers different types of childcare providers in determining eligibility for union membership, and may or may not identify sources of funding for paying compensation packages negotiated in the contracts. Even the exemplary Illinois law deems childcare providers to be public employees, and views the state as employer, but these providers remain ineligible for statutory health and retirement benefits given to “real” public employees.

### *Gender-Explicit Categories*

Gender and sexuality as explicit categories in regulations open up previously “private” subjects to public intervention, and enlarge the scope of policy to encompass gender-specific patterns of life and work. Gender regulation directly influences the relationship between production and reproduction, and attempts to influence norms about gender divisions of labor in domestic and paid employment. It may establish legally enforceable rules regarding affirmative action, equal employment opportunity, sexual harassment, comparable worth, and maternity or parental leave. Legal recognition of gay marriage or civil unions extends rights and benefits to same-sex partners. Gender-explicit regulation may expose gender biases in workplace practices and make explicit the relationship between reproduction work and women’s role in public production. For example, the revised Framework Agreement on Parental Leave 2010/18/EU entitled both mothers and fathers, irrespective of their employment contract (open-ended, fixed-term, part-time, or temporary), to take at least four months of unpaid parental leave, encouraging fathers to take leave as a non-transferable entitlement.<sup>47</sup> This Directive extended worker’s right to return to the same job after taking parental leave (ILO 2014), though shared parental responsibilities for care remained elusive.

### *Non-regulation*

Non-regulation<sup>48</sup> operates as a modality of gendering through externalization of subjects to the “private sphere,” and defaults to existing unequal social relations. Zillah Eisenstein asks how a woman’s choice to bear a child was seen as her “private” affair, yet the law giving her

no options to do otherwise was not understood as public abdication of responsibility.<sup>49</sup> In another example, she argues that how the state cares for children can diminish or reinforce patriarchy: not providing paid maternity or parental leave, not building day-care centers, and not offering incentives and opportunities for fathers' participation in parental leave puts the burden of coordinating childcare on individual women.<sup>50</sup> Similarly, collective bargaining often renders issues of childcare and work–family balance as private matters. Only some aspects of workers' lives, both on and off the job, have been deemed appropriate subjects of labor regulation through the adoption of either national standards or collective agreements. Others are out of bounds—for example, care work largely remains the responsibility of individuals (usually women) and families. Another example of silence on gender biases involves the lack of regulation of skill-based wage differentials in most countries, allowing male norms to dictate differentials (and underplay affective and emotional labor). That said, where the state has regulated minimum differentials, as in Australia, that regulation often reflects the same male norms as dominated breadwinner-based labor regulation.

Gender gaps are not only an outcome of less regulation, deregulation, and non-regulation, but also a consequence of differential rights, risks, and resources articulated in gender and labor regulations. By virtue of the issues either addressed or excluded, and the method by which they are addressed, modalities of regulations directly and indirectly shape the supply of and demand for labor, the gendering of these arrangements, and the distribution of resources. Specific gender gaps and the modalities of regulation reflect the national configurations and intersections of the gendered welfare state and the gendered employment regimes. A case study of Japan (below) highlights how modalities of regulation have shaped work in gendered ways.

### MODALITIES OF REGULATION AND PERSISTENT GENDER GAPS: THE CASE OF JAPAN

Japan's image as a relatively egalitarian society overlooks persistent gender gaps rooted in a male breadwinner reproductive bargain. Age profiles of labor force participation resemble a modified M-curve;<sup>51</sup> initial employment peaks at early entrance into the labor market, drops at the point of childbirth, rises again after children attend middle and high school, then falls in later years. Japanese employment-to-population ratios are

among the highest for men, at just over 80 percent, and among the lowest for women, at 62 percent.<sup>52</sup> Similarly, the gender pay gap remains large, despite a decline from 34 percent in 2000 to 26 percent by 2014.<sup>53</sup> Similar to Australia, part-time employment accounts for more than two-thirds (36 percent) of women's employment but just one in ten (11 percent) of men's,<sup>54</sup> though Japanese part-timers work longer hours than their Australian counterparts. The wage gap between full-time and part-time workers was significantly higher in Japan than in other countries: in 2009, part-time hourly wages were 56.1 percent of full-time wages in Japan, 71.3 percent in the United Kingdom, 82.1 percent in Germany, and 83.4 percent in Sweden.<sup>55</sup> Specific institutional logics of welfare capitalism, employment, and care regime types informed the mode and modalities of Japanese regulation.

The coordinated intermediation between labor and capital in large Japanese corporations resulted in the negotiation of a reproductive bargain tying benefits to employment status at the enterprise level, and generated strict employment regulations over unfair dismissal, protecting males in standard employment from the vagaries of the market. Standard employment, in turn, was based on a tightly coordinated relationship between education and work, with school leavers or graduates finding a port of entry into firm-specific internal labor markets with the promise of long-term, continuous employment. Weak labor organization at the national level and high fusion of labor representation with employers at the enterprise level had deprived labor of a political lever for realizing a better social bargain. Instead, unions settled for strong internal labor markets that ensured job security and an age-graded system of rewards for their male members at the enterprise. The steady rise of men's wages with job tenure constituted the Japanese "family wage."

For the first time during the 1980s, the state coordinated family, employment, and welfare policies to draw more women into part-time waged work and retain them as full-time, unpaid caregivers. The familialistic Japanese state re-emphasized family and invoked gender ideologies, drawing on Confucian vocabulary to combat demands for a Western-style welfare system.<sup>56</sup> Employment protection was weak, and emphasized maternal protection. The Equal Employment Opportunity Law (1985), while focusing on women's work lives, was framed within the dominant maternal discourse that naturalized the nurturing role of mothers.

Part-time and temporary work had few of the benefits or social protections associated with the corporate-centered, male breadwinner

reproductive bargain, and had a much flatter age-earnings profile than standard employment. The Worker Dispatching Law (1985) gave the state a tool to regulate agency temporary employment (temporary-help firms employ and dispatch workers to client firms), lifting the ban on agency temporary work for 16 female-dominated occupations. It permitted temporary work in proscribed occupations and industries. In December 1996, this “positive list” was expanded to 26 job categories,<sup>57</sup> including computer operators, accounting, secretarial work, filing, translation, stenographers, and new media. Although framed in gender-neutral language, the adoption of this list preserved standard employment in core manufacturing associated with men’s work. This was a concession to unions, and allowed temporary contracts in occupations traditionally associated with women’s work.<sup>58</sup>

At the start of the 1990s, the state enacted the first measure regulating part-time work; this sought to jumpstart the economy by easing employers’ staffing of part-time workers as a less expensive alternative to workers in standard employment and by seeming to extend labor protections to the increasing number of part-time workers.

Reading the law through a gender lens hints at a different interpretation, though. The regulation used language aimed at encouraging (not mandating) employers to provide part-timers with written contracts stipulating a range of conditions of employment (e.g. hours and wage rates). It alluded to family responsibilities for consideration in allocation of overtime and holiday work. Other provisions suggested offering pro rata paid vacations, contracts limited to one year, a minimum of 30 days’ advance notice of contract non-renewal, opportunities for regular employment, and to “be considerate” in the allocation of bonuses, retirement allowances, use of welfare facilities (e.g. recreation, meals, gym, and medical care), and training. The law also mandated employers with more than ten workers to formulate regulations and to assign a manager in charge of improving working conditions.<sup>59</sup>

This regulation allowed employers to give lesser rights to those classified as part-time workers, regardless of the number of hours worked. The law asked employers to endeavor to make the workplace and conditions more hospitable and equal, and to “be more considerate” of part-time workers in the allocation of benefits. There was no real enforcement or effective incentive to follow even the weak regulatory provisions. Court cases against discrimination were costly ventures and took years to reach a settlement. Part-time work was most commonly defined as including any position that was not standard employment of an unspecified duration

(*sei-shain*), or one that involved shorter hours than *sei-shain*. As a result, some people classified as working part time actually worked 40 hours per week, but without the benefits and protections of standard employment.<sup>60</sup> Although gender is never mentioned, women were the implicit referent in the law. Not only are mothers the largest share of part-time workers, but they are also overwhelmingly burdened by family responsibilities.

Moreover, tax laws discouraged married women from working full time. Families gained financially from having one full-time worker and one part-time worker: they would lose allowances if the income of the spouse (usually a wife) exceeded a threshold of about one million yen per year, and the second earner received insurance at no additional cost as long as their income fell below the threshold. Spousal benefits, applying to national and some employer-based pensions, further encouraged married women to seek part-time employment in order to qualify for the exemption. In this way, state regulations framed in gender-neutral terms made it economically rational for households to allocate labor along traditional gender lines.

Later, social policies addressed women's dual roles as workers and mothers. The White Paper of the Ministry of Public Welfare issued in 1995 claimed that the "diminishing number of children has negative effects on children and society as a whole and thus commands attention." Women's "private" reproductive choices became the site of urgent public intervention. Childbirth was a moral duty linked to the health and wealth of the nation: its health depended on women increasing their fertility to reproduce the future workforce and care for elderly parents at home, but its wealth depended on women's labor force participation. One means of influencing women's fertility and work decisions was by revising the Childcare Law (1995) to now entitle mothers or fathers to take a year off with the right of return to work and with a possibility of extension. Workers employed full time could receive up to 40 percent of previous earnings from employment insurance, and request a limit on overtime work or an exemption from night work.<sup>61</sup>

At the turn of the millennium, Japan embarked on a course of gender-explicit regulatory reforms referencing labor market discrimination against women and their paucity in leadership positions throughout the economy. A repeal of protective principles of regulation removed restrictions on women's labor force participation, including when and where they worked. The amended Labor Standards Law had already eliminated a woman's right to take menstruation leave except in severe cases,<sup>62</sup> or nursing leave at the

workplace, and also abolished limits on overtime, night shifts, and hazardous work for women in professional, managerial, and technical positions. While removing these restrictions gave women access to a range of jobs once closed to them, regulations did not remove the de facto barriers to entry into the bastions of male-dominated employment.

Interjecting a new subject in gender-explicit regulations, the state appropriated language from the women's movement in the service of business interests. As Geraghty noted, the 1997 revisions to the Equal Employment Opportunity Law (EEOC) acknowledged specific forms of indirect discrimination based on sex in the areas of demotion, change in job type or employment status, encouragement of retirement, mandatory retirement age, dismissal, and renewal of a labor contract ... and disadvantageous treatment, such as termination of employment during a pregnancy or within a year after giving birth, or termination for taking childcare leave.<sup>63</sup>

Another regulation sought to beget "a gender-equality society." This eponymous law was passed in 1999. It and subsequent revisions promised "comprehensive measures to promote gender equality and women's advancement in various fields of society as well as an increase in the number of women leaders and managers."<sup>64</sup> A Cabinet plan approved in 2005 added numeric goals for women's presence in leadership positions, even before Abenomics trumpeted soft quotas. Without strong enforcement mechanisms—either through punitive sanctions (heavy fines or criminal liability) or positive incentives (tax breaks or funding)—these measures effectively relied on voluntary compliance. The law's silence on the two-track hiring practice reverted to the male breadwinner gender norm that resulted in differential wages and promotion between men and women.<sup>65</sup>

The male breadwinner model also informed interpretation of legal statutes. Japanese courts tend to be deferential toward companies' past practices, reinforcing traditional gender norms. A notable example is the mandate of equal treatment referenced in the original formulation of the Labor Standards Law (1947), which exempted employers when there was a rational justification for pay differentials "other than the employee's gender or gender stereotypes."<sup>66</sup> Seemingly straightforward language did not alter discriminatory hiring practices, since the Japanese courts rarely found companies in violation of the labor standard's law, as they consistently ruled that two-track hiring "is *not* a violation of Article 90 of



the Civil Code, because the firms implemented career-track hiring and promotion prior to the implementation of the 1997 EEOL revision.”<sup>67</sup> Further, the absence of a national minimum wage law contributed to wage disparities between men and women. Wage setting is industry based, and historically, unions were concentrated in core industrial sectors employing male workers.

In Japan, the mode and modalities of regulation support a male breadwinner reproductive bargain. On the one hand, the timing, location, and gender composition of agency temporary employment can be traced back to the language and logics of regulatory reform. Agency temporary employment took off after regulation defined it as legal for designated female-typed occupations. It spread—albeit unevenly—due to gendered exemptions protecting male preserves. On the other hand, the regulation of part-time employment had been preceded by increases in its incidence. Already 10.7 percent of employees worked part time in 1988, growing six percentage points by 2010. This regulation sanctioned and permitted unequal treatment. Regulations and tax reforms created incentives for married women with children to take up part-time employment without interrupting their fertility decisions and care responsibilities.

Japan’s employment system maintained an insider/outsider divide and an enduring, albeit changing, male breadwinner reproductive bargain. In the strong male breadwinner model, “paid work and family (reproduction/fertility) are difficult to reconcile given the lack of market-based or publically provided services to replace women’s familial care work and the inflexibility of paid work for care givers.”<sup>68</sup> Low maternal employment was linked to the historical commitment to a strong male breadwinner model and to insufficient support for the development of care services provided by the welfare state. Labor and gender regulations are analytically distinct spheres of influence that are not necessarily synchronized. The modalities (labor and gender-neutral regulation and non-regulation) conflicted with the gender equality principles articulated in subsequent revisions of the EEOL and gender-equal society policies. Their effectiveness in altering gender-unequal outcomes was undermined by the lax enforcement and their embodiment of the masculine conceptualization of the standard employment relationship. The intersections of the gendered welfare state and the gendered employment regimes produce specific gender gaps in the labor market.

## GENDER EQUALITY AND THE FUTURE OF WORK

Feminist scholarship has been crucial to understanding the forces behind gender (in)equality, either by advancing a gender-sensitive perspective on policy-making and comparative welfare state development or by offering rich case studies and theoretical contributions to analyses of work. Both recognized the need for an intellectual exchange that could integrate work and welfare. Yet extant research has failed to successfully bridge this disciplinary divide. One reason for the impasse is that feminist policy research has neglected the full range of topics in labor regulations.

We must discern different modalities of gendering regulations along with their intended and unintended consequences. One principal modality embedded the norm of the standard employment relationship in labor regulations. In part, disparate outcomes reflected an industrial bias implicit in the Fordist mode of regulation that devalued personal service work and limited worker protections in the service sector and in non-standard employment. As Shire suggests, “with forms of direct discrimination outlawed in most advanced economies, the regulation and demand for flexible work contracts has become a major factor in the gendering of employment.”<sup>69</sup> Regulations using gender-neutral language (such as tax codes) must be interrogated to determine the frame of reference that may bias benefit claims. Gender-explicit regulations open formerly private affairs to public intervention so that sexual harassment and violence become legitimate themes for workplace resolution. Yet the efficacy of anti-discrimination regulation is undermined by lax enforcement, underfunded enforcement agencies, and inconsistent judicial interpretations.

Different principles informing gender and labor regulation can create contradictory and unintended consequences—for example, the persistence of the male breadwinner model framing benefits and entitlements around the standard employment relationship may undermine equal employment regulation, as in the case of Japan. The treatment of care work in regulation further highlights the tension between public initiatives and private affairs. Few countries have adequately “promoted the capacity of men and women to engage in and share it,”<sup>70</sup> or remediated the devaluation of care.

With the formulation of austerity policies accompanying the rise of neoliberalism, scholars have commented on the shift from the rights and obligations once enshrined in the Fordist regulatory mode.<sup>71</sup> This new individualizing mode moves the emphasis from public to private responsibility,

reframes the discourse from collective rights to individual obligations, and transfers risks once shared collectively onto individuals. Dingeldey and Gottschall used the term “reflexive deregulation” to denote the state’s withdrawal from responsibility for full employment, promulgating a new rhetorical emphasis on the “enabling” state.<sup>72</sup> Wolfgang Streeck described “neo-voluntaristic” regulations that demarcated a weakened set of constraints and minimum compulsory mechanisms.<sup>73</sup> The language of deregulation implies a diminution of regulation, while neo-voluntarism implies a retreat of the state. Austerity measures can erode protections, dismantling the established social model negotiated by trade unions, while provisions of parental and care leave are expanded.<sup>74</sup> Only by forensically identifying modalities of regulation can we account for the full array of advantages and disadvantages in the labor market for different groups of men and women.

Finally, analyzing labor and gender regulation is a project for orienting political action. By investigating the implicit and explicit regulation of gender, we can critique current work arrangements and denaturalize gendered norms implicit in the language of labor regulations. The chapter has shown the need not only to change the way we interpret regulation but also to consciously address what is regulated, as well as how it has been done, and the language and ideology underpinning that regulation. It also demands a forensic approach that interrogates the laws as a means of ferreting out gaps and tensions in a regulation as well as among regulations. Future research must bring an intersectional sensibility to this endeavor. Labor laws and gender-explicit policies may differentially include or exclude migrant women workers from protections. Immigration laws and citizenship policies are other regulatory channels that influence complex patterns of inequalities within and across countries. An analysis of the mode and modalities of regulation across policy domains can offer concrete recommendations for rewriting regulations and for pursuing a gender-equality project.<sup>75</sup>

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75. This chapter reflects fruitful exchanges with the co-editors, David Peetz and Georgina Murray, across time zones and hemispheres, and in Brisbane at a two-day workshop. Sara Charlesworth and Annie Delaney deserve special thanks for their written comments on an earlier draft. My contribution benefits from the free-floating discussion during the workshop.

## The Changing Sexual Politics of Gender Regulation by Unions

*Suzanne Franzway*

The history of the regulation of gender issues by trade unions in Western, industrialized countries is one of hard-won political change to the meanings and effects of gender equality across those societies. Yet gender inequality and gender gaps in wages, conditions, occupations, and opportunities persist in the face of such change. Recognition of the significance of gender equality to trade unions does not simply evolve over time; union women have needed to campaign to make gains in the recognition of their issues and to win leadership positions. However, there is still an effective silence among many unionists and researchers about the negative effects of the dominance of masculine heterosexuality in the labor movement.<sup>1</sup>

Union activists concerned with gender equality for women have had to challenge that silence around the sexual, racial, and masculine heteronormative politics of trade union movements. Although women were early participants in Western industrialized labor, they have rarely been treated as the equal of men in the labor market. They tend to occupy the lowest-paid, lowest-valued sectors of the workforce with the worst conditions, relative to men. At times, they have been excluded from whole occupations and industries as well as from full union membership.

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In addition, male–female wage gaps see men earning more than women, both when regulation distance is high and when it is not.<sup>2</sup> The reasons for such inequality are deeply rooted in the politics of gender and its effects on labor markets and labor movements. This in turn affects the ways trade unions engage with and contribute to changing gender norms and gender regulations.

Since the emergence of industrialized labor markets, advances in gender issues (such as pay equity) in and around trade unions have resulted from feminist activism, as well as from the structural and ideological forces discussed in other chapters. In this chapter, the focus is on the sexual politics around the arguments and campaigns undertaken by union activists and feminists at national and transnational levels in Western societies, with a particular, but not sole, emphasis on Australia. The chapter pays attention to campaigns framed in terms of family norms, and those that aim at equal pay.

### SEXUAL POLITICS AND CAMPAIGN FRAMES

This chapter adopts a view of gender as relational and contested, in contrast to the binary version of gender as man/woman. This approach aims to avoid static understandings of gender, which tend to default to the category “woman.” Such a category ignores the diversity and fluidity of gender, and effectively hides the workings of gendered power. Too often, efforts to draw attention to gender are understood to refer simply to (heterosexual) women only. The view of gender in this chapter is conceptualized as sexual politics, based on my reworking of Kate Millet’s term. Millet redefines politics to refer to any relationship structured by power in which “one group of persons is controlled by another.”<sup>3</sup> She argues that the sexes, in parallel with races, castes, and classes, should be understood as well-defined and coherent groups, and thus subject to politics. Following Millet, I define sexual politics as contested and complex relations of gender and power. Sexual politics comprises complex gender relationships of power that may produce domination, resistance, alliances, and/or pleasures.<sup>4</sup> The politics of gender relations are also shaped by historical shifts in the interconnected meanings of race, class, age, sexuality, and theories of their intersectionality.<sup>5</sup> Sexual politics is not limited to relations between women and men, but includes the wide range of diversity between and among all genders.

The value of the term “sexual politics” is that it draws attention to both the sexual and the political, in contrast to gender as a binary and descriptive category. I argue that the focus of sexual politics on the political in gender lays stress on the changeability of gender through the contestations of power in contrast to the stability of a binary category—hence, the state of play of the sexual politics of gender relations, whether patriarchal or egalitarian, at any particular time and place is the result of that contest.<sup>6</sup> Gender relations may then be understood as potentially configured in multiple different ways and as not inevitably patriarchal.<sup>7</sup>

In contrast to the all-too-common position that attention to gender is relevant only when women are present, sexual politics recognizes that gender was, and is, integral to labor markets and to labor movements, whether or not women themselves are directly involved. Sexual politics spotlights the struggles around the dominance of masculine heterosexuality and the resilience of (heterosexual) men’s power in contemporary society, including the labor movement.<sup>8</sup> The dynamic and changing conditions of sexual politics helps to explain gender inequality while opening up spaces for political action.

Trade unions are not isolated from the interplay of sexual politics. Women unionists have long had to struggle to gain recognition of their interests, to win leadership positions, and to influence policy.<sup>9</sup> Likewise, assumptions that sexual orientation is heterosexual and fixed have resulted in various forms of discrimination for lesbian, gay, bisexual, transgender, intersexual, and queer (LGBTIQ) workers and unionists.<sup>10</sup> The sexual politics of such struggles necessarily challenges men’s dominance, which has led both activists and researchers into elaborate strategies aimed at avoiding confrontation with union brothers on this point.<sup>11</sup>

An important result is the male dominance of trade unions for well over a century—a dominance that hinged on the exclusions and restrictions on women workers, buttressed by gendered discourses of identity and gendered divisions within the family. Men’s interests were incorporated as normative in union discourses and practices that subordinated the interests of non-hegemonic masculinities as well as the interests of other identities.<sup>12</sup> These other identities have long been marginal to the politics and policies of the trade union movement. However, the sexual politics is not fixed. Male dominance was, and continues to be, contested when political opportunities open up. Changes have arisen from shifting relations between women’s movements, labor movements, the state, and industrial conditions.

The emergence of such political opportunities allows the development of deliberate campaigns for social change. These are framed in relation to the state of sexual politics and its effects on dominant discourses and conditions. For example, nineteenth-century campaigners against harsh work conditions framed their efforts in terms of protection for women workers through returning them to the family home. This strategy attracted men, as it also protected men's wages. In the twentieth century, as women activists slowly made inroads into the public sphere, unions began to integrate the value of education into campaigns framed as equal opportunities for girls and women to become skilled workers.

Successful campaign frames transform issues into grievances about which individuals believe something can and should be done. Successful frames are produced by the deliberate choice of words, images, ideas, and symbols aimed at achieving certain effects. Recent decades have seen the integration of discourses of rights into the labor movement campaigns.<sup>13</sup> Campaign frames may also enable alliances between, for example, the labor and women's movements. Women's social movements gave political energy to campaigns to win equal conditions and pay for women (eventually including married women), as well as access to the whole range of occupations and industries. A key debate in framing these campaigns revolves around the meanings and implications of "equal" and "equality," and is well documented by feminist scholars.<sup>14</sup> One risk is that campaigns about equality for women workers may contribute to the outsourcing and commodification of care, and to the increasing inequality for men.<sup>15</sup> Although the charter of the International Labor Organization (ILO) adopted in 1919 called for equal pay for equal work, these dilemmas continue today, if in different forms from previous decades.<sup>16</sup> In the face of the embedded sexual division of labor and the unequal sexual politics of the family and social policy, the argument is not yet won that women's work should have equal value, recognized with equal pay.

### CLASS AND SEXUAL POLITICS

The nineteenth century in industrializing countries saw the interplay of sexual politics and the emergence of class hegemony undermine the potential for women's equality. Conflicts over the political and strategic importance of class versus gender interests have been almost perennial, extending back to the earliest involvement of women in labor movements.<sup>17</sup> Feminists and

socialists argued for egalitarian principles to include women, but by the mid-1840s, class struggles took center stage and women's position was constructed as different and separate from that of the normative worker.<sup>18</sup> Nevertheless, many working-class women remained in the labor market, and their poor conditions and low pay represented a material threat to their brothers.<sup>19</sup> Trade union men responded by working to fence off women workers from a number of occupations and industries as well as from their collective associations.<sup>20</sup> Women's labor activism became largely invisible over the following decades. Men did most of the public campaigning while women provided the backup that made their work and activism possible.<sup>21</sup> (For an evocative representation of such struggles well into the twentieth century, see the 1954 film *The Salt of the Earth*.<sup>22</sup>)

The restrictions on women's paid work during the nineteenth century were differentiated by class. Middle-class women became organizers of consumption, class display, and social reproduction. Their role depended on the labor of working-class women and their children, some of whom found work in the new factories and sweatshops. The ideal of the man as the family breadwinner came to dominate for men of all classes.<sup>23</sup> The depiction of women as dependents ignored the economic and social value of household production. The public and private spheres were treated as separate and unrelated.<sup>24</sup> The male breadwinner/female housewife model had a long and powerful impact on the sexual politics of gender equity in the workplace.<sup>25</sup>

This concept of 'Harvester man' (from the company at the centre of the first basic wage case), a male breadwinner with a wife and dependent children, who worked 'full time' and for a 'lifetime', was integral to the legal norms regulating Australian workplaces until the 1970s.<sup>26</sup>

Owens described the modern version of this normative worker as one who is unencumbered, though others (such as Marian Baird)<sup>27</sup> saw the Australian wage regime as still limited by "the shackles of the male breadwinner model" well into the twenty-first century.

Unions, dominated by skilled, white, male unionists who feared competition from cheaper female and immigrant labor,<sup>28</sup> framed their demands in terms of their breadwinner role. The "family wage" effectively obscured the sexual politics of wages and contributed to the inequalities of the sexual division of labor as well as to the unequal sexual politics of the family.

## CAMPAIGNS TO CHALLENGE GENDER INEQUALITIES

The sexual politics of the modern nuclear family became, and continues to be, central to union and feminist campaigns. Campaigns framed by family norms allow unions to break through stereotypes of trade unions as organizations of blue-collar men concerned only with narrow, self-interested issues. For example, at its Founding Congress in Vienna in 2006, the International Trade Union Confederation (ITUC) relied on assumptions about the universal value of family in calling for measures to enable women to reconcile work with family life and allow men to spend time with their families and share family responsibilities.<sup>29</sup>

The family is assumed to be central to women's everyday lives, whether or not they are materially engaged in family care. The discursive value of the family serves to counter the neoliberal push for individualism and the ills of globalization. However, discourses promoting family values also obscure gender inequalities of pay, working conditions, and family life. Feminist campaigns for gender equity for women workers have been blunted by union campaign frames with the family as a central focus. The family thus plays a contradictory role in the ways political campaigns for women workers' rights have been framed by labor movements.<sup>30</sup> An excellent example was reported by Janis Bailey, who observed a trade union campaign that drew directly on family discourses to frame its strategy, which Bailey characterized as "defiance via domesticity." Union activism was framed as "a family thing," incorporating multiple identities and practices of everyday life.<sup>31</sup> She argued that this approach was effective in sustaining union momentum and reducing public hostility, but it masked the tensions of the unequal gender relations among activists at the campaign site.

### *Family Wage*

Unions campaigned for a "family wage," or what became known as a "living wage," in the United Kingdom and the United States from the 1870s onward.<sup>32</sup> Often narrowly defined, the broad consensus in the United States was that a living wage should provide "the ability to support families, to maintain self-respect, and to have both the means and the leisure to participate in the civic life of the nation."<sup>33</sup> In Australia, the centralized industrial relations system, which set minimum rates for all workers covered by industrial awards, established the concept of the family wage for

working-class men in 1907 (the *Harvester* judgment, referred to above). Since it was assumed that only men supported families, the female basic rate was fixed at 54 percent of the male basic rate.<sup>34</sup> This assumption was put into effect in the Australian Public Service, which established a marriage bar that made married women ineligible for permanency, from its inception in 1902 until it was lifted in 1966.<sup>35</sup> Women's low wages were seen as no more than "pin money" (referring to a husband's allowance to his wife for her personal expenses).

The dominance of the family wage entrenched the male as the normative worker and contributed to gender inequalities in workplaces and in unions. During the Great Depression of the 1930s, feminists and socialists such as Winifred Holtby in the United Kingdom argued that "women are underpaid, the education of girls is crippled, women are denied the right of entry to posts which they could occupy with profit, or are forced to resign from work which they can do or needs doing."<sup>36</sup> Their argument failed because women workers (especially married women) were politically vulnerable to the corrosive economic problems of the time. Framed by discourses that suggested women were taking jobs from male breadwinners and that participating in the public domain would debase their natural mothering, legislation was readily passed to enable the easy dismissal of married women from teaching and public-sector jobs—with strong effects on the employment of married women generally.<sup>37</sup>

Working-class opinion was divided between those women who believed that men should have first claim to the limited jobs available and those who felt that a good mother would provide economic support for her family.<sup>38</sup> The Australian unionist, Muriel Heagney,<sup>39</sup> tackled the issue directly, drawing on international examples to make the case that women should have equal pay and the right to economic independence, whatever their family circumstances. As leader of the Council for Action on Equal Pay from 1937, Heagney adopted a union feminist position that aimed to build union support for equal pay for the sexes in contrast to the weaker position of equal pay for equal work.<sup>40</sup> She adopted the pragmatic view that women would only be accepted by trade unions when they were no longer used as cheap labor.<sup>41</sup>

However, general changes in views and policies were slow to be realized. Twenty years later, a similar argument for women's position in the labor movement was being made by union leader Caroline Davis at the International Metalworkers' Federation Women's Conference in Vienna in 1957:

There are still employers who attempt to use women wage-earners as a source of cheaper labor; there are still men workers and union members who fail to realize that the treatment of women workers as an inferior category merely weakens the union as a whole by creating a precedent for discriminatory treatment of other groups of worker.<sup>42</sup>

Although women had recorded many firsts across almost every occupation during the 1930s and 1940s, this impetus seemed lost during the 1950s, when the gendered segmentation of jobs into “women’s work” and “men’s work” appeared to become more inflexible. During World War II, some women workers had gained access to “men’s” jobs and received increased pay, but after the war, they were disappointed to find their wages falling back to pre-war levels or, worse, their jobs being taken over by men.<sup>43</sup> Nevertheless, as the post-war economy strengthened, women’s participation in the labor market (including by married women and single mothers) began to increase. The discursive value of the family wage to uphold men’s wages also began to decline. In France, it had ceased to be a workers’ demand before World War II,<sup>44</sup> although it remained central to wages campaigns by trade unions in many local and national constituencies. However, the gender inequality of the family wage was not replaced by equal pay for women, in spite of their increasing participation in the labor market. The sexual division of labor proved resilient in the face of numerous challenges by feminist activists and workers seeking access to the whole job market. Gender inequality continued, albeit in somewhat less rigid forms.

### *Family-Friendly Work*

Feminists in the revitalized women’s movement of the 1960s and 1970s debated whether the cause of women’s oppression lay in the family, in the workplace, or in the unequal effects of the public/private sphere dualism.<sup>45</sup> In spite of reductions in the material demands of housework, domestic labor persists as a site of gender inequality and is implicated in women’s inequality in the workplace.<sup>46</sup> However, it is the discursive force of women’s role as mother that is regarded as central to inequality, while the impact of domestic labor tends to be ignored. Yet mothers not only provide care for their children; they also cook, clean, shop, and manage family relations—for everyone in the household. This work obscures the sexual politics of gender inequality within the family. Combined with current discourses that value the egalitarian family, the differences between

the everyday life of women and men workers is also obscured. Materially and discursively, men workers rely on women to provide for their domestic needs, perpetuating the unequal sexual division of labor in the workforce as well as in the family.<sup>47</sup>

Rather than challenge the unequal sexual politics of the normative family itself, union feminists have adopted the pragmatic strategy of advocacy for family-friendly workplace policies.<sup>48</sup> In Western societies, the family is now seen as gender neutral, a valued social organization of (heterosexual) parents and their children. Yet the sexual politics of the family serves to obscure the likelihood that it is women who are most likely to be affected by such policies.<sup>49</sup>

In addition, family-friendly policies in Australia became the rationale for many workplace flexibility policies introduced in the 1990s. Yet “flexibility has taken a particularly gendered form.”<sup>50</sup> Further, the central focus of these campaigns and policies is the family’s role in the care of children, modified to some extent by the recognition of the needs of chronically ill or aging family members. Since sexual politics normalizes women’s central caring role in the family, women are far more likely to use or be permitted to use family-friendly “flexible” workplace policies; in effect, these become women-centric policies, doing little to contribute to overall gender equality.

### *Equal Pay*

Significant gender inequality in pay is perhaps the most resilient feature of labor markets across the world. Even though the gender pay gap has narrowed in some places and stagnated in others, women continue to work, on average, for lower earnings than men.<sup>51</sup> As shown in other chapters in this book, the roles of regulations and norms are not gender neutral. Rather, feminists and union activists have fought lengthy campaigns framed according to the changing discourses around women’s work and equality, and responsive to the demands of increasingly technical industrial regulations and conditions.<sup>52</sup> In 2007, the ILO was still reporting that the notion of “equal pay for work of equal value” was perhaps one of the least understood concepts in the anti-discrimination field.<sup>53</sup> The ILO’s adoption of Convention 100 for equal remuneration for men and women workers for work of equal value in 1951 gave focus and a degree of support to activists. It signaled the recognition of the discriminatory impact of the unequal sexual division of labor. In Australia, documents from the



campaigns of the 1960s and 1970s illustrate the limitations of the equal pay cases.<sup>54</sup> In 1969, the Commonwealth Conciliation and Arbitration Commission, on application by unions and with opposition from employers, agreed that the minimum wages for different occupations set out in awards should be subject to principles of “equal pay for equal work” between men and women (i.e. where men and women were doing the same jobs). In 1972, on further application by unions with support from a just-elected Labor government, the Commission extended this to encompass equal pay for work of “equal value.”<sup>55</sup> The more precise recognition of equal pay for work of equal value won in 1972, together with the extension of male rate for the minimum wage to women in 1974, did make a useful difference to women’s unequal pay.<sup>56</sup>

Campaigns for wage justice for women drew on available opportunities inside and outside the trade unions. The impact of economic conditions on the state of sexual politics challenged feminist strategies, and whether campaigns should be framed in terms of the justice of women being treated and paid the same as men workers or in terms of women being valued for their differences from men. During the 1970s, campaigns in the United Kingdom and Australia based on Working Women’s Charters argued that the goal of “equal pay for equal work” would not overcome the structured inequality between women’s work and men’s work. Nevertheless, the discursive appeal of the right to equal pay has had some impact in terms of helping to mobilize women, (some) men, and trade unions, and in changing policies. Rather than directly challenging the inequities built into the pay and conditions of gendered jobs, activists sought to establish that women’s jobs have comparable value to men’s jobs and therefore should receive the same pay. Although some gains for women were won—particularly in the United States and Canada<sup>57</sup>—it proved to be a costly and highly technocratic process. In Australia, the still centralized industrial relations system, which had enabled the equal pay cases of 1969 and 1972, rejected the comparable worth approach taken by female-dominated unions in the 1980s as inconsistent with its wage-fixing principles because of its impact on relativities between *male* jobs.<sup>58</sup>

Since the 1990s, trade unions in Australia have been confronted by a substantial shift toward enterprise bargaining, with declining union membership levels and reduced capacity for industrial action.<sup>59</sup> The goals shifted to achieving “pay equity” between women’s and men’s work even when their jobs were not equal or even similar, so that pay equity now refers to redressing the undervaluation of jobs typically performed by women and remunerating them according to their value.<sup>60</sup> Union feminists debated

whether women in low-paid jobs would benefit from pay equity campaigns, while some found that framing campaigns and union organizing around pay equity was effective in mobilizing members. The introduction of pay equity wage-fixing principles and parental leave into the institutions for collective wage fixing proved positive for partially breaking down the male breadwinner/female carer model of gender relations.<sup>61</sup>

Meanwhile, international peak bodies such as Education International have worked to develop useful principles on which to base pay equity campaigns, calling for both equal pay for the same work and equal pay for jobs of an equal value or comparable value, although they are different jobs.<sup>62</sup> An evaluation of the Public Service International (PSI) Pay Equity Campaign (2002–06) found that it had been an effective mechanism for building women’s union participation and leadership, enhancing awareness of gender discrimination, and developing international labor cooperation.<sup>63</sup> Yet the report found little evidence of material, tangible pay equity for women workers.

In Australia, recent changes to federal industrial legislation have left many to feel pessimistic about the potential of the Fair Work Act, legislated by a federal Labor government, to challenge workplace gender inequalities, including pay equity.<sup>64</sup> However, at least one union found ways to contest the historical undervaluing of some jobs. In May 2011, the tribunal, in “an historic decision,” ruled that it had been proved that social and community services (SACS) workers in the not-for-profit sector and local government were “underpaid and that at least part of the reason for that underpayment is gender.”<sup>65</sup> The decision has been described as the most important equal pay decision since the 1972 case. This positive change depended on the extensive campaigning undertaken by the union and its supporters. Then state branch secretary of the Australian Services Union, Sally McManus, said:

It’s not been an easy road. We’ve danced for equal pay. We’ve rallied for equal pay. We’ve lobbied our local members for equal pay. We’ve been campaigning for probably 30 years in the community sector for fair wages. This is a big day after 30 years’ struggle.<sup>66</sup>

McManus, who has since become a senior official with the peak body, the Australian Council of Trade Unions, exemplified the persistent activism that has always been required for gender inequalities to be challenged and changed.

## CONCLUSION

When dominant sexual politics has privileged the issues and concerns of heterosexual men workers, feminist activists have been challenged by inequalitarian, even hostile, culture and practices, as well as by the lack of space and resources with which to organize women workers. Recent feminist scholars have identified the value of clearly defined and well-resourced separate spaces for union activists.<sup>67</sup> Canadian writer Linda Briskin argues for the necessity of women's self-organizing spaces in unions to provide them with the political space to construct union feminism.<sup>68</sup> For Jennifer Curtin, separate spaces enable women "to alter the discursive frameworks through which women's claims are constituted."<sup>69</sup> LGBTIQ union activists have adopted similar self-organizing strategies, as have activists from other constituencies, such as workers of color, who are not recognized by mainstream union agendas.<sup>70</sup> However, considerable and persistent activism continues to be necessary—for example, LGBTIQ workers need activist courage and innovative strategies to gain recognition of their issues by their unions.

Challenging gender inequalities about pay and conditions in the workplace depends for its success on skillful and complex campaigns by trade unions in negotiating the effects of regulation distance and labor market segmentation. Feminists and union activists have needed to contest the sexual politics of male dominance within the wider society as well as in trade unions and the labor movement. As this chapter argues, however, positive outcomes for women cannot be won by assuming that campaigns can be framed within a simplified concept of gender. The dynamics of sexual politics that play out in trade unions shape their policies and practices, are complex, and are never fixed. Likewise, the impetus to mobilize efforts aimed at challenging gender inequalities has frequently drawn on feminist analysis and activism, thus making a significant input into the politics of gender across the whole history of Western trade union movements.

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## Employment Regulation and Worker-Carers: Reproducing Gender Inequality in the Domestic and Market Spheres?

*Sara Charlesworth and Fiona Macdonald*

In this chapter, we examine the ways in which the interaction of the domestic and market spheres shapes and is shaped by gender inequality in both spheres, particularly for worker-carers—people who combine (unpaid) care work with paid work. We draw on critical feminist framings of the public–private divide and what this divide means for gender equality in employment. In particular, our concern is with the reproduction of gender gaps in paid work, which have consequences for women across their life course. We consider the nature of the work-care regime, the gender norms that underpin it, and the role of employment regulation in determining gender relations, and the organization and valuing of work, and in perpetuating the reliance of employers on women’s unpaid work in the domestic sphere to produce and support workers for the market.

This chapter focuses on the Australian case and examines the ways in which state interventions seek to mitigate some consequences of the interaction of the domestic and market spheres through various

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“accommodations” of worker-carers. We argue that, for the most part, such accommodations have worked to both “adapt” worker-carers to the demands of substantially unchanged workplaces and institutions, and reinforce the gendered division of labor in the workplace and the home. Finally, we examine the ways in which the perception of paid care work as “women’s work”—historically unpaid—has informed the profound undervaluing of this work as “work.” Focusing on the case of paid care work, particularly the frontline work undertaken by so-called low-skilled women workers, allows us to draw attention to the implications of being in a female-dominated occupation. It also contributes to understanding how the interaction of the domestic and market spheres shapes outcomes for differently situated groups of women—in this case, the low-paid.

While this chapter is concerned chiefly with the role of employment regulation, we acknowledge that there are broader contexts shaping the working conditions of worker-carers. These contexts are reflected in social and economic institutions and in employment practices at the workplace level. Our analysis draws on a substantive framing of gender equality that is about a transformation of gender relations toward an equal distribution of paid and unpaid work, equal pay, and desegregation.<sup>1</sup> Thus our understandings of “regulation distance” and regulation go beyond the proximity and content of the regulation that sets employment conditions for worker-carers to include the ways in which regulation works to reduce or reinforce demarcations between the domestic and market spheres.

In this chapter, we draw on an Australian case study to show how, across the labor market, even where regulation proximity is high, employment regulation fails to support worker-carers in ways that facilitate sharing of care between men and women. This failure in the content of regulation is implicated in the gendered segmentation of the labor market, contributing to women’s overrepresentation in sectors that appear to have high regulation proximity but where women are concentrated in less well-regulated part-time and casual jobs.

## CONTEXT

This section outlines the theoretical framings we employ and the current situation in Australia with respect to the resilient gendered divisions of labor in the market and domestic spheres.

### *Theoretical Framings*

Feminist debates around the public–private divide have theorized the main structures that reproduce gender inequality, in particular the organization of both labor and care.<sup>2</sup> The divisions between paid and unpaid work, or between the market and domestic spheres, are structures of power and are mutually dependent: “In this division of work, care is not seen as a collective responsibility of men and women, or of the whole of society, but as an individual responsibility of women.”<sup>3</sup>

It is important to be clear what we mean by gender (in)equality. Different framings of gender (in)equality shape the solutions seen as best for mitigating the gendered impact of the public–private divide, particularly as this relates to worker-carers.<sup>4</sup> Framing the problem of gender equality as sameness means that the issue becomes one of ensuring women have access to the same rights and opportunities as men in the market sphere.<sup>5</sup> This view of equality has little to say about the division of labor in the domestic sphere. Framing equality as difference focuses instead on the male norm that dominates in the public sphere, with strategies directed toward the accommodation of women’s difference, including with regard to their care responsibilities. Seeing equality as the recognition of difference can run the risk of essentializing women as carers<sup>6</sup>—and indeed of positioning the problem of gender inequality solely as one of work–family conflict. In contrast, the transformative framing of gender equality requires policy approaches designed to fundamentally transform the ways in which domestic work and work in the market sphere are understood and undertaken.<sup>7</sup>

Gender (in)equality is reproduced in both the domestic and market spheres within the context of a specific societal “gender contract” or “gender order.” Connell’s concept of the gender order of a society comprises production relations, power, emotional relations (including sexuality), and symbolic relations.<sup>8</sup> These systems of social relations combine to determine the degree of gender inequality in a society. One critical element of the gender order that underpins the relations of production is what has been called the “work-care regime.”<sup>9</sup> This concept is useful for differentiating the combinations of institutional arrangements and social and cultural norms around men’s and women’s work and care roles. The work-care regime defines the gender relations of production and the ways in which the domestic and market spheres interact and reinforce each other in any particular national context.

As a key institution of the work-care regime, employment regulation, along with social policy, acts to demarcate and gender the domestic and market spheres and reproduces gender (in)equalities in a variety of ways. Gottfried has aptly described how the coverage, scope, and content of labor regulation “reflect and affect power resources within and across workplaces, between work and family, and in family life.”<sup>10</sup> Thus, the doing and organizing of gender relations is in part a consequence of labor regulation. Similarly, understandings of labor law as constitutive<sup>11</sup> underpin recent feminist legal perspectives in which employment regulation is seen as not only reflecting and reinforcing gender norms, but having normative and discursive dimensions, and also having a role in defining and determining gender norms.<sup>12</sup>

Nowhere is the role of employment regulation in defining gender norms more apparent than in the construction of the Standard Employment Relationship (SER) as the standard around which labor protections pivot.<sup>13</sup> The SER is a central element of the traditional “male breadwinner, female caregiver” model or regime.<sup>14</sup> In this type of work-care regime, access to good-quality jobs with career paths and regulatory protection and benefits is largely confined to men who can perform these mainly full-time, full-year jobs because they are unencumbered by care responsibilities. As a consequence, while men’s full-time labor force participation is made possible by women’s unpaid caregiving, many women are excluded entirely from paid work or confined to “non-standard” insecure and lower-paid jobs with fewer benefits.<sup>15</sup>

With changing social arrangements and the large-scale entry of women—including women with dependent children—into the paid workforce, the gender order underpinning this particular work-care regime has partially broken down, to different degrees and in different ways, in most developed countries. While these changes have “revealed the extent to which employment norms rested on an unpaid, full-time caregiver,”<sup>16</sup> they have not led to the establishment of new norms for labor and care work based on a transformative vision of gender equality, such as the universal carer/worker–worker/carer model,<sup>17</sup> that would transform gender relations. As we outline later in this chapter, in Australia the basic scaffolding of contemporary employment regulation leaves much part-time work poorly protected and with fewer benefits, while there has been little progress toward a “flexible SER,”<sup>18</sup> continuing women’s economic dependence on a male partner and consequent vulnerability.

How employment regulation addresses the domestic–market divide and the ways in which worker-carers attempt to balance responsibilities across both the market and domestic spheres continue to be shaped by social norms. For example, in Australia, the extent to which mothers engage in paid work is profoundly influenced by dominant gender norms that only support women’s greater engagement in paid work on the condition that work does not interfere with their “primary” responsibilities as mothers or alter gendered divisions of labor in the household.<sup>19</sup> Such social norms not only underpin the large-scale take-up of part-time work by Australian women but, as we highlight below, also shape a distinctive and gendered polarization of work hours.

### *The Household Division of Labor*

International comparative research suggests that, within a national work-care regime, state interventions around work and care shape the ways in which men and women negotiate unpaid labor in the home and the basis on which they engage in paid work.<sup>20</sup> Available data show that, despite women’s increasing participation in paid work, strong gender divisions and inequalities remain in both domestic and market spheres. Across developed countries, women continue to spend far more time in unpaid work than men, with the Organisation for Economic Co-operation and Development (OECD) average being 4.6 hours per day for women and 2.4 hours per day for men.<sup>21</sup> In Australia, the gender divide in unpaid work is similar. In 2006, women spent 5.2 hours per day in unpaid work compared with 2.9 hours for men. This divide in unpaid work had remained substantially unchanged from 1997. While men did not increase their time spent on household activities over the decade, they did increase their time spent in childcare within the family. However, so did women, who in 2006 spent almost three times as long on childcare activities as men.<sup>22</sup> Caregiving for older dependents is also gendered, with one study finding that women aged 35–64 years were much more engaged than men in caring for adult relatives.<sup>23</sup>

In families without dependent children, there has been some reduction over time in “gender specialization” in the market and domestic spheres.<sup>24</sup> However, there remains a sharp divide between the time spent in paid work by women and men when they become parents. In particular, the presence of children appears to decrease mothers’ hours in paid work and

increase fathers' hours in paid work. In Australia in 2013–14, among parents with the youngest child under five years, 94 percent of fathers were in the labor force compared with just 60 percent of mothers.<sup>25</sup> Indeed, fathers—whether partnered or sole parents—reported the longest work hours of all male and female workers.<sup>26</sup> While sole mothers worked similar hours to partnered mothers,<sup>27</sup> a clear, gendered distribution of work hours was apparent for couple families, with mothers working part-time hours and fathers working full-time hours. This pattern reflects the growing importance of the “one and a half earner” model across the OECD.<sup>28</sup> What is distinctive about the Australian context, however, is the extent of working-time polarization for parents with young children, with mothers clustered in relatively short-hour, mainly casual, part-time jobs and fathers in long-hour full-time jobs.<sup>29</sup>

This gendered polarization works to undermine mothers' access to good-quality jobs, with negative consequences both in the short and in the longer term. It thus has profound consequences for gender equality over the life course, relegating many women who get stuck in part-time jobs to poorer career outcomes and lower incomes in retirement. In the domestic sphere, the gendered polarization of work hours reinforces gender inequality by making it harder for fathers to engage in parenting and other unpaid domestic work.<sup>30</sup> More generally, both gender norms and the relatively high share of female part-time employment in Australia shape the ways in which men and women negotiate and organize within the domestic sphere.<sup>31</sup>

The consequences for women of this maladaptation of the market sphere to the needs of worker-carers are reflected in the significantly higher levels of work–life interference experienced by women.<sup>32</sup> Of particular interest is that, regardless of total hours worked—whether part time (1–34 hours), full time (35–47 hours), or long full time (48 hours+)—women experience worse work–life interference than men.<sup>33</sup> This suggests that part-time work does not remove work–life pressures. For example, mothers who engage in paid work tend to preserve time for childcare by reducing time spent on personal care and leisure.<sup>34</sup>

In Australia, as we explore below, employment regulation maps on to the gendered polarization of full-time and non-standard work, underpinning the poorer quality work available to those who work non-standard part-time hours or in casual employment. This constrains the effectiveness of regulatory interventions that might support worker-carers.

## REGULATORY INTERVENTIONS

In this section, we provide an overview of Australian state-based regulation that has been used to help workers bridge the divide between the market and domestic spheres. Labor law, with other employment regulation, is a key state “intervention,” assumed in part to help workers reconcile paid work with unpaid domestic and caring responsibilities. We ask how effective this regulation has been in addressing the needs of worker-carers and in addressing gender gaps stemming from the divide between the market and domestic spheres. These interventions take place within a broader national context, and they interact with other interventions at the macro social and economic levels and at the workplace level.<sup>35</sup> Thus we also focus briefly on the implementation of a key Australian social policy—the national paid parental leave (PPL) scheme, which interacts with employment regulation and is designed to provide some support for new parent worker-carers.

### *Employment Regulation*

In Australia, unlike many other countries, the recognition in employment regulation that the market and domestic spheres are at least partially intertwined has long historical roots. In 1907, the *Harvester* decision of the Federal Industrial Court provided for a living or family wage sufficient to keep a man, his wife, and three dependants in “frugal comfort.”<sup>36</sup> The *Harvester* decision was innovative in acknowledging that workers’ responsibilities did not stop at the factory gate but flowed on to the domestic sphere. Yet it failed to recognize the extent to which the domestic sphere supported the market sphere of male work. Indeed, the *Harvester* decision institutionalized the male breadwinner in Australian labor regulation. It also implicitly institutionalized the female homemaker, who it was assumed would undertake the caring and domestic work necessary to allow the male breadwinner to provide for the family through paid work.<sup>37</sup> Today, the male breadwinner model is still reflected in the normative divide in employment regulation between what is seen and valued as men’s and women’s work, and in the poorer wages and conditions that attach to the non-standard work outside the SER, in which women are overrepresented. In particular, the working-time conditions so crucial to the reconciliation of work and care are generally poorer in feminized industries than those in male-dominated industries.

Australian labor law was an early adopter of regulatory interventions designed to recognize and support worker-carers. The domestic sphere was formally acknowledged in a number of crucial “test cases” from 1979 onward.<sup>38</sup> The first direct legal recognition of worker-carers was the 1979 Maternity Leave Test Case, which ensured eligible women workers could return to their job after up to 12 months’ unpaid leave. In 1990, another test case saw maternity leave broadened to parental leave (i.e. fathers also become entitled to unpaid leave), and in 2001, a further test case decision extended unpaid parental leave to eligible casual employees.<sup>39</sup> Other test cases—on paid family leave in 1994 and then personal/carers’s leave in 1996—allowed an employee to access part of their sick leave entitlements when a family member was ill. In 2005, a test case decision of the Industrial Relations Commission introduced a limited “right to request” part-time work for employees after parental leave. The flow-on of that decision into industry awards, however, was truncated by the “WorkChoices” changes to federal labor law by the conservative Liberal–National Party Coalition government.<sup>40</sup>

Currently, Australian employment regulation provides a relatively comprehensive set of supports to worker-carers. There is, however, a crucial statutory distinction between “casual” employment and other forms of employment, limiting the access of many low-paid women workers to regulatory supports. Casual work has no job security, guaranteed hours, or access to paid sickness or recreation leave. Part-time workers are more likely than their full-time counterparts to be employed on a casual basis. Women are much more likely than men to be in part-time work and more likely to be working on a casual basis than men. In 2013, 27 percent of female employees were employed on a casual basis, compared with 21 percent of men, with casual work predominating in feminized industries such as retail.<sup>41</sup> Casual employees have limited access to formal worker-carer provisions contained in statutory entitlements under the Fair Work Act 2009, as we note below. They also have less access to any working-time predictability provided to non-casual employees in sectoral regulation through “modern awards.” However, casual status is not the only indicator of poor-quality, part-time work. In many feminized industries, those classified as “part-time” (rather than casual) workers do not necessarily have access to pro rata full-time conditions. Indeed, part-time provisions in many of these awards—such as in the social care sector—are much weaker in terms of working-time security than comparable provisions in awards in male-dominated industries.<sup>42</sup>



Explicit employment regulation designed to accommodate worker-carers—including unpaid parental leave, personal/carer's leave, and a limited right to request flexible work arrangements—make up three of the ten statutory National Employment Standards (NES) of the Fair Work Act. Access to these provisions is constrained for many workers. Paid personal/carer's leave is not available to casual workers, although they may access up to two days' unpaid leave. Parental leave and the right to request flexible work are only available to those who have had 12 months' service with their employer and, if casual, are employed on a regular and systematic basis, with the likelihood of ongoing employment.

Arguably, parental leave, carer's leave, and the right to request part-time work won through test cases and reflected in the current NES all strongly reinforce a normative family and a mode of caring based on one adult being the main or sole carer for the baby rather than shared caring.<sup>43</sup> Eligibility for the right to request flexible work is now broader than caring for a young child: in 2013, it was extended to include carers as well as workers with disabilities and workers who experience family violence. However, this provision is weaker than similar provisions in the Netherlands, Germany, and the United Kingdom, and remains constrained by the lack of effective appeal rights, service requirements, and the ongoing and systematic employment of casuals.<sup>44</sup>

One of the most innovative regulatory interventions has been the provision for domestic violence leave negotiated in many enterprise agreements. This leave is designed to assist employees to remain in paid employment and support them through the process of escaping violence.<sup>45</sup> Currently only accessible by full-time and part-time workers covered by such agreements, it typically enables paid leave to be taken in addition to existing leave entitlements. The Australian Council of Trade Unions (ACTU) made a claim as part of the 2014–16 Modern Award Review for ten days' paid domestic violence leave (with ten days' unpaid leave for casual employees).<sup>46</sup> While employer groups were hostile to this claim,<sup>47</sup> domestic violence leave received surprisingly sympathetic consideration from the conservative Productivity Commission in its Workplace Relations Framework Inquiry report.<sup>48</sup> At the time of writing, this support and the greater societal awareness of the problem suggest that domestic violence leave may eventually be introduced into modern awards.

This would be a welcome breach in the sharp divide between the domestic and market spheres. The recognition that gender relations in the domestic sphere can become a workplace issue is particularly important, given that most regulation designed to support worker-carers is focused,

at best, on accommodating workers' unpaid care responsibilities at work. However, unless paid domestic violence leave is available to all workers, it would offer little practical support to worker-carers on casual contracts, who remain much more dependent on the enforcement of their poorer working-time rights under industry awards.<sup>49</sup>

### *Paid Parental Leave*

A range of macro social and economic institutions also affect the ways in which worker-carers live and work.<sup>50</sup> These include the provision of child-care and other social infrastructure, as well as taxation and social security payments, including PPL. A key social policy intervention was the 2011 introduction of a national government-funded PPL scheme. The ultimate implementation of PPL came after a long campaign by feminists and unionists that drew on the labor law provision for unpaid parental leave, two inquiries by the Australian Human Rights Commission (in 1998 and 2005), and slowly growing Labor Party support.<sup>51</sup>

PPL provides 18 weeks' paid leave at the rate of the national minimum wage (NMW). It has relatively generous eligibility criteria compared with those for unpaid parental leave. The primary carer can be a permanent employee, casual worker, contractor, or self-employed, and must have worked at least 330 hours in 10 of the previous 13 months. In 2013, an extension to the scheme designed to encourage fathers and partners to take a greater share of caring responsibilities—dad and partner pay (DaPP)—became available to the partner of the primary carer on a “use it or lose it” basis for a period of two weeks.<sup>52</sup> While currently politically contested (at the time of writing, the conservative Coalition government had unsuccessfully sought to prevent those with employer-funded parental leave from accessing state benefits), PPL is generally seen as a practical, albeit limited, intervention to meet the original policy objectives. These objectives included enhancing infant and maternal well-being by assisting mothers to stay home from work with their babies, increasing female workforce participation, and improving gender equity by recognizing the caring and nurturing roles of parents.<sup>53</sup>

A comprehensive evaluation of the operation of the PPL scheme, undertaken in 2014, found that until then PPL had had no impact on the division of childcare or housework tasks between mothers and their partners.<sup>54</sup> There was little difference following the introduction of PPL in

terms of the extent of support during pregnancy or in the use of workplace flexibility arrangements on return to work.<sup>55</sup> The introduction of PPL was associated with an improvement in mothers' views about their post-birth career prospects, though almost one-third of mothers who had accessed PPL still reported that their career prospects when they returned to work were worse than before the birth of their baby.<sup>56</sup>

This suggests that, while PPL has reduced the financial barriers to parents taking leave following a birth and has encouraged mothers to return to work by the time their babies are 12 months old, it has had little impact on the gender inequality in both the market and domestic spheres. As the evaluation authors note, these findings point to the resilience both of norms about gender roles and of workplace cultures that set the climate for the support of working mothers.<sup>57</sup> In contrast, while the take-up of DaPP remained low (just over one-third of eligible fathers took DaPP), there was some evidence that it opened up “a space to consider new expectations about men's role as fathers and how their roles as fathers fit with their work.”<sup>58</sup>

## SOCIAL CARE WORK

The case of social care work provides another illustration of the role played by employment regulation in shaping the interaction of the domestic and market spheres. How paid social care work—including caring for the elderly, for children, and for people with disability—is valued also has particular importance for the achievement of gender equality goals. The social devaluing of paid care work reflects not only its being overwhelmingly undertaken by women, but also its direct connection to the unpaid work traditionally performed by women in the home and community.<sup>59</sup> For the realization of gender equality based on a “shared work, valued care” model—whereby women and men have equal access to good jobs, and unpaid caring is valued and shared between women and men—paid care jobs must be decent jobs.<sup>60</sup>

In many OECD countries, social care work is not only highly feminized but racialized, often performed by migrant women without citizenship status who are reliant on others to care for family members who have not migrated with them.<sup>61</sup> While paid care workers of both sexes continue to be economically disadvantaged in many countries, the wage penalties are mostly much more severe for women,<sup>62</sup> and there remain strong divisions between the type of social care work undertaken by men and women.

Employment regulation reinforces the gendered social undervaluation of paid care work and reproduces it as low-paid and low-status work. For example, in Australia, the Social Community Home Care and Disability Services Award 2010 sets down minimum pay and working conditions that are meager in comparison to those provided under the industrial awards for other occupations, and this applies to ongoing as well as casual workers.<sup>63</sup> The absence of any detail of skill requirements in the classifications on which the wages are based is striking, particularly in the lower-paid care work classifications. While an historic industry-wide community services equal pay case in 2012, conducted under the Fair Work Act, awarded significant increases for many classifications, the equal pay decision was ambivalent about acknowledging the extent of the gendered undervaluation of care work.<sup>64</sup> In this regard, the decision failed to reflect the recognition in an earlier equal pay decision by a state-level tribunal, the Queensland Industrial Relations Commission (QIRC) (2009), that “the nature of care work is considered to be an extension of women’s work in the home, an inherent part of mothering”.<sup>65</sup> The QIRC recognized that this undervaluation permeates funding arrangements and the structures and processes of employment regulation.

Internationally, while aspirations for decent work for care workers have been advanced with the International Labor Organization’s (ILO) Domestic Workers’ Convention, governments are increasingly adopting “cash for care” schemes. These and other policies, combined with underfunding and poor regulation of care quality, further informalize or “invisibilize”<sup>66</sup> paid care work and undermine existing protections of the formal employment relationship through shifts to agency work and so-called self-employment.<sup>67</sup>

## CONCLUSION

The preceding Australian case study highlights both the resilience of the gendered division of labor in the domestic sphere, despite increasing female participation, and its continuing influence in shaping employment for worker-carers in the market sphere. The gender norms reflected in the *Harvester* decision have changed to allow access to the market sphere for women, including women with care responsibilities. However, that access continues to be constrained.

In examining regulatory support for worker-carers, most scholarly focus has been on direct supports such as access to “family-friendly” working-time arrangements rather than the basic scaffolding of employment regulation

that provides for the basis of the employment contract, pay, regulation of working time and leaves, and opportunities for individual and collective voices to be heard.<sup>68</sup> While this scaffolding is inadequate in both the NES and in many female-dominated awards, it is important to acknowledge the role of the NMW in providing a higher “floor” for low-paid women and worker-carers than in many other comparable OECD countries. Generally adjusted via annual wage reviews, the NMW is also an important pay benchmark in the PPL and DaPP schemes.

The recognition of the domestic sphere in employment regulation has been partial and gendered. It has facilitated domestic violence leave and provided some accommodation of worker-carers. However, employment regulation has largely been unconcerned with the interconnection of market and domestic spheres, and this has reflected, constituted, and reinforced assumptions about the characteristics of ideal workers and the separation of work and care.<sup>69</sup> Many worker-carer interventions, such as carer’s leave and PPL, may appear gender neutral, but provide, in practice, for the domestic responsibilities of women<sup>70</sup> and do not change the ways in which work is organized, valued, or remunerated. Thus employment regulation often acts to reinforce and consolidate the gendered domestic and market division of labor.

Australia is not alone in this respect. Across OECD countries, the growth of part-time work, concentrated among women, has failed to halt the growth of long hours worked by men,<sup>71</sup> still structured around the ideal worker, unencumbered by caring responsibilities. As in other developed economies, many of the Australian regulatory interventions, including PPL, leave women responsible for managing work and care through participating in less-regulated, part-time, or other non-standard work that falls outside the SER. Consequently, women have limited access to good-quality work in the market sphere, and to more equal distributions of unpaid work and care in the domestic sphere.<sup>72</sup> This is vividly illustrated in the social care sector, where a key issue is the inadequacy of the regulatory scaffolding in terms of providing decent work, including for the many worker-carers employed in this sector. Regulatory gaps both reinforce the perception of social care work as low-value work and underscore the limits of regulatory interventions to support worker-carers that are premised on the SER configuration.

If we are to fundamentally transform the ways in which domestic work and work in the market sphere are understood and undertaken, and achieve greater gender equality in both spheres, we first need to pay attention to

the basic minimum labor standards available for men and women in the labor market. This includes the gendered impact of employment regulation on work and care through its shaping of classification structures, bargaining provisions, and working-time arrangements. Second, we need to design new, integrated regulatory and policy interventions toward shared work and valued care that recognize worker-carers. This would mean both the sharing of unpaid care within the domestic sphere and recognizing the provision of social care as a shared responsibility between the state and households.<sup>73</sup> In the market sphere, this means reconfiguring employment regulation to ensure recognition, support, and decent working conditions for worker-carers—no matter who their employer is or what their employment status may be. This is critical. As Rubery puts it, “A set of policy levers is needed to start to reverse segmentation and destandardisation by increasing and spreading employer obligations to provide decent employment standards.”<sup>74</sup>

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## A Cross-National Comparison of Gender Gaps

*Gillian Whitehouse*

A cross-national comparative lens brings into focus the wide divergence of gender gaps underlining the importance of nationally distinctive social contexts and regulatory frameworks in the production of gender inequalities. It thus provides an opportunity to reflect on the complex interplay of norms and regulations that produces varied outcomes.

This chapter presents an overview of cross-national variations in two related gender gaps (employment and pay) and a broad assessment of what country rankings on these measures suggest about influences on gender inequality. A central focus is the complementarity of these gender gaps and the ways in which their relationships are affected by the “gender order” (the social norms underpinning gender roles and the division of paid and unpaid labor) and particular forms of regulation. A set of normatively shaped regulatory interventions, namely “gender-egalitarian work–family policies,” is discussed as a means by which potentially countervailing pressures on gender gaps in employment and pay could be avoided.

These issues connect in several ways with the book’s themes of regulation distance and content. While regulation distance is a concept that is clearly applicable at the level of a national regulatory regime, within which

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locations on a “regulation-market proximity” spectrum can be identified,<sup>1</sup> a cross-national perspective primarily captures differences in regulation content across regime types. The concepts are nevertheless related, with the coverage of regulatory nets varying both with type of regulation and regime context.

The chapter begins with an overview of the potential for countervailing trends in employment and pay gender gaps, reviewing cross-national research that has linked contradictory gender outcomes with particular regime types or policy interventions and highlighting contemporary debates over policy directions. The comparison of gender gaps that follows identifies marked variation across a set of broadly similar countries. These are the product of complex interactions between gender orders and multifaceted regulatory regimes with constantly evolving policy frameworks; hence no definitive explanatory conclusions can be drawn. Nevertheless, the descriptive statistics provide a useful basis for discussion of some of the important influences on changing and contrasting gender gaps.

#### GENDER GAPS IN EMPLOYMENT AND PAY: COMPLEMENTARY AND CONTRASTING POSSIBILITIES

Gender gaps in employment and pay represent interrelated aspects of gender inequality that do not always move in concert. Although they are fundamentally complementary (as evidenced by the widespread narrowing of both these gaps since the mid-twentieth century), countervailing trends are not uncommon. The composition of women’s employment is an importance influence—for example, if higher employment rates among women are achieved largely through increases in the labor force participation of low-skilled workers, aggregate unadjusted gender pay gaps will appear to widen. In contrast, if only the most highly skilled women retain labor force attachment, the measured pay gap will be artificially smaller (clearly not indicating greater overall gender equality). Policy interventions can potentially exacerbate these effects, with concerns increasingly being raised over the unintended consequences of work–family policies and “tradeoffs” between women’s engagement in paid employment and equality within it.<sup>2</sup>

A powerful illustration of contrasting effects on women’s employment and pay is what Mandel and Semynov have termed a “welfare state paradox,” whereby generous family policies (represented by an index combining duration of paid maternity leave, proportion of preschool children in

publicly funded childcare, and size of the public-sector workforce) were associated with higher levels of employment among women, but not with narrower gender pay gaps (once wage compression was accounted for); in addition, such policies were associated with lower representation of women in managerial occupations.<sup>3</sup> These effects varied by class location, with a widened gender pay gap evident for highly educated and highly paid women.<sup>4</sup> They were interpreted as the result of welfare state interventions concentrating women's employment in female-dominated public-sector jobs and creating an environment in which employers make assumptions about the likelihood of parenthood and prolonged absences that then limit women's recruitment into elite positions in the private sector.

One difficulty with the broad classifications of family policy used in these analyses is the potentially contrasting effects of the initiatives they include. In particular, generous childcare provisions, represented by high enrolment rates of young children in formal care, have been shown to be associated with narrower gender pay gaps, while the duration of parental leave has been linked with a wider pay gap.<sup>5</sup> The latter association has been consistently demonstrated in cross-national studies showing generous parental leave provisions (especially long-duration maternity leave) to be positively associated with women's employment engagement but negatively with their average pay.<sup>6</sup>

These perverse effects of parental leave have long been recognized in the work-family literature, which has underlined the potential penalties of leave uptake and its disproportionate impact on women.<sup>7</sup> While adverse effects on women's pay may reflect impeded access to higher-status positions and/or the erosion of human capital during long absences, it is the highly gendered uptake of parental leave that produces negative outcomes. Considerable attention has thus been paid to the development of "gender-egalitarian" parental leave provisions explicitly designed to encourage an equal sharing of paid and unpaid work.

The normative reshaping of policies in this way, which requires measures to encourage fathers' uptake of parental leave, reflects visions of a "real utopia" in which the male breadwinner model is transcended by a gender-egalitarian alternative,<sup>8</sup> echoing notions of the "universal caregiver"<sup>9</sup> and "dual earner/dual caregiver"<sup>10</sup> social models. In such visions, gender gaps in employment and pay would simultaneously be narrowed, reflecting a recasting of the gendered division of paid and unpaid labor. While radical interventions have been proposed,<sup>11</sup> in practice, innovations have focused primarily on a well-paid leave entitlement reserved for fathers. A number

of “gender-egalitarian” policy classification schemes and “ideal” policy models have been developed to reflect such features, identifying considerable cross-national variation.<sup>12</sup> These categorizations rank countries on both the generosity and gender egalitarianism of their policy provisions, and although there is some variation between them, a number of countries (in particular, Iceland, Sweden, and Norway) are consistently placed at the top. An additional complexity, however, is that policy provision is not equivalent to policy uptake: although fathers’ use of parental leave has increased considerably in recent years in many countries (with men comprising around 40 percent of users of publicly administered parental leave benefits in Iceland, Sweden, Portugal, and Norway in 2013), the proportion is much lower in most countries for which data are available, and is lower everywhere if based on the proportion of the available time used by fathers.<sup>13</sup> Thus, although such provisions are typically “universal” (in the sense of being formally accessible to all in employment), meaningful access may be limited by differing expectations in the society, household, and workplace.

The extent to which such “gender egalitarian” policies affect gender gaps in pay and employment is an empirical question that has only recently begun to be comprehensively analyzed.<sup>14</sup> For the purposes of this chapter, variation on this dimension is an additional issue to consider in assessing cross-national differences. It represents just one type of regulatory intervention, with gender outcomes clearly the product of numerous other measures, including those framed in gender neutral language,<sup>15</sup> such as minimum wage regulation and the degree of centralization in wage-setting institutions.<sup>16</sup> These are also normatively shaped interventions, often adopted in the interests of class equality and social needs, with benefits for gender equality largely achieved indirectly through overall wage compression. They, too, comprise only one strand among the many regulatory influences on gender gaps, all of which are shaped and constrained by the gender orders in which they operate. The cross-national comparison of gender gaps that follows seeks to elaborate on some of these complex interactions between norms, regulations, and gender gaps.

## GENDER GAPS IN EMPLOYMENT AND PAY: CROSS-NATIONAL COMPARISONS

The figures presented below are drawn from the Organisation for Economic Co-operation and Development (OECD) databases that provide consistent and up-to-date data for cross-national comparison. Twenty-three

countries are compared: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Korea, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom, and the United States (although data are not available for all these countries for every measure examined). While all selections involve some potential for bias,<sup>17</sup> these are all politically stable, advanced economies that are broadly comparable. A wider selection of countries would undoubtedly identify a broader range of cross-national variation; however, problems of data availability, comparability, and space placed limits on a more inclusive approach.

Gender employment gaps are based on data from the OECD Gender Data Portal. The “employment/population ratio” or “employment rate”—that is, the proportion of the working-age population (15–64 years of age) in employment—is the main indicator utilized. Full-time equivalent employment rates are also used to illustrate gender differences in work intensity. Gender pay gap estimates are drawn from the OECD Family Database, which provides a comprehensive collation of relevant data (including gender pay gaps at the 10th and 90th percentiles of the wage distribution). Estimates are based on the earnings of full-time workers and remain unadjusted for factors that could influence the gender pay gap (such as labor market skills and experience). There are some limits on the comparability of these estimates arising from the exclusion of part-time workers (doing this lowers the estimated size of the gender pay gap) and from differences between the national sources of data (with earnings based variously on hourly, weekly, monthly, and annual earnings). Nevertheless, these are broadly comparable data both between countries and over time (data were accessed for 2000 and the most recent year available at the time of writing).

## GENDER EMPLOYMENT GAPS

One of the most dramatic changes when measuring gender equality since the mid-twentieth century has been a marked narrowing of the gap between men’s and women’s employment rates. The contraction of this gender gap reflects not only significant increases in women’s employment (associated with a greater propensity to combine motherhood with paid employment in many countries as well as higher levels of employment among women of all age groups),<sup>18</sup> but also declines in men’s employment rates.

A wide range of influences underpins these countervailing trends. Structural changes have affected employment opportunities for both men and women, with deindustrialization reducing employment options for men, while the simultaneous growth of service and public sectors, and the availability of part-time work, have increased demand for female labor.<sup>19</sup> Women's engagement in paid employment has also been facilitated by advances in family planning, maternal health, and household technologies, as well as by interlinked changes in gender attitudes (such as more egalitarian views of work, family, and gender roles, and changing aspirations among women).<sup>20</sup> Increases in women's employment rates have occurred alongside a mutually reinforcing increase in educational attainment—for example, by 2009, young women were more likely than young men to complete upper secondary education in most OECD countries.<sup>21</sup> Policy interventions have also been important, with the uptake of child-care shown to be associated with increases in both full- and part-time employment among women.<sup>22</sup>

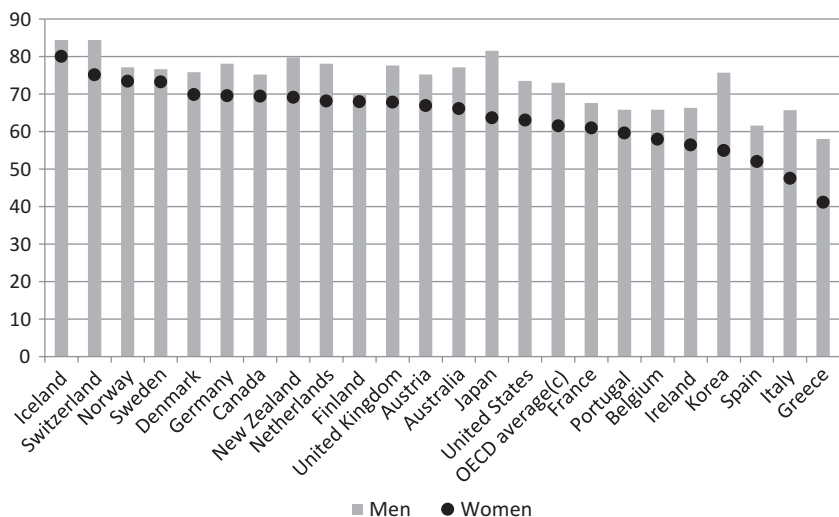
There is thus considerable variety, as well as gender asymmetry, in forces for change. Women's increased employment rates have been driven by a wide range of factors, among which changing gender attitudes and aspirations for a more gender-egalitarian division of labor have played a significant part. In contrast, decreases in men's employment rates are usually attributed to structural changes, with no evidence that long working hours for men are being reduced in the interests of more gender-egalitarian family arrangements. These differences suggest that in spite of narrowing employment gaps, convergence in a "dual earner/dual caregiver" model is unlikely to be achieved soon. The following examination of recent trends across OECD countries underlines this ongoing resilience of male breadwinner norms and their expression in different social and regulatory contexts.

While in many countries changes in men's and women's employment rates were particularly evident in the 1970s and 1980s,<sup>23</sup> the gender employment gap across OECD countries has continued to narrow, declining from an average of 21 percentage points in 2000 to 16 percentage points in 2014.<sup>24</sup> In several of the countries under examination, the effects of the Great Recession added to existing trends (e.g. declines of over ten percentage points in men's employment rates were recorded in Portugal, Spain and Greece). Women's employment rates also fell in some countries, albeit to a lesser extent than men's, with a large decline for women (around five percentage points) in the United States.<sup>25</sup> However, women's employment rates rose in most of the



countries over this time period, most markedly by 11 percentage points in Germany and 10 percentage points in Spain (alongside contrasting trends for men, for whom there was an increase of five percentage points in Germany and a decrease of 11 percentage points in Spain).

Cross-national variations in employment rates for men and women in 2014 are illustrated in Fig. 6.1. The highest employment rates for women (indicating the most marked erosion of traditional male breadwinner models), in combination with the narrowest gender employment gaps (less than five percentage points), were in Iceland, Norway, and Sweden, with the narrowest gap overall (two percentage points) in Finland, where



**Fig. 6.1** Employment/population ratios,<sup>a</sup> OECD countries,<sup>b</sup> 2014

*Notes:*

(a) Employment/population ratios are the proportion of the population of men and women aged 15–64 years in employment

(b) Countries are listed in descending order of women's employment/population ratios in 2014

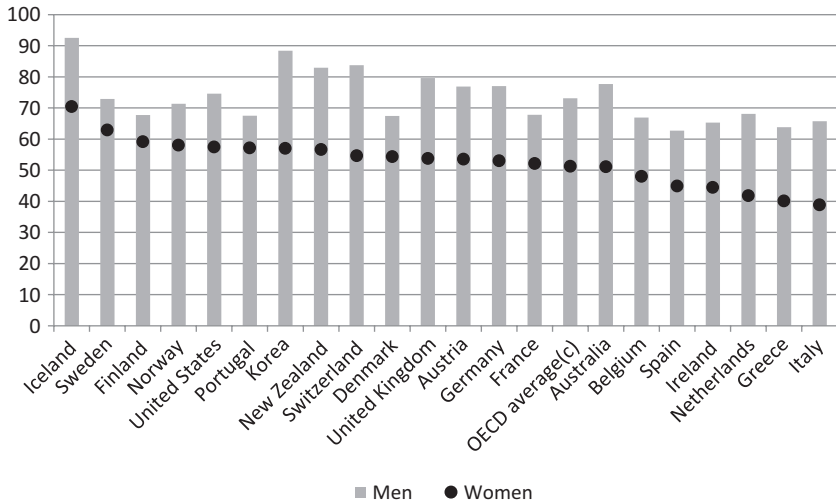
(c) The OECD average is an OECD estimate across all OECD countries, excluding Austria, Chile, the Czech Republic, Slovakia, and Slovenia

*Source:* Compiled from data downloaded from the OECD Gender Data Portal, "Employment Indicators, Employment/Population Ratio by Sex and Age Group," <http://stats.oecd.org/index.aspx?queryid=54742>

the employment rate for women was 68 percent. The widest gender employment gap was in Korea (21 percentage points, with women's employment rate around 55 percent). Large gender employment gaps, alongside low employment rates for women, were also evident in Italy (where the gap was 18 percentage points, and women's employment rate was under 50 percent) and Greece (where there was a gap of 17 percentage points, and women's employment rate was 41 percent).

While the comparisons presented in Fig. 6.1 highlight important cross-national differences in the engagement of women in paid employment, they do not capture differences in work intensity. Figure 6.2 addresses this issue with a cross-national comparison of men's and women's "full-time equivalent employment rates," a measure that standardizes employment rates in line with a 40-hour week (see Note 'a' in Fig. 6.2 for details). Iceland, Sweden, and Norway remained at the top of the distribution of women's employment rates with this alternative measure, with Finland moving into the top group (due to long working hours for women), while Switzerland (where women's average weekly working hours were low) moved from among the top countries to the middle of the distribution. In contrast, the United States and Portugal moved upward in the distribution due to their comparatively high average weekly working hours for women, with the largest change in this direction for Korea, where women's average weekly hours were the longest among this group of countries. However, men also work long weekly hours on average in Korea, whose gender employment gap was the highest in Fig. 6.2 (at 31 percentage points). At the bottom of the distribution in both Figs. 6.1 and 6.2 are Italy and Greece, which also recorded among the widest gender employment gaps.

Extension of this broad picture of gender inequality in levels of employment with indicators of inequalities within employment is limited by both data and space constraints. However, a measure of the representation of women in elite positions (legislators, senior officials, and managers) produced by the World Economic Forum provides one indication of women's opportunities for advancement in the countries under examination. Both Japan and Korea were near the bottom of this ranking in 2014 (with 11 percent of these elite roles occupied by women).<sup>26</sup> In comparison, women made up around one-quarter of these positions in Italy and Greece, while the proportion was higher (approximately one-third) for most of the other countries in Figs. 6.1 and 6.2, rising to around 40 percent in France, New Zealand, and Iceland, and 43 percent in the United States.<sup>27</sup>



**Fig. 6.2** Full-time equivalent employment rates,<sup>a</sup> OECD countries,<sup>b</sup> 2014

*Notes:*

(a) Full-time equivalent employment rates are calculated as the employment/population ratio for men and women 15–64 years old, multiplied by the average usual hours worked per week per person in employment (both dependent and self-employment), and divided by 40

(b) Countries are listed in descending order of women's full-time equivalent employment rates in 2014 (data were unavailable for Canada and Japan)

(c) The OECD average is an OECD estimate across all OECD countries excluding Australia, Canada, Chile, the Czech Republic, Estonia, Finland, Iceland, Japan, Slovenia, Sweden, and Turkey

*Source:* Compiled from data downloaded from the OECD Gender Data Portal, "Employment Indicators, Full-Time Equivalent Employment Rates, by Sex," <http://stats.oecd.org/index.aspx?queryid=54749>

Overall, these descriptive statistics paint a complex picture of cross-national variation in recent trends and current levels of gender employment gaps. In addition to underlining the persistence of gender gaps in employment, they identify considerable variation between the selected countries, some of which consistently recorded both high levels of employment among women and narrow gender employment gaps (e.g. Iceland, Sweden, and Norway), while others exhibited both low employment rates among women and wide gender employment gaps (e.g. Korea, Italy, and Greece).

These differences reflect other measures of gendered divisions of labor—for example, an OECD measure of the gender gap in unpaid work places Sweden and Norway at the narrowest end of the spectrum, and Korea and Italy at the widest end (no figures were included for Iceland or Greece).<sup>28</sup>

It is not simple to uncover the multiple contextual and regulatory influences on these patterns. That said, there is no evident tradeoff for women between high levels of employment and equality within it (at least as represented by the proportion of women in elite positions) in these data. Nor do the data suggest that generous work–family policies impede women’s progress into such positions. Countries with high employment rates for women and low gender employment gaps in Figs. 6.1 and 6.2, such as Iceland, Sweden, and Norway (which are also consistently ranked at the top of scales representing the generosity and gender egalitarianism of work–family provisions) were in the medium to high range of the distribution of women’s representation among legislators, senior officials, and managers. Lower rankings on this measure were occupied by Italy and Greece (countries often placed toward the lower end of a gender-egalitarian work–family policy spectrum). However, women appeared to be best represented in the elite positions examined in the United States—a country in which an overall decline in women’s employment rate over recent years has been attributed, at least partly, to the absence of family-supportive policies.<sup>29</sup> These contrasts will be elaborated further in the next section, where the focus turns to gender pay gaps.

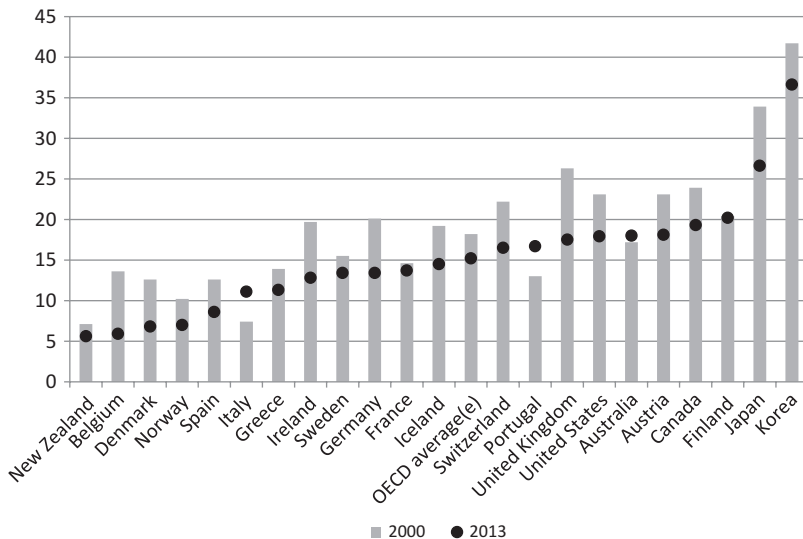
## GENDER PAY GAPS

The gender pay gap, like the gender employment gap, reflects gendered divisions in the household and in society more broadly. It also represents the outcome of multiple inequalities within employment. Its persistence highlights the resilience of social norms shaping gendered divisions of paid and unpaid labor, as well as gender-biased assumptions underpinning patterns of occupational segregation, assessments of work value, and career progression opportunities within paid employment. It is a gap that is constantly recreated: a “moving target”<sup>30</sup> that resists erosion as inequalities and institutional frameworks vary over time, with estimates of the timing of its eventual eradication continually being revised further into the future.<sup>31</sup>

Nevertheless, as with the gender employment rate gap, since the 1970s, the gender pay gap has narrowed markedly in many countries. Although not a universal trend, this has been a common pattern within the OECD countries: in the United States and the United Kingdom, for example, pay gaps in 2013 were less than half of those recorded in 1975, with significant declines also recorded in other OECD countries.<sup>32</sup> These reductions in the gender pay gap often happened at a slower rate after 2000, as discussed below. Multiple factors have contributed to this widespread narrowing of the gender pay gap since the 1970s. In addition to the emergence of more egalitarian social norms and associated interventions such as equal pay provisions, structural and technological changes are thought to have increased the relative value of non-manual and non-routine skills.<sup>33</sup> Narrowing gender pay gaps also parallel the marked changes in women's employment rates and educational attainment discussed earlier, and are thus a part of a wider movement toward gender equality, although gender asymmetry is again evident in underlying influences. (That is, it is primarily changes in women's attributes and work choices rather than men's uptake of household labor or movement into female-dominated occupations that underpin the trend.)<sup>34</sup>

Focusing on change since 2000, Fig. 6.3 indicates that the median gender pay gap for full-time workers continued to narrow in many OECD countries, with an average decrease across the OECD countries from 2000 to 2013 of around three percentage points—but with most of this change occurring prior to 2005.<sup>35</sup> However, among the countries represented in Fig. 6.3, there was considerable variation in the degree and direction of change. A marked narrowing of almost nine percentage points in the United Kingdom contrasts with a widening gender pay gap in some countries (from slightly under one percentage point in Australia to almost four percentage points in Italy and Portugal), while in other countries (e.g. France and Finland) the situation remained relatively static. As a result of these differing trends, the ranking of countries on gender pay gaps changes continually: this is evident in comparisons between 2000 and 2013 in Fig. 6.3 and is more marked over longer time spans.

There are nevertheless some consistencies in the ranking of countries by gender pay gaps over time. Japan and Korea remained at the widest end of the spectrum in 2000 and 2013, with gender pay gaps in 2013 of 27 percent and 37 percent, respectively. As Fig. 6.1 indicates, neither of these countries recorded particularly high employment rates for women in 2014; hence, these large gender pay gaps are not readily attributable



**Fig. 6.3** Gender pay gaps,<sup>a</sup> OECD countries,<sup>b</sup> 2000,<sup>c</sup> and 2013<sup>d</sup>

*Notes:*

(a) The gender pay gap is calculated as the difference between the median earnings of men and women relative to the median earnings of men; it is unadjusted and based on gross earnings of full-time wage and salary workers

(b) Countries are listed in ascending order of the gender pay gap in 2013. Data were unavailable for the Netherlands

(c) Figures are for 2004 (rather than 2000) for Greece, Iceland, Portugal, and Spain

(d) Figures are for 2012 (rather than 2013) for France, Italy, Spain, and Switzerland

(e) The OECD average is for 2012, as reported in the OECD Family Database, LMF 1\_5, Chart LMF 1.5.A

*Sources:* Compiled from data downloaded from the OECD Family Database, LMF 1\_5, “Gender Pay Gaps for Full-Time Workers” (Excel spreadsheet), <http://www.oecd.org/els/family/database.htm>; updates to 2013 were made where available from the OECD Gender Data Portal, “Employment Indicators, Gender Wage Gap,” <http://stats.oecd.org/index.aspx?queryid=54751>

to the attraction of more (including lower-paid) women into the workforce. More likely explanations lie in the marked divisions of labor consistent with strong male breadwinner norms. Gender gaps in unpaid work well above the OECD average<sup>36</sup> were accompanied by long and inflexible working hours in regular employment, providing a context in which

women were overrepresented in non-regular employment and labor force participation dropped over childbearing years.<sup>37</sup> Regulations have consolidated these divisions—for example, with the construction of “part-time” work in Japan as low-status and poorly protected work, quite different from short-hours’ work on a temporary basis in a continuing position at the same wage rate.<sup>38</sup> The underrepresentation of women in elite positions noted earlier for these two countries is consistent with these labor market divisions, and part of the explanation for wide gender pay gaps.

Another group of countries in Fig. 6.3 with gender orders not dissimilar to those of Japan and Korea, but consistently recording comparatively narrow gender pay gaps in 2000 and 2013, includes Italy, Spain, and Greece. Small pay gaps of around 10 percent were recorded in all three in 2013: for Italy, this was an increase from around 7 percent in 2000 (a change attributed in part to a public-sector wage freeze in 2010–11).<sup>39</sup> Like Japan and Korea, these are countries with strongly gendered divisions of labor, with gender gaps in unpaid work in Italy and Spain also among the highest reported in the OECD countries.<sup>40</sup> However, in contrast to Japan and Korea, this inequality is reflected in very low employment rates for women (see Figs. 6.1 and 6.2). Hence the narrow gender pay gaps can be attributed primarily to the composition of female employment (i.e. with low-skill, low-wage women least likely to retain labor force attachment).<sup>41</sup> This means that the narrow pay gaps cannot be read as indications of overall gender equality, although the potential for women in employment to advance appears to be greater than in Japan and Korea (e.g. where representation is lower in elite positions and in scientific and research positions).<sup>42</sup>

The narrowest gender pay gaps in Fig. 6.3 (in New Zealand, Belgium, Denmark, and Norway) have been attributed to these countries’ more compressed wage structures.<sup>43</sup> Although only a partial explanation (narrow inter-decile ratios of gross earnings are also low in some countries with wider gender pay gaps<sup>44</sup>), this illustrates another important aspect of the regulatory framework that impacts on gender pay gaps. Among these countries, Norway (which is also ranked highly on gender-egalitarian work–family provisions) provides an example of the compatibility of narrow employment and pay gender gaps, recording the third lowest gender employment gap and the fourth lowest gender pay gap among the selected countries. The picture for Iceland and Sweden (also ranked highly on gender-egalitarian work–family policy scales) is less clear: very low gender employment gaps in these countries are accompanied by gender pay

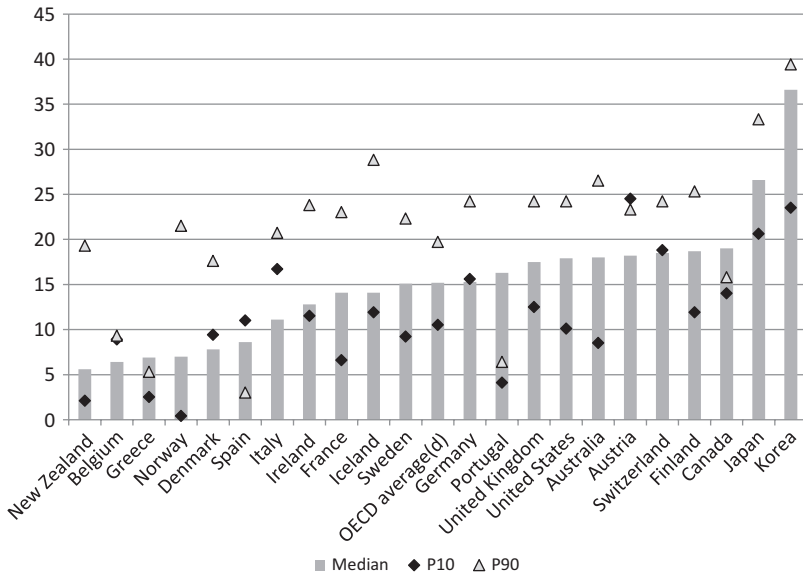
gaps that are narrower than the OECD average, although not among the narrowest shown in Fig. 6.3.

The simultaneous achievement of narrow employment and pay gender gaps (as well as the extent to which generous work–family provisions might impede this) is discussed further below, with an examination of gender pay gaps across the wage distribution. Figure 6.4 presents this comparison, showing OECD average gender pay gaps declining from around 20 percent at the 90th percentile to 15 percent at the median and 12 percent at the 10th percentile of the wage distribution. This pattern of wider gaps at the top is echoed in most of the countries represented in Fig. 6.4, reflecting the greater propensity for low wages to be well regulated (e.g. by industry standards and/or minimum wage provisions, and with limited scope for gendered variation in additional payments), while earnings at the top of the distribution are likely to be less constrained by a specific ceiling or by formal wage-setting processes, thus allowing greater scope for (conscious or unconscious) gender bias to affect the process of pay determination.<sup>45</sup>

A number of variations from this common pattern are evident in Fig. 6.4, all of which represent a particular “regulation story” that would require considerable space for elaboration. Nevertheless, it can be observed that, in several countries (Greece, Spain, Portugal, Canada), the gender pay gap was narrower at the 90th percentile than at the median, with the explanation for Greece and Spain likely to be similar to that for their comparatively low gaps at the median (i.e. a reflection of low levels of employment among women).<sup>46</sup> In contrast, the difference between pay gaps at the 90th percentile and the median was particularly high in Norway and Iceland: a picture not inconsistent with generous work–family provisions limiting opportunities for women in high-paid positions. However, at the 10th percentile, where pay gaps are important for overall gender equality, Norway exhibited the lowest (almost a negligible) gender pay gap.

The potential impact of generous and gender-egalitarian work–family provisions can be elaborated, to some extent, by considering the situation for countries with contrasting outcomes and policy frameworks. For Japan and Korea, which exhibit the widest gender pay gaps among these countries, regulatory interventions designed to ameliorate the significant penalties of parenthood are likely to have little purchase in the context of strong breadwinner models that shape both the highly unequal distribution of unpaid work and the marked divisions along gendered lines within





**Fig. 6.4** Gender pay gaps at the 10th percentile, median, and 90th percentile of the wage distribution,<sup>a</sup> OECD countries,<sup>b</sup> 2013<sup>c</sup>

Notes:

(a) The gender pay gap is calculated as the difference between the earnings of men and women relative to the earnings of men at the 10th percentile (P10), median, and 90th percentile (P90) of the wage distribution. The gender pay gap is unadjusted and based on gross earnings of full-time wage and salary workers

(b) Countries are listed in ascending order of the median gender pay gap in 2013 or the latest year for which data are available. The order of countries differs from that in Fig. 6.3 because limited availability of data for gender pay gaps across the wage distribution meant that data for earlier years had to be used for some countries (see Note ‘c’)

(c) Figures are for 2012 for Austria, Belgium, Denmark, Germany, Greece, Finland, Italy, Portugal, Spain, and Sweden; 2011 for Iceland; and 2010 for France and Switzerland

(d) The OECD average is for 2012, as reported in the OECD Family Database, LMF 1\_5, Chart LMF 1.5.C

Source: Compiled from data downloaded from the OECD Family Database, LMF 1\_5, “Gender Pay Gaps for Full-Time Workers” (Excel spreadsheet), <http://www.oecd.org/els/family/database.htm>

the labor market. Japan and Korea have both been influenced by international developments in this area, and recently have extended parental leave entitlements, providing a full year's relatively well-paid paid parental leave for each employee (thus providing a generous non-transferable benefit for fathers).<sup>47</sup> However, prevailing social norms and labor market pressures have ensured limited usage, with take-up rates below 3 percent in both countries in recent years.<sup>48</sup>

For those countries with a longer history of generous work–family policies and innovations to encourage fathers' leave uptake, there is considerable evidence of advances toward gender equality, albeit with some caveats. Simultaneously, narrow gender gaps in employment and pay are evident particularly in Norway, where reserved leave for fathers—a “daddy quota”—was first established in 1993<sup>49</sup> and, as noted earlier, take-up rates are among the highest reported. Although the gender pay gap at the 90th percentile is well above the median in this country, its overall measures (including the virtual absence of a gender pay gap at the 10th percentile) indicate a comparatively high level of gender equality overall. Similarly in Sweden (also an early initiator of schemes to encourage fathers' use of leave<sup>50</sup> and a country where take-up rates are comparatively high), narrow gender employment gaps are found alongside a moderately narrow gender pay gap, with lower pay gaps in several countries likely to be due primarily to the effects on the composition of the labor force of very low levels of employment among women.

## CONCLUSION

The cross-national comparisons of gender gaps in employment and pay presented here have underlined the complexity of relationships between the overarching gender order, regulatory interventions, and the interrelationships between the gaps themselves. While an overview of descriptive statistics cannot produce conclusions about causal pathways, a number of observations can be drawn from the material presented.

The trends illustrated in the data emphasize the persistence of gender inequalities and serve as a reminder that a more egalitarian gender order is far from inevitable. Although both employment and pay gender gaps have narrowed considerably, these changes have been driven by a complex array of forces that differ for men and women and are not necessarily linked to aspirations for gender equality. Clearly, it is not only (or perhaps even primarily) gender-related influences

or interventions that have the potential to narrow gender gaps. Ultimately, however, a fundamental change in the gender order is required for the kind of complementary narrowing that would be consistent with the advancement of gender equality more broadly.

The cross-national comparisons identified varying combinations of employment and pay gender gaps, ranging from the combination of low employment rates for women with narrow gender pay gaps (attributed to labor force composition effects) to examples of relatively narrow gender gaps in both employment and pay. The extent to which generous and gender-egalitarian work–family provisions facilitate a simultaneous narrowing of employment and gender gaps is an ongoing issue for research, complicated by the subtlety of differences in policy frameworks and their continual change over time. A regulatory framework that challenges the gender norms underpinning male breadwinner social models is likely to be crucial for achieving such goals. However, the impact of gender-egalitarian work–family interventions is contingent on the social acceptability of usage. Such provisions can provide universality in access, but not universality in uptake. Hence, formal regulation coverage (which implies regulation proximity for all) does not guarantee meaningful access, as this in turn depends on gendered social and workplace norms. The capacity of these measures to effect change thus depends on the ongoing interaction between norms and regulations in ways that suggest there will continue to be marked cross-national variation in progress toward a more gender-egalitarian future.

## NOTES

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  6. For example, C. Ruhm, “The Economic Consequences of Parental Leave Mandates: Lessons from Europe,” *The Quarterly Journal of Economics* 113, no. 1 (1998): 285–318; N. Datta Gupta, N. Smith and M. Verner, “The Impact of Nordic Countries’ Family Friendly Provisions on Employment, Wages, and Children,” *Review of Economics of the Household* 6, no. 1 (2008): 65–89.
  7. For example, P. Moss and F. Deven, eds, *Parental Leave: Progress or Pitfall?* (Brussels: Netherlands Interuniversity Demographic Institute (NIDI)/Population and Family Study Centre (CBGS) Publications, 1999).
  8. H. Brighouse and E.O. Wright, “Strong Gender Egalitarianism,” *Politics and Society* 36, no. 3 (2008): 360–72.
  9. N. Fraser, *Justice Interruptus: Critical Reflections on the “Post-Socialist Condition”* (New York: Routledge, 1997).
  10. For example, J. Gornick and M. Meyers, “Creating Gender Egalitarian Societies: An Agenda for Reform,” *Politics & Society* 36, no. 3 (2008): 313–49. This and related terms are widely used; they also have resonance with the “transformative” framing noted in S. Charlesworth and F. Macdonald, Chap. 5, this volume.
  11. Brighouse and Wright, “Strong Gender Egalitarianism.”
  12. For example, C. Castro-García and M. Pazos-Moran, “Parental Leave Policy and Gender Equality in Europe,” *Feminist Economics* 22, no. 3 (2016): 51–73; H. Dearing, “Gender Equality in the Division of Work: How to Assess European Leave Policies Regarding their Compliance with an Ideal Leave Model,” *Journal of European Social Policy* 26 (2016): 234–47; J. Gornick and M. Meyers, *Families That Work: Policies for Reconciling Parenthood and Employment* (New York: Russell Sage Foundation, 2003); L. Hass, “Parental Leave and Gender Equality: Lessons from the European Union,” *Review of Policy Research* 20, no. 1 (2003): 89–114; R. Ray, J. Gornick, and J. Schmitt, “Who Cares? Assessing Generosity and Gender Equality in Parental Leave Policy Designs in 21 Countries,” *Journal of European Social Policy* 20, no. 3 (2010): 196–216.
  13. OECD, “Parental Leave: Where are the Fathers?” *Policy Brief*, March 2016; OECD, “Backgrounder on Fathers’ Leave and Its Use,” OECD Social Policy Division, n.d.
  14. For an analysis that distinguishes between “traditional family” and more gender-egalitarian policy groupings, see W. Korpi, T. Ferrarini, and S. Englund, “Women’s Opportunities Under Different Family Policy Constellations: Gender, Class, and Inequality Tradeoffs in Western

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  20. C. Olivetti and B. Petrongolo, *The Evolution of Gender Gaps in Industrialized Countries*, Working Paper 21887 (Cambridge, MA: National Bureau of Economic Research, 2016).
  21. OECD, *Closing the Gender Gap*, 69.
  22. Ibid., 160.
  23. OECD, “Labour Market Trends and Prospects,” *Employment Outlook* (1989), Chart 1.2.
  24. See Fig. 6.1 for source of data and definition of the OECD average.
  25. This is consistent with the fall in the international ranking of the United States on women’s labor force participation rates between 1990 and 2010, around 30 percent of which has been attributed to the absence of work–family policies. See F. Blau and L. Kahn, “Female Labor Supply: Why Is the United States Falling Behind?” *American Economic Review: Papers & Proceedings* 103, no. 3 (2013): 251–6 at 254.
  26. World Economic Forum, *The Global Gender Gap Report 2014* (Geneva: World Economic Forum, 2014), 67.
  27. Ibid. For an alternative measure of the proportion of managers who are women, see OECD, *Closing the Gender Gap*, 156.
  28. OECD, “Cooking and Caring, Building and Repairing: Unpaid Work Around the World,” *Society at a Glance 2011—OECD Social Indicators* (Paris: OECD, 2011), 14.
  29. Blau and Kahn, “Female Labor Supply.”
  30. J. O’Reilly, M. Smith, S. Deakin, and B. Burchill, “Equal Pay as a Moving Target: International Perspectives on Forty-Years of Addressing the Gender Pay Gap,” *Cambridge Journal of Economics* 39 (2015): 299–317.
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35. OECD, *Closing the Gender Gap*, 166.
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42. M. Estévez-Abe, "An International Comparison of Gender Equality."
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PART II

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## Occupations

## Structuring Gender Relations Among Coal Mine Workers

*Georgina Murray, David Peetz, and Olav Muurlink*

Coal mining is one of the most male-dominated, yet highly regulated, industries in Australia. It therefore provides an interesting illustration of how low regulation distance can partially protect women, as well as the severe limits of that protection in a male-dominated environment.

Regulation in this industry began with the British Mines and Collieries Act 1842. Following scandalous exposés of the violent and deadly exploitation of women and children, highlighted by a Royal Commission,<sup>1</sup> this Act excluded women, and children aged under ten years, from underground coal mines. This model was followed in other countries, including Australia, where, with coal having been mined since 1797,<sup>2</sup> a 1925 Queensland law excluded women from underground coal mines.<sup>3</sup> Similar legislation in India was criticized for resulting in a decline in an already precarious family wage.<sup>4</sup>

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Regulation followed an interesting historical dynamic. Originally, in a very deregulated industry (therefore with high regulation distance) characterized by male dominance and norms, women were subjected to rape, exploitation, and worse. By excluding them, the initial regulation protected women from these morbidities. But over time, those same characteristics that had excluded women from the occupation—in particular, the danger involved—promoted unionization and hence extensive internal and external regulation of the industry. That regulation thus came to reinforce male norms about who was suitable for employment there: women’s presence, it was thought, would undermine hard-won conditions, and prevent them accessing the benefits of employment. When regulation was eventually changed to enable female employment—in Queensland in 1977—under pressure from the women’s movement and the union, it again moved ahead of many male norms about women’s roles. Now, with that and the broader Sex Discrimination Act 1984 in place, along with the prominence of collective agreements that do not distinguish between male and female jobs (outside the offices, they are *all* “male” jobs), it is hard for firms to pay women less than men. The industry remains male dominated, however, and male norms still shape much of what happens outside regulated pay and conditions of employment.

In this chapter, we aim to show what work is like for women in modern coal mining, where the gaps in that working life manifest, and how they originate. First, we outline the political economy of the coal industry, and aspects of the history of gender, labor segmentation, and regulation. Our focus is on Australia, but we locate the industry within an international context. We describe our qualitative and quantitative methods of data collection. We then discuss gender gaps in pay, opportunities, and other experiences, including the relationship to the domestic-work interface. We argue that coal mining has a small internal gender gap, although for part-timers (mainly women), benefits may be lower. Yet inequities arise from gendered views about flexibility and interaction with the domestic sphere, barriers to training, harassment, and the high visibility of performance by women in a “token” group.<sup>5</sup> The gender composition of the industry affects the behavior of both sexes, but especially women: there is a tendency toward assimilation of women into men’s behaviors; women seek to obtain common identities to the men in the industry. To attain that common identity and assimilation, women engage in emotion work, not commonly seen as a feature of this industry

because of the separation of customers from production employees. We also observed (critical) changes in the role of the union in the context of broader changes in the industry and political economy.

### REGULATION IN CONTEXT

Mining is a global industry, operating in the context of the transnationalization of production, finance, and circuits of capital accumulation.<sup>6</sup> The International Labour Organization (ILO), also acting at the global level, has used various devices in an attempt to challenge high rates of death, injury, and disease in this sector, including by establishing standards through conventions—from the Hours of Work (Coal Mines) Convention (No. 31) of 1931 to the Safety and Health in Mines Convention (No. 176) of 1995. Governments are encouraged to ratify these conventions by passing national laws consistent with them. (In the 1930s, Convention No. 45 prohibited the employment of women underground; it has since been denounced by many countries, including Australia.)<sup>7</sup> The effects of mining are experienced differently within the global North and South, and by men and women.<sup>8</sup> Women may be disproportionately squeezed, for example, in African mining communities, where “a transient male workforce can bring increased alcohol, sex workers and violence into a community which can affect women’s safety,” and women mine workers experience “discrimination, poor working conditions and unequal pay for equal work.”<sup>9</sup> In the global North, particularly Australia, higher regulation by the state and unions makes unequal pay for equal work less likely, but other aspects of work lend themselves to greater exercise of discretion and rule by norms. Globally, the industry is also affected by commodity price cycles. When we started our work in coal mining in 2007, commodity prices were strong, wages were high, and work was plentiful. However, prices peaked in 2009 and have since fallen. The value of the Australian mining industry dropped by 7 percent in 2014–15, and coal mining employment fell by 10 percent.<sup>10</sup>

Over the past four decades, the industry has been reshaped by the spread of open-cut technology, the move from 8-hour to 12-hour shifts, and the consequent increased opportunities for contracting and the use of fly-in-fly-out (FIFO) or drive-in-drive-out (DIDO) employment. Mining companies have largely abandoned the construction of mining towns.<sup>11</sup> Corporations have also attempted to reduce or remove unions’ influence, with more success in metals mining than coal mining.<sup>12</sup> In Australia, there

is evidence of union substitution policies in metals and other non-coal mining, so employers boost wages to thwart unionization in these mostly non-union industries.<sup>13</sup>

From the 1970s onward, the development of large-scale open-cut mines placed less reliance on brute strength and gave less salience to the excuse that no woman would be safe from men's dark urges in the blackness of a coal mine. As mentioned, the law was also changed. By 1979, women were working in surface coal mines, initially on cleaning duties. They subsequently spread to other occupations, most commonly driving trucks. Implementation of anti-discrimination regulation still varies from mine to mine. Several women to whom we spoke described instances of discrimination or harassment at the hands of management; some were never dealt with.

Overall in Australia, though, regulation distance for women coal mine workers has become low, both through the operation of awards and collective agreements,<sup>14</sup> and the enactment of anti-discrimination and supportive legislation.

### LABOR SEGMENTATION

Australian mines are masculinist workplaces. In 2013, Australian mines employed 276,000 people. In 2011, 17 percent of mine employees were women—up from 4 percent in 1966. Less than half of that 17 percent were mine workers, because many women remain in office support roles, as clerks (92 percent of all clerks are female) or personal assistants (99 percent). Some 20 percent of truck drivers in mining were women, as were 6 percent of shot firers.<sup>15</sup> Although women mine workers are greatly underrepresented in the mining industry, and disproportionately found in the lowest-value areas of mine work, they still are among the highest-paid workers in the country.<sup>16</sup>

Mine working is, in gender terms, a highly “skewed” occupation—defined by Kanter as one in which “there is a large preponderance of one type over another, up to a ratio of perhaps 85:15.”<sup>17</sup> Her work focused on the problems faced by “tokens” within skewed groups. Many women in the industry work a “double shift” of paid work and housework,<sup>18</sup> or what is sometimes described as a “triple shift,” which also involves emotion work.<sup>19</sup> Kanter's research spawned a body of literature on women's need to attain a “critical mass” (although she does not specially use this term) to achieve change, particularly in the political sphere, although the latter aspect has been much debated.<sup>20</sup> Her work sparked critiques suggesting

that the relationship between numbers in the workforce and inequity was not straightforward,<sup>21</sup> as it was difficult to find evidence of a simple relationship whereby, at a specific ratio, the scales tipped in women's favor. Childs and Krook argued for a focus away from this idea of the "critical mass" toward one of "critical actors" who employ a range of strategies.<sup>22</sup>

Although today women can be found in all mining positions, they are still very rare underground, where male antagonism is strongest.<sup>23</sup> Malise Jenkins told us that in the 1990s it was still hard to deal with men's attitudes about women being underground because "some of the old guys were still of the opinion that it was bad luck to have women underground and stood by that—so you know you were really sort of up against it."<sup>24</sup>

The restructuring of gender relations in the industry has been driven by changes to regulation of discrimination and by changes in the political economy of the industry. Companies have brought women into the industry, partly because of the following: the law now makes them; it has had publicity value (particularly in the earlier years, such as the 1980s); they saw women as a means of civilizing the workforce and dampening militancy; the move to open-cut technology made it easier to use women without creating battles with the male workforce; and shortages of labor have made it necessary to open new sources of recruitment. From the late 1990s onward, the shortage of labor and high labor turnover made companies especially attracted to hiring local women, one of the few ways of adding to labor supply without putting further upward pressure on accommodation costs, and hence wage expectations. As new entrants, women coal mine workers had shorter and less secure tenure than men: in our survey (details below), only 12 percent of women but 60 percent of men had been in the industry for 10 or more years.

Employers likely hoped women would be less militant than men due to their lack of industry tenure, their socialization, and perhaps essentialist preconceptions about female quiescence.<sup>25</sup> In February 2010, Rio Tinto's mine manager, Dave Lamb, said, "We actively go out to recruit people with no previous [mining] experience because it helps establish the culture we want to develop."<sup>26</sup> Similar motivations have been found in other mining areas.<sup>27</sup> Management efforts at union substitution, mentioned above,<sup>28</sup> to the extent where they rely upon introducing a "cleanskin" workforce,<sup>29</sup> probably also demand reduced gender discrimination in those other mining industries—though that is beyond the scope of this chapter. If it occurred, a regulation-distant industry would end up mimicking aspects of a regulation-proximate one.

## DATA COLLECTION

Our data come from two main sources. First, between late 2006 and early 2010, we undertook in-depth qualitative interviews with 137 men ( $n = 37$ ) and women ( $n = 100$ ) in Queensland coal mining about their work and lives, including 22 women mine workers (19 production or trades workers and three professionals). For privacy reasons, fictional names are mostly used here.<sup>30</sup>

Second, we analyzed the Australian Coal and Energy Survey data, a two-wave study of well-being and working arrangements, managed by the authors and funded jointly by the Australian Research Council (ARC) and the Mining and Energy Division of the Construction, Forestry, Mining and Energy Union (CFMEU) through the ARC's Linkage research scheme.<sup>31</sup> It was a survey of 4500 people, comprising mine and energy workers who were members of the CFMEU in the period from August to December 2011, and their partners. The survey instrument comprised a detailed 16-page survey for mine workers and a 12-page survey for their partners, using a mixture of existing and new measures. Data in the first wave were obtained from 2540 members and 1902 partners, of whom 1725 could be matched with mine worker spouses. Ninety percent of respondents were in mining, including 80 percent who were in coal mining.<sup>32</sup> We had response rates of 28 percent among the mine and energy workers, and 76 percent among the partners of mine and energy workers who responded.<sup>33</sup> All gender differences discussed in the text below are statistically significant unless specified otherwise. A follow-up ("wave 2") study, involving 800 employees who were successfully re-contacted, was also undertaken, but most numbers are from the first, main, survey.

The average age of women mine workers in our quantitative sample was 40 years, somewhat younger than the men's 46 years. Partly as a consequence, and probably partly due to the domestic difficulties for partnered women in coal mining (discussed later), there were differences in marital status: 38 percent of the women were married, compared with 74 percent of the men; another 38 percent of women were in a de facto or other relationship, compared with just 16 percent of men; and 23 percent of women, but just 10 percent of men, were single.

## INTERNAL GENDER GAPS

From our investigations, it was apparent that the industry had a low internal gender gap: women and men doing the same job appeared to receive the same pay. Women and men coal mine workers were both covered by

collective agreements that set rates of pay for what were once thought of as “men’s jobs,” and it was not possible to legally pay women lower rates. Most workers were full-timers. Part-timers—mainly women—received benefits that may be lower; in one mine, we found access to overtime restricted to full-timers, but this was the only instance we found of women being disadvantaged in terms of hourly pay. According to the ABS, women in the coal industry received lower average wages than men,<sup>34</sup> but this reflected their overrepresentation in lower-paid office work. The occupation “construction and mining laborers” recorded very slightly (and non-significantly) higher hourly pay for women than men in 2014,<sup>35</sup> but this was not representative and could easily be an artifact of sampling error. Unlike in occupations with higher regulation distance, it did not appear that women experienced internal gender pay gaps for equal work, and as it was a male-dominated occupation, there was no question of an external gender pay gap. Inequalities in pay arose because of vertical segmentation: partly because women in “traditional” roles ended up in lower-paying office jobs, and partly because women in “non-traditional” (male-dominated) jobs faced barriers to their career progression that made it difficult for them to advance in the industry, or in some cases even to stay in it, despite it being a relatively well-paid occupation.

The rest of this chapter focuses on those barriers to career progression—the domestic–work interface, access to training, harassment, and high visibility—as well as the differential behavioral effects experienced by women regarding assimilation, emotion work, and identity work, and by the union. These highlight not only the structural roles played by regulation content and distance, and labor segmentation, but also the importance of agency by key actors, all of which shape the norms and regulation of the industry.

### DOMESTIC–WORK INTERFACE

The family is a social structure that conditions the behavior of mine workers of both sexes. For some women, working in mines provided an escape from domestic work—as Maxine, an interviewee, said, “I would prefer to be outside than inside cleaning the house; I tell you, I still can’t do it.” Yet this expansion of possibilities did not necessarily transform the gendered division of labor. For example, Monica, who worked “crib relief” (shorter shifts, usually six to eight hours, as a substitute for a driver taking their break, or “crib”), still made her teenage children’s lunches. Deidre and her husband both worked 12-hour shifts, but Deidre had the added

weight of domestic duties as well as the mood shifts from night work, which “mucks around with our body clock and I think that’s why we get cranky.” Some troubles at home were seen as linked to the extra stress associated with rosters and long hours.

Data from the ACES also showed a very skewed distribution of housework and responsibility for childcare. Female coal mine workers were much more likely than males to have responsibility for a majority of the housework and childcare responsibilities. This was the case regardless of whether we relied on the perceptions of mine workers or those of their partners.<sup>36</sup>

We also collected data in the ACES about a range of requests for flexible work that mine workers had contemplated or sought during the preceding 12 months. Thirteen percent of women coal mine workers said they would like to work part time or job share (compared with 5 percent of men). But because of the rigid nature of work schedules, only 2 percent of women put in a request to do so (as did 0.5 percent of men). Altogether, 12 percent of women (and 4 percent of men) wanted a change because of childcare or care of other relatives. Another 13 percent of women (and 6 percent of men) wanted a change because of their partner’s working hours. Overall, women were more likely than men to have their request for change granted: three of the four women who sought a change for child or elder care reasons obtained it, the other did so in part; but most men had such requests declined, reinforcing the gender division of responsibilities at home.

What might seem, at first glance, to be an advantage for women was in reality a disadvantage reinforcing gendered labor patterns. The “flexibility” to balance the demands of work and life became a mechanism to reinforce traditional notions of who should be demonstrating the flexibility and traditional notions of the domestic division of labor. In turn, women coal mine workers (like women in national studies) were more likely than their male counterparts to report always or often feeling rushed or pressed for time,<sup>37</sup> and it became harder for women to devote the time to activities that would advance their careers.

### JOB QUALITY AND INSECURITY

Women’s opportunities are restricted through their concentration into lower-paid, less-skilled jobs. Many mining jobs, such as truck driving—frequently the site for women—are routine: 76 percent of women in

the ACES (compared with 48 percent of men) agreed that their job was repetitive, 83 percent of women disagreed that they had a lot of choice in deciding what they did at work (as did 62 percent of men), and 71 percent disagreed they had a lot of freedom over how they did their work (versus 35 percent of men). The proportions of women saying they had no say over hours worked, start and finish times, or type of shifts worked were all significantly higher than for male colleagues. Some women like Iris “won’t go back there, they are too long, especially 12 hour nights.” With power in the industry having shifted to employers,<sup>38</sup> disempowerment is disproportionately felt by women, particular at lower-skilled levels. Women therefore face special challenges in coping with the rotating 12-hour shift schedules.<sup>39</sup>

On average, then, women had lower levels of job quality than men. Job security was another indicator of this. Women were overrepresented among casuals. Among our quantitative sample, 6 percent of women were employed on a casual basis, and 8 percent of women were on fixed-term contracts—in both cases, double the proportions of men. Some 16 percent of women, but just 8 percent of men, had had four or more employers in the past five years. Women, though, were no less stable as workers—for example, when we asked about their expectations of voluntarily quitting their job in the coming year, there were no significant gender differences. However, when we asked what respondents thought was the chance that they would *lose* their current job during the next 12 months, 19 percent of women, but only 11 percent of men, believed there was a half or higher chance of that happening. When job cuts came, our interviewees Maxine and Iris separately encountered heavy social pressures from both the company and male colleagues to leave so that males most in “need” could keep jobs.

Thus, with less valued and more precarious jobs and lower control in coal mining, blue-collar women may have entered a well-paid occupation—but they are in very much at the ground floor, and the growth in the number of contractors and insecure work reinforce their insecurity. Coal mining shows a form of vertical segmentation, yet even the lowest-paid, most “feminized” segments are “male-dominated,” so segmentation here is more about the restriction of women to segments with poor prospects, rather than the segments with poor prospects being reserved as “women only.”



## BARRIERS TO PROGRESS AND RESPONSES

Reinforcing the position of women into the lower echelons of this male-dominated industry were a series of barriers to advancement. In addition to the domestic–work interface, factors were present that were more directly related to work. For example, obtaining *training or skills for career paths* was a problem articulated by the women we interviewed. In 2007–08, only 2 percent of mining tradespeople were women. Women like Wynne, Moira, and Eloise spoke of how women’s access to training and careers was less than men’s. Another part of the problem was identified by Monica and Wendy, who said, “because I’m crib relief I don’t have those opportunities” for advancement. Only 7 percent of women in the ACES sample had a trade (Certificate IV) qualification, compared with 27 percent of men, although around half of each sex had a “ticket” for operating specific equipment.

Other barriers to advancement tend to arise from the cultural consequences of working in male-dominated occupations. Kanter first discussed these problems in her 1970s study of male-dominated sales workers.<sup>40</sup> These problems include visibility, which generates performance pressures (also identified by Williams<sup>41</sup> in studying marines); polarization—that is, where differences between tokens and “dominants” are exaggerated, leading dominants to “heighten their group boundaries”; and what Kanter calls “assimilation” of individuals into preexisting stereotypes about their group, which leads to tokens being trapped in particular roles. Yet times have changed: Kanter’s research occurred as the feminist movement had only just begun to assert itself. By 2007, only 20 percent of Americans agreed that “women should return to their traditional roles in society,” compared with 30 percent two decades earlier.<sup>42</sup> It turned out that “assimilation” in the twenty-first century took a different form.

We found that a key question facing women was the extent to which they sought to maintain unique or “feminine” aspects of their behavior, versus becoming “one of the boys.” Assuming the language and norms of “the boys” was a common form of “assimilation” into male culture (a different use of the word from that of Kanter),<sup>43</sup> Marjorie explained it this way:

I’m not going to go out there wearing an apron. I’m entering a male environment; so therefore, I’ve got to be one of the guys. If I want to be treated as a woman I’d stay home ... I don’t take offence at anything ... So I’ve never had a problem.

This was “presentational” emotion management following “social rules.”<sup>44</sup> For some women, this emotion work was “deep acting”<sup>45</sup>—that is, the women’s emotional state adapted to match that of the men’s in their work environment. For others, it was “surface acting”—a form of emotion work that occurs when the employee’s internal feelings and the external portrayal of feelings are inconsistent. This is a strategy that works for many women, but not without dangers. One of the women we interviewed would seek to “humiliate” those who crossed her, but her path was one of the most troubled of our interviewees. As Eloise explained:

In being one of the boys, sometimes the boys can take it a bit too far. So, if you’re going to be one of the boys, make sure you know your limits ... They have to respect you as a woman. But respect you for the work that you do. And what you can do.

Often, surface acting was more stressful for women than the deep acting of being “one of the boys.”<sup>46</sup> Putting a brave face on things—as Selina said, “You get used to it, you put your chest out and you say, ‘Well, I will take you on too, mate’”—was emotion work in dealing with actual or potential harassment. There was no doubt that harassment was a significant issue. Women in the ACES were three times as likely as men to say that they “often” felt unsafe from harassment—12 percent said this, compared with 4 percent of men—though only a minority of it was sexual harassment.<sup>47</sup> More common was simply what we might call physical, verbal, or psychological “bullying” by male supervisors or colleagues. In blue-collar, male-dominated occupations, harassment affects both sexes, but it is more commonly experienced and feared by women than by men, in no small part because, in heavily gendered workplaces, women have less power and greater social, economic, and physical insecurity than men.<sup>48</sup> Some women also sleep in very gendered, often large, camps of “dongas” (small, demountable units), typically found on the outskirts of mining communities, and where women are heavily outnumbered.<sup>49</sup> While only a minority of women in either our qualitative or quantitative samples expressed concern about harassment, half the women in our wave 2 survey reported gender discrimination.<sup>50</sup>

Women also sought common industrial identities to men—to be seen as fellow workers rather than as instruments of management, even though management may have allowed them in to soften the men’s militant culture. These efforts to shape others’ perceptions of them were another

aspect of emotion work by women. Women had to prove themselves as unionists to get the support of fellow unionists. It was most difficult to achieve when women could be portrayed as undermining male working conditions and solidarity—something that, as Donaldson points out, has often happened in Australia.<sup>51</sup> This concern accompanied Wendy when she began work as only the second woman ever employed on her site, just after a bitter industrial dispute had concluded there. The day she started was “the hardest thing I’d ever had to do ... You could see ’em thinking, ‘What’s she going to do?’” It took her three months to get accepted, but she said, “By the time I left out there, I got along famously; they were a great bunch of blokes.”

As Kanter identified, women had to demonstrate themselves to be highly capable, reliable workers, and often under greater scrutiny than male counterparts. Performance of minority groups (women) is highly visible, so the mistakes of one female worker may be generalized to all women, thus putting more pressure on all. A young woman mine worker, Trudy, told us:

The females out there do expect that they have to perform better to be able to prove themselves ... There’s only so many females out there, faces [are] remembered a lot easier; whereas if you’re just another bloke, you’re easier to go under the radar probably.

Belinda observed, “It’s hard work for a girl because she’s got to be better than them while still not being offensive to them. And they will try very hard to offend.” Yet our interviews showed that women mine workers were well regarded in the industry because, as Deidre says, “We’re just a lot more careful, we ask a lot more questions and just treat the machinery a lot more carefully,” whereas men’s philosophy, to use Marcia’s phrase, is “drive it like you stole it.” Perhaps women mine workers are also well regarded because of a selection effect: only high-performing women mine workers might survive in the industry.

## THE UNION

Unions and their delegates are critical actors in this industry, and no blue-collar union with a history of a heavily skewed male membership finds it easy to accommodate and respond to the wishes and interests of women.<sup>52</sup> That said, the union here had long recognized women from within the mining

community (e.g. members of women's auxiliaries)<sup>53</sup> as essential allies in major disputes, so it was less likely to dismiss women's interests than other blue-collar male-dominated unions may have been.<sup>54</sup> Despite male leadership, it was in the union's interests for women to be as protected, and as militant, as men to prevent undermining of conditions, and even for reasons of social justice. The union took a number of proactive steps. It voted to pressure the government to end the ban on female employment. When one of the earliest women mine workers had a baby in 1979, the union successfully fought the company to enable her to take maternity leave and return. In 1996, the union held its first "Women in Mining Training Course" in Emerald, "which was fantastic" according to Maxine. The conference sought "to inform women of their legal rights and how the union operates and assists its members."<sup>55</sup> Another course followed, and after an interregnum, there are now regular conferences for women in mining or in the broader union (including construction and forestry). The union also prosecuted tribunal cases on behalf of women members who resisted efforts of some companies to break union solidarity. Eloise used the collective force of the union to fight a long-standing harassment case against the company. In doing this, she became a critical actor herself. She wanted to stick it into them:

"I'm back and this is what I've done! Don't mess with me!" ... It was quite stressful because it went on for nine or 12 months ... the coal mining industry has still got a culture, it's still got that male testosterone thing but it's a lot better.

That said, not all women spoke so highly of the unions' treatment of women. But whatever the union's performance on women's issues, and despite corporate folklore that women would be more compliant and less pro-union (mentioned earlier), the ACES data showed no significant gender difference in miners' attitudes to the union on any of four items regarding whether the union lodge (based around a mine), or its district office, really cared for members, or whether help was available from either when members had a problem. Nor were there significant gender differences regarding whether management had more power than unions or the gap between the rich and the poor was too great, or how involved respondents were with the union—consistent with other research.<sup>56</sup> We saw nothing in the qualitative research to suggest otherwise. Several women—themselves critical actors—were active in the union and organized collective behavior by male colleagues. As Robyn said:

I tell them, “Don’t get me wrong, don’t think that I like you now just because I’m standing up for you. This is all about family” ... Yeah. And that’s what you do, you stick together.

Mining management’s expectation of women was that they would counter male militancy and weaken the union. But such essentialist ideas were not realized. Corporations may have created conditions conducive for harassment by hiring women to reduce male militancy, thus aligning women with management in the capital–labor struggle. Yet women have been unwilling to take on this role: they principally saw themselves as workers, not as management allies; were as union oriented and active in the union as men; and sought and offered support to their (male and female) fellow workers on industrial matters. Joining the union and using it to prosecute the case against discrimination and harassment was one way in which women responded to the potential for or actuality of harassment.

## CONCLUSIONS

In a male-dominated but highly regulated workforce, where regulation content had demanded equality but male culture resisted, the more the norms dominated rules, the worse things were for women relative to men. Pay was highly regulated, so women coal mine workers (especially full-timers) received pay similar—possibly identical—to that of men for equal work. However, normative forces were more influential in determining their advancement and access to equal work. The male-dominated, collective culture empowered some male managers and colleagues to engage in harassment of women, but this was constrained by external and internal regulation by state and non-state actors. Anti-discrimination legislation enabled women to re-enter mines and provided them with some ammunition to preempt or fight harassment. The union was, at least on the surface and often in practice, supportive of women. Company policy had to adapt to these forces and to the growing importance of female labor supply in the context of occasional labor shortages. Women could collectively be made to feel very uncomfortable by male co-workers, but often responded by seeking to “prove” themselves, as solid unionists and as “one of the boys”—to close the cultural gap and ensure they received benefits that solidarity could deliver in that industry. The majority sought to assimilate, to fit in, but a minority of critical actors challenged existing norms,

sometimes establishing new norms that might *eventually* prevail over the old, and sometimes inducing new forms of regulation (union practices or company procedures) along the way.

Women had to dig deeper than men: they engaged in emotion work (not previously associated with male-dominated occupations) to deter or dismiss harassment, prove themselves, and become accepted; they handled the “triple shift” inside and outside the household; and small numbers made any mistakes highly visible. So gender gaps in coal mining lay not so much in hourly pay for the same work as they did in women’s opportunities for promotion and the treatment they received—and there the gaps could be severe and very limiting.

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# Female-Dominated Regulated Occupations: Librarians and Other Public-Sector Professionals

*Robin Price and Linda Colley*

This chapter explores the gender gap experienced by women employed in female-dominated professional roles in the public service and compares the outcomes with those of women working in male-dominated or mixed professions. We take the librarian workforce in the public service of Queensland, Australia, as a case example of a female-dominated workforce in a highly regulated sector. The public services in Australia and the United Kingdom have long been regarded as “model” employers, more open to unionization and collective bargaining than the private sector and with uniformly good wages and employment conditions.<sup>1</sup> In relation to pay equity, female public servants are remunerated on the same pay scales as male public servants, and job evaluation systems are employed to ensure that, at least on face value, jobs are equitably valued. At least in the Australian context, the public service is a heavily regulated environment where wages relate to the grade of the job, and the job grade is linked to ostensibly objective criteria around qualifications and required tasks. All workers performing jobs that are graded at the same level receive the

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same wage. As a sector with high regulation proximity, the Queensland Public Service (QPS) should be an environment with relatively good internal gender pay equity.

While Australia has had equal pay principles since 1969,<sup>2</sup> a series of government inquiries in the early 2000s, in response to union action, identified that gender pay equity had not been achieved. As a female-dominated occupation, librarians were often a test case in such inquiries. The pay equity case in New South Wales included public-sector librarians,<sup>3</sup> and led to significant pay increases.<sup>4</sup> It was posited that this pay equity win and the principles derived from the case would lead to positive outcomes for librarians nationally.<sup>5</sup> The librarians' case was replicated in the research for the Queensland Pay Equity Inquiry in 2001,<sup>6</sup> which found similar historical discrepancies. The purpose of this chapter is to examine the state of librarians' employment in the public service, and the pay equity position of female-dominated professions within the public service more broadly. We use the QPS as our case study and draw on previous research in the Pay Equity Inquiry, current workforce data, and industrial instruments-fixing wages to inform our analysis.

In the heavily regulated environment of the public service, pay explicitly relates to a construction of skill that recognizes the qualifications of the office holders and the specific tasks required for the job. We use Cockburn's typology of skill to frame our analysis.<sup>7</sup> Cockburn identifies three dimensions of skill: skill in the person, such as education and experience; skill required for the job; and skill in the setting, or the ways in which jobs are socially and industrially constructed as skilled. The chapter identifies that across the public service, male and female professional workers are skilled by virtue of their academic qualifications at the point of entry to the service, then required to use those skills on the job, and at least in the early stages of their careers, they are socially and industrially constructed as skilled.

Our analysis identifies two potential barriers to the promotion of librarians within the professional career path. The first is a structural barrier that exists in the wage fixation instrument, called an award.<sup>8</sup> The 2001 award remains today, and although it seemingly provides for seamless promotion based on acquired experience rather than dependence upon a vacancy, in reality, movement through the lower levels (from PO2 to PO3) appears to be far from smooth. The second barrier is a systemic gendered barrier, which becomes evident where negotiated, industrial, or managerial support for advancement and reclassification of positions is required.

The career paths are better developed and provide more opportunities for promotion in male-dominated professions than in female-dominated professions. Mixed-gender and male-dominated professions have higher proportions of higher-level (PO4 and above) jobs than female-dominated professions. We argue that both of these barriers relate to the structural environment, as advancement is not possible in female-dominated professions without managerial support. In the absence of the employer taking up the cause within the organization, unions have failed to initiate the case for higher wages for librarians in the Queensland Industrial Relations Commission (QIRC). Despite high levels of regulation—evident within the organization in job evaluation processes and a fixed classification pay scale, and without the organization in equal principles available for prosecution within the Industrial Tribunal—librarians have been disadvantaged by discretionary decisions made in the gaps of this regulatory scaffold.

The next section of this chapter explains the wage fixation system and pay equity outcomes in the QPS. The second section explores Cockburn's three elements of skill: skill in the library workers; skill in the job, library work; and skill in the setting, for librarians as representatives of a female-dominated professional occupation within the QPS setting. The next section examines wages in the QPS and compares the wage outcomes of professionals working in female-dominated occupations with those in mixed-gender occupations and male-dominated occupations. The final section provides the discussion and conclusion.

## WAGE FIXATION AND OUTCOMES IN THE QUEENSLAND PUBLIC SERVICE

Australia has a federal system of government, whereby taxes are predominantly collected at the national level, and distributed to the six state and two territory governments to deliver the majority of public services, including health and education. Queensland has similar public service characteristics to other Australian states. Australia has a unique wage fixation system whereby tribunal-based awards have traditionally fixed minimum wages and working conditions for entire industries.<sup>9</sup> State governments use their own state-based industrial relations systems, and awards and collective agreements, to set actual (not just minimum) wages and working conditions for their state public servants. In Queensland, many public servants have their wages and working conditions underpinned by the Queensland Public Service Officers and Other

Employees Award—State 2015.<sup>10</sup> The QPS award is divided into streams: administrative (AO), technical (TO), professional (PO), and operational (OO). Large female-dominated workforces, such as teachers and nurses, are subject to their own arrangements and classification scales. Police, correctional officers, and certain other government bodies also have separate collective agreements. In this regulated environment, where wages are fixed for all employees performing the same role, there should be gender pay equity.

However, despite their diversity, public services are heavily gendered organizations. In our analysis, we differentiate public-service professional occupations into male-dominated (over 60 percent male), female-dominated (over 60 percent female), and mixed-gender (between 40 percent and 60 percent of each gender). Young female professionals are generally better remunerated, both inside the public service and in the general labor market, than male workers.<sup>11</sup> Significantly, however, female earnings drop compared with those of males after women reach child-bearing age around their early thirties. In analyzing longer-term earnings, female and male professionals earn lower wages in female-dominated professions when compared with women working in male-dominated or mixed-gender professions in the public sector.

As a regulated and unionized environment, the public service generally offers better wages and conditions than the private-sector labor market. For example, with odd exceptions in some age groups, there is long-standing gender wage disparity in the Australian labor market.<sup>12</sup> This wage disparity is less marked within the QPS, as young women have higher average weekly salaries than young male QPS employees in each of the age groups up to 30 years: under 20 years, the male average is \$732 and the female average \$796 per week; from 20 to 24 years, the male average is \$994 and the female average \$1035; and from 25 to 29 years, the male average is \$1183 and the female average \$1209.<sup>13</sup> This advantage ceases above age 30, resulting in an overall gender pay gap and women earning, on average, 90 percent of men's salaries across the QPS (at \$1253 compared with the male average of \$1389). Mean earnings in the QPS indicate that the public service is a comparatively good job for younger women but the gender pay gap widens after that.

In the highly regulated QPS environment, as in public services elsewhere, earnings are directly related to the classification at which an individual is employed. The higher an individual's classification level, the higher their wage. The public sector, with its roots in the Westminster system and

influenced by principles introduced after the Northcote–Trevelyan report in 1854,<sup>14</sup> advocates open competition for recruitment, promotion on merit, and a career service model.<sup>15</sup> As earnings are related to classification and classifications are related to skill, the next section examines how librarian skills are evaluated and rewarded within the QPS.

## EVALUATING SKILL

The following discussion explains how skill in the person, skill in the job, and skill in the setting are evaluated for library workers.

### *Skill in the Person: Library Workers*

Within the public service, library work occurs within specific departments, in schools, and in government-run libraries. Library workers divide into four categories, depending on their level of qualifications: teacher-librarians (teaching qualification and postgraduate library qualification), librarians (degree in library science or a degree in any discipline and postgraduate library qualification), library technicians (vocational diploma), and library assistants (vocational Certificate III).<sup>16</sup> A professional association—the Australian Library and Information Association (ALIA)—confers membership based on educational qualifications, which entitles an individual to work as a qualified library worker.

Prior to 1980, certification as a librarian occurred through successful completion of an examination set by the professional body, the Library Association of Australia.<sup>17</sup> After 1980, librarianship became a degree qualification, initially postgraduate and, in some cases, now a specialization within an information technology (IT) undergraduate degree. All librarians should therefore hold at least a university bachelor's degree, and the majority hold a postgraduate qualification. Therefore, skill resides in the people holding librarian positions by virtue of their qualifications.

### *Skill in the Job: Library Work*

The nature of library work has changed significantly in recent decades, with the advent of web technologies in the library and information science arena. Libraries increasingly consist of online information resources rather than books on shelves,<sup>18</sup> and library work is more about navigating

IT than cataloging and shelving. Librarians' tools have changed with the need to be "more user-centred and dynamic" and, in the process, control was given to users.<sup>19</sup> The work required of librarians has become more skilled as "librarians have had not only to master using information technology but also to assume a role as educators who teach the skills of using information technology to obtain access to information sources."<sup>20</sup>

In libraries, the work of degree-qualified librarians blurs with the work of other library workers, such as technicians and assistants. Technicians undertake audio-visual management, document delivery, cataloging, serials management, creation of procedures for operational tasks, supervision of staff, and providing reference desk advice; a sizeable proportion also undertake acquisitions.<sup>21</sup> The librarian role is perceived to be more strategic and most commonly associated with the tasks of "staff management, collection development and financial management," but also "creating content," "reader education, community consultation, performance measurement and benchmarking."<sup>22</sup> Hill suggests that "the smaller the library, the bigger the overlap," and that, "as technicians get more experienced their overlap also increases."<sup>23</sup> This role overlap can be the source of friction within libraries. There is a wage differential between librarians, technicians, and library assistants. There has also been an overall reduction in the size of the librarian workforce and the concomitant growth in the technician and assistant workforce.<sup>24</sup> These changes in the nature of the librarian role and the growth of web technologies have the potential to reduce overall demand for librarians.

### *Skill in the Setting: Library Work in the Queensland Public Service Context*

The PO stream, which covers librarians, runs from the entry point PO1 to the highest level, PO6. Entrants into the service at PO1 are primarily indentured students or vacation students. There is a mandatory requirement of the "minimum of a degree qualification"<sup>25</sup> for an applicant to gain entry into a PO2 position. From PO2 upward, jobs are evaluated using a Job Evaluation Management System (JEMS).

The JEMS methodology evaluates jobs based on a series of factors. The JEMS expresses the size of a position in terms of *work value points*. These points are determined by assessing eight sub-factors, which are considered to be common to all jobs. Hence the system is described as a points factor evaluation system.<sup>26</sup>

Jobs are evaluated across three dimensions: *expertise*—the inputs (knowledge, skills, and experience) required to perform the job and expressed as knowledge, diversity, and interpersonal skills; *judgment*—the process parts related to the application of the expertise, expressed as job environment and reasoning; and *accountability*—the scope, impact, independence, and influence of the position as well as its authority and responsibility.<sup>27</sup> When jobs are evaluated, each sub-factor commonly has between three and seven levels.<sup>28</sup> Each level has a description and is allocated a score. All sub-factor scores are totaled to generate the work value points of that job and its consequent location on the PO bands.

On the face of it, the JEMS is transparent and should result in an equitable judgment regarding the worth and respective value of all positions. The literature highlights, however, that job evaluation “is not an ‘objective’ procedure,” despite the evaluation of jobs and use of points creating an “aura of objectivity.”<sup>29</sup> In practice, there are two parts to the process: an objective part where the number of points a job attains then dictates the pay scale for that job, and a subjective and distinct part regarding whether and when to evaluate or re-evaluate a position. Job evaluation schemes can also serve other purposes, such as identifying jobs where advancement opportunities are lacking and where career paths need to be redesigned within a profession.<sup>30</sup> This section has identified the skills in the worker, in the job, and in the setting. The following section examines the wages and location of female professional officers within the QPS, particularly librarians.

## WAGE OUTCOMES IN THE QPS

Librarians have been subjected to gender wage disparity for several decades. When the librarian classification was first included in the Public Service Award—State in 1969, librarians with degrees were inserted below the level of other professionals with degrees, such as scientists.<sup>31</sup> When the equal pay for equal work decision was implemented in 1972, this gender wage disparity remained. The lesser position of librarians was not re-examined in 1980 when a degree became mandatory for entry into the profession, nor was there a specific work value case on librarians’ work in Queensland. Rather, any standard work value increases in the public sector were flowed on to librarians, regardless of substantive changes to the nature of their work.<sup>32</sup>

When the award was restructured and new classifications were introduced in the early 1990s, librarians and other professionals were transferred to the new PO stream system at the “equivalent or next highest pay



point,”<sup>33</sup> entrenching any existing inequities in the new system. Librarians were allocated to the PO stream and library assistants were placed within the AO stream.<sup>34</sup> Library technicians were translated to TO1 positions in the TO stream or AO2 positions in the AO stream.

Significantly, there is a skills and experience barrier in place in the PO stream between PO2 and PO3. To move between the levels in the PO stream, it is necessary to be assessed by a selection panel on the basis of the following criteria:

- Demonstration of professional expertise in one or more areas of a discipline
- Possession of postgraduate qualifications or postgraduate developmental experience through attendance at specialist seminars or in-service presentations relevant to the discipline
- Evidence of recognition by peers, industry, or other client groups
- Demonstration of levels of performance and innovation.<sup>35</sup>

When this system was first introduced in 1991, the QIRC, a central body concerned with fixing wages and conditions across an industry, expressed reservations about the criteria for movement between level 2 and level 3 in the PO and TO streams. The QIRC noted that, under the existing system, “certain professional groups such as Scientists have been able to progress ... virtually automatically,” but that under the new system, the criteria for movement between levels “L2 and L3 are, in a number of respects, more difficult than that previously established for the groups mentioned above.”<sup>36</sup> In order for PO3s to progress to PO4 level, it is necessary to apply for a vacant position graded at that level. The position for librarians indicates that there are fewer positions available at PO4 or above compared with other professions.

Employment statistics for library staff across the public service indicate that the number of library positions has been decimated since 2000. In 2001, librarian numbers peaked at 1031, but by 2012, there were only 159 librarians remaining in the public service.<sup>37</sup> Library assistant numbers fell slightly from 73 in 2000 to 60 in 2012, and library technician numbers fell from a peak of 177 in 2007 to 120 in 2012. Most of this loss, however, can be linked to a shift in the classification of librarians out of the PO stream and into the AO stream, reductions in state-funded vocational training colleges, and the removal of librarians from schools. Still, there were 302 PO stream librarians in 2000, and their workforce numbers have

nearly halved since then. While there is potential for job substitution—for example, by replacing librarians with cheaper library assistants, there was no evidence of this except at the State Library. The size and structure of State Library employment changed markedly between 2000 and 2012, with a reduction in librarians from 97 to 12, a reduction in library technicians from 46 to 15, but an increase in library assistants from 0 to 29. While there may be elements of a flow-on effect from reductions in public employment more generally,<sup>38</sup> the size of the reduction suggests that other factors are at play. It is likely that technological change has played a role with the advent of web-based technologies that allow employees to search for their own information,<sup>39</sup> but there also appears to be a substitution of cheaper technicians and assistants for qualified librarians.

An examination of wage levels of librarians across the QPS (see Table 8.1) shows that they are bunched predominantly at the top of pay points PO2 and PO3 within the professional officer classification structure, but there are also some sitting at the top of PO4 level. This structure suggests that librarians as a group experience difficulty in moving from the PO2 to the PO3 level, and from PO3 to PO4.

To progress from PO2 to PO3, it is necessary that the requirements of the skill and experience barriers outlined previously are met. These relate to time and awareness of the steps to take in order to progress between the PO2 and PO3 classifications. The bunching at the top of the PO2 and PO3 bands is equally applicable to male librarians. The barrier to progressing from PO3 to PO4 is a lack of higher classified jobs. This may be due to gendered perceptions of the value of library work, which is supported, to some extent, by the current incumbents of PO4 positions—20 percent of male librarians hold PO4 positions, compared with 10 percent of females, even though female librarians are more numerous.

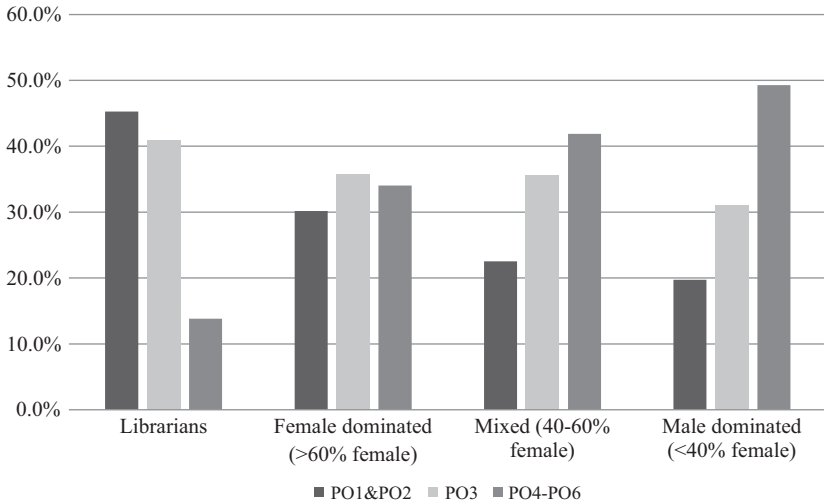
The difficulties that librarians have with moving between pay bands are best indicated when the position structure of librarians is examined in the context of other female-dominated professions, and of male-dominated and mixed-gender professions, in the public sector as a whole. Figure 8.1 shows data regarding the position in the Public Service Award classification structure occupied by professionals in each of 32 professions that have 40 or more members employed under the award. It groups these professions into three categories based on the proportion of employees in that occupation that are female, in particular whether they are “female-dominated” (more than 60 percent female), “male-dominated” (less than 40 percent female), or “mixed-gender” (40–60 percent female).

**Table 8.1** Queensland state government librarians in bands, by increment, June 2012

	<i>Number</i>			<i>Percentage (%)</i>		
	<i>Female</i>	<i>Male</i>	<i>Total</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
PO1.07	1	1	2	1	4	1
<i>PO1 subtotal</i>	<i>1</i>	<i>1</i>	<i>2</i>			
PO2.01	1	0	1	1	0	1
PO2.02	5	1	6	4	4	4
PO2.03	2		2	1	0	1
PO2.04	9		9	7	0	6
PO2.05	2		2	1	0	1
PO2.06	41	9	50	31	36	31
<i>PO2 subtotal</i>	<i>60</i>	<i>10</i>	<i>70</i>	<i>45</i>	<i>40</i>	<i>44</i>
PO3.01	3	2	5	2	8	3
PO3.02	4		4	3	0	3
PO3.03	4		4	3	0	3
PO3.04	46	6	52	34	24	33
<i>PO3 subtotal</i>	<i>57</i>	<i>8</i>	<i>65</i>	<i>43</i>	<i>32</i>	<i>41</i>
PO4.01	3		3	2	0	2
PO4.02	3	2	5	2	8	3
PO4.03	1	3	4	1	12	3
PO4.04	7		7	5	0	4
<i>PO4 subtotal</i>	<i>14</i>	<i>5</i>	<i>19</i>	<i>10</i>	<i>20</i>	<i>12</i>
PO5.01		1	1	0	4	1
PO5.02	1		1	1	0	1
<i>PO5 subtotal</i>	<i>1</i>	<i>1</i>	<i>2</i>	<i>1</i>	<i>4</i>	<i>1</i>
PO6.04	1		1	1	0	1
<i>PO6 subtotal</i>	<i>1</i>	<i>0</i>	<i>1</i>	<i>1</i>	<i>0</i>	<i>1</i>
<b>Total in PO classifications</b>	<b>134</b>	<b>25</b>	<b>159</b>	<b>100</b>	<b>100</b>	<b>100</b>

*Source:* Unpublished Minimum Obligatory Human Resources Information (MOHRI), June Quarter 2012

There has been considerable structural change in the gendering of QPS occupations since 2000. In 2000, 13 professions were identified as female-dominated, but by 2012, there were 18. Of the five occupations classified as mixed-gender in 2000, three were now female-dominated (i.e. legal professionals, project and program administrators, and business and information professionals), one was male-dominated (life scientists) and one had become too small by 2012 to rate a mention (medical scientists). Two professions that were male-dominated in 2000 were now in the “mixed-gender” category. As indicated by the first set of columns, some 45 percent of librarians were at levels PO1 or PO2 in 2012; by comparison, only 27 percent of all professionals in the QPS were at the lower PO1 and PO2 levels. On the other hand, a mere 14 percent of librarian positions were at PO4 or above,



**Fig. 8.1** Share of positions in classifications, librarians, and other professionals (*Source:* MOHRI, June Quarter 2012)

compared with 39 percent of all professional positions under the Public Service Award. It should be noted that this position was an improvement on the findings of the 2001 Pay Equity Inquiry,<sup>40</sup> when 4 percent of librarian positions were PO4 and above, but the pattern is not restricted to librarians.

The female-dominated professions (those with more than 60 percent females) in the public service, such as speech pathologists, occupational therapists, dietitians, psychologists, counselors, human resources professionals, social workers, legal professionals, and physiotherapists, all had sizeable proportions of positions in the PO1–PO2 range (see Fig. 8.1). Female-dominated professions exhibited a different structural pattern of job allocations than mixed-gender or male-dominated professions. Among all employees of both genders across all QPS female-dominated professions, 30 percent were in the PO1–PO2 range. By contrast, only 20 percent of those in male-dominated professions, and 22.5 percent of positions in mixed-gender professions were in the PO1–PO2 range. The same gender bias was evident at the top end of the job classification system, but in reverse. Female-dominated professions had significantly fewer PO4 and above positions (34 percent), lower than for mixed-gender professions (42 percent) or male-dominated professions (49 percent). There were clearly structural differences in the way that work was organized and evaluated in male-dominated professions.

There had been some improvement in the classification of work in female-dominated professions since the 2001 Queensland Pay Equity Inquiry, which included librarians.<sup>41</sup> In 2000, the proportion of professionals in the lower PO1 and PO2 classifications was significantly worse in female-dominated professions—for example, 56 percent compared with 30 percent in 2012. At the top end of the position classification system, 12 percent of positions in female-dominated professions were at PO4 and above in 2000, compared with around 34 percent in 2012. Possible reasons for the relatively poor improvements among librarians could include declining employment, declining union power, and lower power generally in comparison with other occupations.

Male-dominated and mixed-gender professions exhibited a distinctive structure with fewer lower-level positions and more higher-graded positions. In male-dominated professions, such as architects, geologists, computing professionals, and engineers, higher-level positions dominated. Nearly half of all positions in male-dominated professions were at PO4 level and above. Mixed-gender professions, such as environmental and agricultural science professionals and science technical officers, looked structurally very much like male-dominated professions (see Fig. 8.1). These patterns suggest that there was something particular about female domination of a profession that made it tend toward bunching in the lower classifications. The range of skills and experiences of librarians and other female-dominated professionals did not appear to be adequately recognized or rewarded in the career structure, in comparison with the wages that male professionals enjoyed.

Librarians were starkly segregated in lower-level positions compared with other QPS workers. The proportions of lower-level PO1 and PO2 positions across occupation groupings had some common trends, with higher proportions of women than men but in similar mixes: 32 percent of females and 22 percent of males in female-dominated professions, 32 percent of females and 16 percent of males in male-dominated professions, and 30 percent of females and 17 percent of males in mixed-gender professions. In contrast, nearly half of librarian positions were at the lower level, with a comparable gender spread of 46 percent female and 44 percent male. Hence female-dominated professions had a negative impact on male earnings, as they did on female earnings, but not to the same extent.

At the higher-level professional classifications (PO4 and above), the gendered wage differentials were starker. Table 8.2 breaks down the occupational position of professional groupings, and librarians, by gender. The small number of higher-level librarian positions represented 24 percent of jobs held by males, compared with 12 percent of females. The same trend was evident for higher-level positions in all female-dominated professions,

**Table 8.2** Share of positions in classifications, librarians, and other professionals

	<i>Gender</i>	<i>Average female share (%)</i>	<i>PO1 (%)</i>	<i>PO (2%)</i>	<i>PO (3%)</i>	<i>PO (4%)</i>	<i>PO (5%)</i>	<i>PO (6%)</i>	<i>Total (%)</i>
Librarians	Female	84	1	45	43	10	1	1	100
	Male		4	40	32	20	4	0	100
Female dominated (>60% female)	Female	78	0	32	38	13	12	4	100
	Male		1	21	27	24	17	11	100
Mixed (40–60% female)	Female	44	1	31	41	21	5	1	100
	Male		1	15	31	29	15	9	100
Male dominated (<40% female)	Female	21	2	28	35	23	8	4	100
	Male		2	15	30	30	17	6	100

*Source:* Queensland Public Service MOHRI 2012

*Note:* Rows may not add to 100 percent due to rounding

with 29 percent of females holding positions at this level compared with 52 percent of males. A similar picture emerged in mixed-gender professions (females 27 percent, males 53 percent) and in male-dominated professions (females 35 percent, males 53 percent). Further investigation is required to determine the causes, yet it is clear that there were gender differences in the ways that the classification of different professionals had occurred.

These data suggest that female domination of a profession changes the position classification structure, with the bulk of available positions created at the lower, cheaper end, while male domination of a profession is associated with the creation of a greater number of higher classified positions and higher wages. This pattern might be the result of earlier undervaluations being reproduced in modern classification structures. The differential career structure for men and women professionals, some nine years after this restructuring, suggested that the problem was endemic and structural.

## DISCUSSION

We return to Cockburn's typology of skills to shape our discussion.<sup>42</sup> In relation to skill in the person, it is apparent that, despite the increased educational requirements required for library work—an initial degree and a Graduate Diploma in Library and Information Studies from 1980—there

has been no formal recognition of this in the wage fixation structure of the QPS. As identified in the report prepared for the Pay Equity Inquiry in 2000,<sup>43</sup> librarians were not fairly evaluated when they initially were brought into the award system. This initial historical inequity has perpetuated over time. A degree is mandatory for entry into the PO stream of the public service, and the starting point is pay point 1. The only recognition for a postgraduate qualification at entry is an additional pay point or two at PO2 level.<sup>44</sup> The valuation of the skill in the profession does not take full account of the skills in the person.

The skills required for the librarian job have changed significantly over the past two decades. The use of IT has transformed the librarian's job from managing collections of material to managing access to information.<sup>45</sup> This has meant that librarians need skills in accessing electronic information from a wide variety of sources, and need to constantly upgrade their skills and knowledge for new software packages. Library work these days is much more complicated than it was two decades ago, and requires a high degree of technological literacy as well as the capacity to manage access to vast amounts of information. There is significant "articulation work" involved in educating library users to use new systems involved in librarian work, but which remains largely invisible.<sup>46</sup> In the regulated setting of the QPS, the method of formally acknowledging changes to librarian work is a work value case. A work value case would involve specifically examining the work value of librarians and altering their location in the award structure relative to other skilled professions. A pay equity case for librarians in New South Wales adopted a work value approach, highlighted the way in which library work had been undervalued,<sup>47</sup> resulting in significant wage increases and structural changes to the descriptors in the New South Wales award.<sup>48</sup> This was not an explicit "gender" decision: the Commission found that significant changes in the work of all library workers had resulted in increased work value.<sup>49</sup> A push for a work value case for Queensland librarians would require industrial muscle to get the issue on the agenda, but in an environment where unions are stretched thin and the number of library jobs is declining rapidly, it appears that there is little support for such a move. Moreover, while a work value case could specify the appropriate rates and qualifications for any given classification, it cannot specify how many people in a given occupation are located at those levels. Yet this distribution of employees between classification levels appears to be central to the gender disparity between professions.

In the QPS setting, our analysis identified two sources of barriers—structural barriers in the award, and managerial barriers in the ways in which jobs

are classified. The structural barrier in the award relates to the skills and experience barrier that librarians need to meet in order to move between the PO2 and PO3 levels. This barrier remains in the most recent iteration of the award, but appears to affect male and female librarians equally. The managerial barrier relates to the ways in which jobs are structured and valued within the service. This aligns with the way that jobs are developed and evaluated, and is consistent with the issues identified in the New South Wales pay equity case.<sup>50</sup>

Female-dominated occupations have previously been found to demonstrate a flat career structure where the “gender wage gap widens over time with age and labor market experience.”<sup>51</sup> While many seem to interpret this as being simply a function of women not being adequately rewarded after they return to the workforce post childbearing, there also appear to be structural factors in the building of professions at work. Junor and colleagues argue that one of the factors causing this structural gap is the use of evaluation systems that fail to include unidentified “soft” skills or personal attributes.<sup>52</sup> It is therefore likely that the relative value of an occupation—as indicated by its classification profile—is shaped by its gender composition and vice versa; social notions of skill that influence its classification profile also influence its gender profile. We also note that, while the overall occupation of librarians is ranked lower among professions, males manage to prosper.

This chapter has examined the pay equity situation of librarians in an Australian state government public service. It has identified pay inequities using Cockburn’s three elements of skill. First, the education required for librarian work, as a proxy for skill in the person, was undervalued. Second, the valuations of skill in jobs were embodied not just in wages, but in the classification structure itself. Gender influenced valuations of skill in the job and the classification structures within professions so that male-dominated professions had more highly classified positions within them than female-dominated professions. Third, these two factors shaped rewards by gender of an occupation and intersected with gendered access to promotion. This case study showed that, even in the highly regulated public-sector environment, pay inequity is a problem as managers identify discretionary spaces in the regulatory scaffold.

## NOTES

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## Academics: How Career Structures and Segmentation Undermine Pay Regulation

*Glenda Strachan, David Peetz, Kaye Broadbent,  
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Women academics experience low regulation distance due to the role of unionization, collective agreements, state regulation, and widespread formalization of human resource management (HRM) policies. They are in an occupation with, overall, a mixed-gender composition—it is, in aggregate, neither male nor female dominated. Consistent with that situation, the evidence in this chapter suggests that, in relative terms, the internal gender pay gap is relatively low within occupational levels, at least at individual universities in Australia. On the other hand, there are still many aspects of work where academic women are observably disadvantaged relative to men—and indeed there are other occupations in this category (i.e. other occupations

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with low regulation distance and mixed-gender composition) in which women appear to fare better. Using a large national survey, this chapter shows that the rules that surround academics promote pay equity, but in other elements provide universities with “flexibilities” that entrench gendered outcomes and disadvantage women. We also observe that *within* academia there is not really a single labor market for academics, but several labor markets in which academics interchange with employees from outside the academic world related to the disciplines in which academics work. In addition, harassment is worse for women than for men, there are issues of insecurity associated with casual and fixed-term work, while marginalization of new entrants into teaching-heavy roles, and norms related to caring responsibilities damage women’s career possibilities. Widespread beliefs, that academic women experience greater difficulty in finding a mentoring partnership<sup>1</sup>—which were not supported by the data, and hence do not explain the position of women in academia.

Research into knowledge-intensive firms in the United Kingdom revealed how the persistence of stereotypes about women’s roles contribute to the segregation of women into lower-status and routinized roles, which in turn affects their ability to develop career capital.<sup>2</sup> Sex discrimination cases in the United States identified how assumptions about women’s inferiority and prescriptive stereotypes contribute significantly to gender discrimination. These cases emphasized that the way policy is implemented is a key mechanism for unequal outcomes for women in the workplace.<sup>3</sup> The “glass ceiling” metaphor, frequently used to depict the underrepresentation of women at higher levels of organizations, is a contested metaphor: for Eagly and Carli, for example, it implies that women experience a smooth progression through an organization until they encounter an invisible barrier.<sup>4</sup> Prokos and Padavic, however, adopt a broader definition and assume “the cumulative disadvantage of blocked opportunities ... causes women’s underrepresentation at higher ranks.”<sup>5</sup> That is more like a sticky floor than a glass ceiling. Consistent with this metaphor, another US study examining successful women professionals in science and technology found that, aside from women who held the top two positions in an organization, the majority of women surveyed identified structural processes as the basis for workplace inequality.<sup>6</sup> While universities, as organizations, administer “inequality regimes,”<sup>7</sup> one intriguing feature is that women’s penetration of the professoriate is not only lower than it is at lower academic levels (in common with many organizations), it is also lower than women’s penetration of senior university management (deans, pro-vice-chancellors, deputy vice-chancellors, and similar positions),

despite the majority of these being former academics.<sup>8</sup> This suggests the importance of occupational over organizational factors in understanding gender inequity—although this is not to dismiss the importance of organizational factors, evidenced by the variety of gender distributions between universities.<sup>9</sup>

In this chapter, after discussing our methodology, we commence with a comparison of academics and Australian public servants, a form of benchmarking against another group with low regulation distance and mixed-gender composition. We find that opportunities for women appear lower in academia than in the public service, possibly due to the more pervasive regulation in the latter. We then examine base pay; aspects of career advancement, including insecurity and the norms of family care; harassment; and bonuses, before presenting our conclusion.

## METHOD

We undertook a major study of careers and gender across 19 Australian universities, including surveys of 9000 academic staff, 3000 academic teaching staff on casual contracts and 11,000 non-academic staff (the Work and Careers in Australian Universities [WCAU] survey). Data were collected in 2011. We also examined national census statistics (from 2001 and 2011) of university employees, published by the Australian Department of Education and Training with responsibility for universities, and data from the industry pension fund, UniSuper, on casual staff for 2010, which we use due to uncertainty over the interpretation of the actual number of casual teaching staff obtained through government statistics.<sup>10</sup>

The WCAU survey collected information from three groups of university workers defined by their staff classification and employment agreement at the time of the survey: professional staff (permanent and fixed-term employees, sometimes referred to as “general” staff), academics (permanent and fixed-term employees), and casual academic teaching staff (engaged on an hourly basis at the pay period prior to the survey). This chapter focuses mainly on the second of these groups. Each survey contained approximately 150 questions, covering working conditions, work history in the sector, first appointment, career progression, job satisfaction, work–life balance, and workplace culture. From academics, there were 9032 respondents, of whom 4625 (51 percent) were women and 4387 (49 percent) were men. This represented a response rate of 35 percent. We also obtained responses from 2918 casual academics (a response rate of 12 percent) and 10,683 professional

staff (response rate 32 percent). Full details of the project methodology are available in a separate report.<sup>11</sup>

The duties of an academic can be categorized by the main responsibilities they are required to undertake. We classify these into three role specializations: teaching and research combined (or “mixed role”); “teaching-intensive” (TI), in which 20 percent or less of the job requirement is research; and “research-intensive” (RI), in which 20 percent or less of the job is teaching. The first two (mixed role and TI) are collectively referred to in this chapter as teaching staff. Academic jobs are at one of five levels, ranging from A, the lowest (“associate lecturers”), through B (“lecturers”), C (“senior lecturers”), and D (“associate professors”) to E, the highest (“professors”). Levels D and E correspond to what are referred to in the United States and some other countries as “professors.” Within most levels, there are tenure-related increments, providing annual pay rises for most staff for several years, provided they meet performance standards.

The employment contract of professional and academic staff in the WCAU could be either an ongoing (permanent) contract or a fixed-term contract, varying in length from months to several years. We use the terms “permanent” or “fixed-term” appointments, respectively, to describe these.

A third group of workers are academic teaching staff employed on an hourly, casual contract based on their hours of work per week, though they may often be engaged for a semester at a time. Various terms are used for this group of teaching staff, including “sessional” or “casual” staff. We use the latter term.

We also distinguish between academic disciplines, which we aggregate into two groups. A research-heavy discipline was defined as one in which 40 percent or more of the jobs were RI (most science, technology, engineering, and mathematics [STEM] disciplines were in this category). Conversely, we defined a teaching-heavy discipline as one where less than 40 percent of jobs were RI.

## PAY AND HIERARCHIES

Salaries of university staff are highly regulated by collective agreements, so there is little avenue for direct pay discrimination. The WCAU survey showed that at level A, fortnightly median female earnings were 92.6 percent of male earnings; at level B, this gender pay ratio was 93.9 percent; at level C, it was 94.3 percent; at level D, 99.9 percent; and at level E,

97.4 percent. For *mean* earnings, which can be influenced by survey outliers, the ratios were more inconsistent, and some even favored women. The mean gender pay ratios were: at level A, 89.7 percent; at level B, 114.3 percent; at level C, 97.3 percent; at level D, 106.3 percent; and at level E, 104.0 percent.

Overall, on average, female weekly earnings were 82 percent of male weekly earnings. Only part of this gap was due to women being more likely to be employed part-time, owing to domestic responsibilities (we return to these later). Without controlling for differences in other characteristics, it appears that the gender pay gap among academics for people *at the same level* is relatively small, and most of the overall differences in pay are due to differences in the positioning of men and women at different ranks in the academic hierarchy. In short, this is an occupation with a low internal gender pay gap, as women and men in the same organization appear to receive similar base pay for similar work, and an external pay gap is not an issue, as it is in a mixed-gender composition occupation. Yet there is still a significant gap in average pay between men and women.

So we must look to factors that help explain gender patterns in hierarchical positioning. Women were underrepresented at higher levels and proportionately overrepresented at lower levels of university academic staff. But is that all that could be expected in this area given their gendered histories? In short: no. We compared the employment structure in Australian academics with the 2009 employment structure in the Australian Public Service (APS), which also has low regulation distance and a mixed-gender composition.<sup>12</sup> Universities share many characteristics with the public sector, and are more like the public service than they are like private-sector organizations. The public service has a long history of presenting obstacles to women's advancement—until 1967, women were forced to resign when they married—so it is not a high benchmark. More recently, the APS has sought to implement policies aimed at offsetting women's disadvantage.

In both the APS and academia, women's employment declined as they moved up the organizational hierarchy. However, most noticeable was the greater decline in women's representation in academia in senior levels. Women comprised just 26 percent of academics at level D or above, but they comprised 46 percent of executive-level staff in the APS and even 37 percent of the small APS elite in the Senior Executive Service (SES). Women were a majority of the SES in some departments—such as the then Department of Education, Employment



and Workplace Relations (DEEWR), which was responsible for university policy, where they represented 57 percent of the SES.<sup>13</sup> While, by comparison with the SES, women were underrepresented in university managerial elites, underrepresentation was even greater in the senior academic levels. Overall, the data indicated that gender equity in Australian universities among academic staff, as benchmarked against APS employment, was relatively poor. Of course, a more appropriate benchmark would be against a hypothetical even gender distribution of employment, against which academia would appear substantially worse. So, why have men been overrepresented at the higher levels and women at the lower levels of academia?

Broadly speaking, we explain the gender gap in academia in terms of the following. There are gendered differences in the relationship between the domestic and market spheres, which means that women have fewer opportunities to progress—for example, household “responsibilities” preventing women from accessing promotions or social capital through international linkages. Opportunities for entry to and success within the continuing streams appear to be becoming sparse, and this particularly disadvantages those at the bottom—lower-level academics and casual staff, who are disproportionately female. The different behaviors of women and men—with the latter being more likely to promote (to the point of overestimation) themselves, and negotiate for higher pay, than the former—also affect gender outcomes. But attitudes *toward* women also matter. For example, there are major gender differences in harassment experiences, and these appear to influence other outcomes. Other studies suggest that women’s work is valued less: for example, one US study showed that men were tenured at roughly the same rate regardless of whether they co-authored or sole-authored works, but women suffered a significant penalty when they co-authored.<sup>14</sup> Our data found major disciplinary differences in progress through the hierarchies of individual disciplines, and evidence from other sources suggests that attitudes toward women, including by inference the valuation of work undertaken by women, differ notably between disciplines. So despite high regulation of wages, there are multifaceted reasons behind the disadvantages facing women in the sector—and where regulation of wages is weaker (or non-existent, as in bonuses), this provides further opportunities for the advantaging of male over female academics.

## SEGMENTATION BETWEEN AND WITHIN DISCIPLINES

Horizontal gender segregation clearly occurs across disciplines. We can categorize academics into five broad disciplines: science and technology (which include physical, chemical, information and communication technology, engineering, and earth sciences); medical and health sciences; law, business, and justice; education; and humanities, arts, and social sciences (HASS). Typically, men held a greater proportion of academic positions than women in science and technology (34.5 percent women and 65.5 percent men). In contrast, women had higher representation in medical and health sciences (66 percent women and 34 percent men) and in education (67 percent women and 33 percent men). The proportions of women and men were closer in HASS (58 percent women and 42 percent men) and in law, business, and justice (46 percent women and 54 percent men). So, while academics *appear* to be a mixed-gender occupation, in practice, they operate in a series of disciplines that differ in their gender composition. Academic disciplines are a basis for segmented labor markets with different career paths, external transferability, and different patterns of insecurity and marginalization. There is not a single labor market for academics, but rather a series of segmented labor markets organized around disciplines. To varying degrees, people may move in and out of universities while maintaining positions within those disciplines or professions.

Across each of the disciplines the proportion of men who held positions at levels D and E was greater than the proportion of women who were at those levels. Among women, the proportion at levels D and E was greatest in law, business, and justice (21 percent of women in this discipline), but in medical and health sciences, only 14 percent of women were at the senior levels, and in science, it was only 13 percent. In those areas, the gap between women and men was greatest in the professoriate. There is substantial literature internationally on the disadvantages facing women in science,<sup>15</sup> and this applies in fields ranging from astronomy to engineering and computing, and crosses into the private sector.<sup>16</sup>

Role specialization—whether it is TI, RI, or mixed role—is supposedly no barrier to career development, but, in practice, this creates quasi-segments that are difficult to cross: people in RI jobs move to other research jobs (most are fixed term, so insecurity is part of the career path); people in TI jobs move (or get promoted) to other teaching jobs. A mixed role, teaching and research career, requires experience

in both. The barriers are not as strong as between disciplines (hence we call them quasi-segments), but they still exist. STEM disciplines had the great majority of RI academics and hence fixed-term appointments. We found that, in the teaching-heavy disciplines, gender differences in role specialization were only weakly significant (that is, at the 10 percent level). But in the research-heavy disciplines (all of which were STEM disciplines), gender differences were strongly significant. Women were three percentage points more likely than men in the research-heavy disciplines to be in an RI position, which had high rates of fixed-term employment, and they were eight percentage points less likely than men to be in a mixed-role position—the positions with the lowest rates of fixed-term employment. Thus, in research-heavy disciplines in particular, men dominated the mixed-role positions that were most likely to have permanent status. Moreover, there were gender differences (disadvantaging women) in the continuation rates among research staff in research-heavy disciplines, and these could not be explained by differences in age and tenure. We also found that, within the fixed-term RI academic cohort, women were significantly more dissatisfied than men in terms of perceptions about support from supervisors, guidance received in performance reviews, opportunities for leadership, and access to internal research funding.

Women also had fewer opportunities to rise to higher-level positions *within* any role specialization. If appointed to a teaching job, especially in the research-heavy STEM disciplines, we found that they were disproportionately shunted into TI positions with limited career prospects. In the teaching-heavy disciplines, there was a small gap between men and women in the likelihood that their teaching job would be TI. However, in research-heavy (mostly STEM) disciplines, there was a large and significant difference: women in teaching jobs were considerably more likely than men to be streamed into TI jobs with few career opportunities.

The greatest number of senior positions at levels D and E were in academic appointments that were mixed role, and the lowest proportions were found among academics holding TI appointments. Although the proportion of women has increased in mixed-role positions, overall the difference in the proportion of women and men at the highest levels is greater among mixed-role appointments, with 13 percent of mixed-role women compared with 20 percent of mixed-role men at level D, and only

9 percent of mixed-role women compared with 20 percent of mixed-role men at level E. There is also a difference (of eight percentage points) between men and women in level E positions among RI academics. The differences among TI positions are smaller in percentage point terms, but this is because few TI academics hold level D or E positions anyway. Among any of the role specializations, women have about half or less of the probability that men have of holding level E status.

### CAREER ADVANCEMENT AND DISCIPLINE

Three discipline-related factors we have mentioned previously combine to inhibit women's progress, and hence the achievement of gender pay equity. These are: *insecurity* (the tendency within each role specialization for women to be more likely than men to be in fixed-term rather than continuing jobs); *marginalization* (the greater tendency for newly appointed women to be placed into TI or even teaching-only positions, lacking the career opportunities that are available in mixed-role positions); and what we could call *funneling* (the reducing proportions of women with movement into higher academic levels). In various ways, each of these elements appears to be worse in the research-heavy disciplines.

Another aspect of insecurity is casualization. The WCAU survey showed that casual academic teaching is undertaken by a diverse group of people. Their career profiles, and motivations for working on a casual basis, are varied. However, the majority of casual respondents (56 percent) aspired to a future academic position (with slightly more women than men holding such aspirations). A third had applied for a fixed-term appointment and about two-thirds desired a fixed-term appointment that was either full-time or part-time, but over half agreed that casual work was all they could obtain. Only 12 percent of casual academic staff were "casuals by choice"—that is, working casually was their current employment preference—and women were no more likely to be in this group than men. Another 7 percent were over 60 years of age and in the later stages of their working lives, with a slightly greater proportion of men than women in this category.

The lack of access by casuals to resources was also gendered. While access to a work space with a computer was relatively equal between male and female casuals, fewer women casuals than men had access to a suitable space to meet with students or financial support for research. Likewise,

when we asked them related questions, women research academics (both continuing and fixed-term, although the great majority were the latter) reported lower access than men to career support in applying for promotion, guidance in performance reviews, leadership opportunities, or access to internal funding. Accessing these career supports appeared to be more of a problem for women in fixed-term research academics than for women in continuing positions.

The outlook for and experience among casual teaching staff varied substantially by discipline.<sup>17</sup> There was much evidence of frustrated careers among the casual academic teaching staff—that is, those who aspired to be an academic in five years' time and did not expect to be. Especially high levels of pessimism were shown by women,<sup>18</sup> as well as by casuals in female-dominated disciplines (compared with more gender-balanced disciplines). Gendered patterns of career frustration were also evident among fixed-term salaried academic staff: when asked where they expected to be in five years' time, fewer fixed-term academics expected to be at a higher level than permanent academics, and among the latter group, fewer women (33 percent) expected to be at a higher level than men (41 percent), while nearly twice as many women (23 percent) as men (14 percent) expected to be on the same level in five years. Many others expected to leave.

Between the disciplines, attitudes toward women varied substantially. Although we did not directly collect data on this, another study did. It used seven-point scales to measure attitudes such as “men are often more suited than women to do high-level work” in this discipline—scores ranged from 1.7 (linguistics) to 2.9 (computer science) and 3.3 (Middle Eastern studies)—or whether the discipline was being “welcoming to women”—scores ranged from 3.1 (philosophy) to 6.1 (education).<sup>19</sup> Attitudes about whether success in the discipline relied on hard work or innate “brilliance” also varied substantially between disciplines, and this was related to the gender composition of PhD graduates from the field, suggesting that underestimation of individual woman's work was greatest where “brilliance,” rather than hard work, was considered the basis for advancement.<sup>20</sup> However, it is hard to believe that “brilliance,” rather than hard work, is the main factor behind poor female success when long hours in academia are often seen as creating particular difficulties for women (due to domestic responsibilities),<sup>21</sup> and long hours are more of a problem for “hard work” than for “brilliance.” In addition, negative attitudes toward women correlated more strongly with female PhD ratios

than did “brilliance” scores across disciplines; if “brilliance” perceptions determined female PhD ratios, then “brilliance” would be the stronger correlate.<sup>22</sup> Still, that indicator is probably a reasonable proxy for the on-average underestimation of female academics’ work.

We found large disciplinary differences in the rates at which women progressed to higher levels, which may have related both to attitudes toward women and women’s work and toward external labor markets, which might interact in complex ways. For example, information and communication technology had one of the lowest rates of female employment at the most junior level in the WCAU survey, just as Leslie and colleagues found that computer science had one of the lowest rates of female PhD graduation.<sup>23</sup> Yet funneling of women into higher levels was better than in most other STEM disciplines. Outside of universities, this industry is renowned for an anti-female culture—“Gamergate” being one example—and it is one of the few industries in which the female employment share has declined over the past three decades.<sup>24</sup> Despite the drawbacks, women in this discipline might see remaining in university employment as the best means of survival in a field they love, which is nonetheless hostile to women.

### CAREER ADVANCEMENT AND THE DOMESTIC SPHERE

An important gendered barrier to female career advancement is the domestic–work interface. While universities have increasingly enacted “work–family” reconciliation policies (at least partly in response to union pressure), access to and usage of these policies remains an issue. In university employment, particularly for academic staff, research has highlighted a strongly male-dominated culture in which female academic staff (especially mothers) continue to experience discrimination.<sup>25</sup> Studies have also drawn attention to variations in workplace culture across disciplinary divisions in academia, with particular emphasis on the problems encountered in male-dominated or “non-traditional” areas such as science.<sup>26</sup>

Women were less likely than men to have access to international linkages, as evidenced by academic experience overseas (only 19 percent of women had this, compared with 34 percent of men) or receiving help from overseas contacts (44 percent of men, but only 38 percent of women). This lower level of social capital, arising from domestic responsibilities, lowered their ability to gain promotion—for example, among academics

with 10–11 years' tenure, 26 percent of those who had worked overseas were at level E, but only 7 percent of those who had not worked overseas were at level E.

Female academics were more likely than male academics to report that work often or always interfered with their activities or responsibilities outside work, kept them from spending the time they would like with family and friends, and interfered with their ability to maintain connections or friendships in their communities. Women more often reported feeling rushed or pressed for time. Yet there were no gender differences in the reverse type of interference—that is, in whether their personal lives interfered with work activities or time—though women were more likely than men to report that family or caring responsibilities affected specific career opportunities. That is, even if the domestic–work interface did not affect women's relative ability to do their job (a debatable point), it affected their relative ability to advance their careers. And that interface (perhaps in combination with other gendered aspects of work) led to women academics being more rushed or pressed for time and facing other personal life conflicts as a result of work.

In the rest of this section, we focus on respondents with dependent children—that is, mothers and fathers.<sup>27</sup> Among academic staff, mothers were consistently more likely than fathers to perceive problems holding back their careers, and fathers were much more likely than mothers to be neutral. Mothers were more likely to report problems in male-dominated work units, and support in female-dominated or gender-neutral work units.<sup>28</sup> Mothers were more likely than fathers to report missing promotional opportunities and “other” opportunities. Perceptions of missed opportunities varied little for fathers across work unit type, but location in a male-dominated work unit appeared especially disadvantageous for women with children in professional positions. The WCAU data also suggested a more “family-supportive” environment within the professional workforce than within the academic workforce. Whether this was because of the characteristics of the labor force (more female dominated), the alternative labor opportunities (more mobility for professional staff), or the labor process (more hours demanded of academic staff) is hard to judge.

We also asked respondents whether, during the preceding 12 months, they would have preferred a change in working arrangements, and if so, what would that be. Fathers were considerably less likely than mothers to express a preference for shorter hours. Similarly, among

those who indicated a preference for shorter hours, fathers were less likely than mothers to actually request such arrangements. Among those who made a request, fathers were also considerably less likely than mothers to have a request granted in full. Although the data were a little equivocal, the patterns were suggestive both of persistent male breadwinner norms (in the gender differences illustrated) and a more traditional climate (in which family-friendly arrangements were mainly accessed by mothers) in male-dominated work units. As Acker points out, inequalities arise when requirements of work are largely organized around the image of the “unencumbered worker ... [usually a man who] has no responsibilities for children or family demands other than earning a living.” Flexible employment might provide few benefits for workers employed in insecure positions, when compared with those in permanent positions.<sup>29</sup>

## HARASSMENT

Harassment is an important issue. Other literature suggests that harassment (especially sexual harassment) is a key element in the barriers to women’s advancement in STEM, and it might reasonably be expected to hamper career prospects.<sup>30</sup> The WCAU survey did not explicitly distinguish between sexual and other forms of harassment. In the WCAU survey, harassment was more common among women, with 35 percent of female academics reported experiencing it, compared with 23 percent of males. This finding was consistent with other research showing that harassment in science can especially be a problem for women.<sup>31</sup> In the WCAU survey, fewer than half of respondents harassed had made a formal complaint, and a majority of those who had not made a formal complaint stated that it would only have made things worse. Slightly under half of respondents felt it had an adverse effect on their career (a quarter did not know), so in total 15 percent of women and 11 percent of men reported harassment in the preceding five years that they felt had an adverse impact on their career. Only 37 percent of previously harassed academics were satisfied with their career prospects in their current university—well below the 57 percent satisfaction among those not reporting harassment.

Harassment appears also to be related to external labor market opportunities and to be individualized rather than collective. The gender differences in harassment among professional staff were much smaller (half the size of the gender differences among academics) and non-significant,



suggesting that occupational, and not just organizational, effects explain at least part of the gender difference in harassment among academics. This difference in gender effects between academics and professional staff may result from the different gender composition of the two groups: women accounted for just one half (51 percent) of academics, but an overwhelming majority (69 percent) of professional staff. So cultures and behaviors that discriminate against women may be more difficult to sustain in a female-dominated environment. Recorded harassment was higher where workplace culture was perceived as discriminatory; these two things probably reinforced each other. Similarly, recorded harassment rates were 48 percent among women at regional universities—where alternative employment opportunities were fewer—compared with 35 percent at non-regional universities.<sup>32</sup> Among professional staff, however, differences in recorded harassment rates by university type were non-significant. This may have reflected the particularly low external mobility of academics in regional universities.

## BONUSES

An area of pay outside the purview of collective bargaining is bonuses (known as “loadings” in Australia). These can be of three kinds: responsibility, merit or performance, and market. The first are usually transparent (bonuses for heads of departments, deans, and those acting in higher positions are set by policies that specify amounts and attach to the position, not the person). However, the second and third forms are often not transparent, and are usually subject to confidentiality clauses in employment contracts. We examined whether and how these discretionary bonuses (“market” and “performance” bonuses) and higher duties allowances (HDA) were distributed between women and men, and the reasons for such distributions. Nine percent of academic staff received bonuses. Men were much more likely to receive all three forms of bonus than women. The difference was widest for market bonuses, with twice as many men as women receiving these. The gender difference was also significant for performance bonuses (1.8 times) and HDA (1.6 times).<sup>33</sup>

The average *personal value* of bonuses also differed by gender. Again, the discretionary bonuses showed more gender disparity than HDA. This time, however, the male-to-female ratio was higher for performance bonuses than for market bonuses.

Gender differences in market bonuses could not be explained solely by differences in classification level. Other, more influential factors predicting the size of bonuses were located in a business faculty (consistent with earlier research)<sup>34</sup> and university grouping,<sup>35</sup> but gender still explained some differences in market bonuses even after these things were accounted for. Performance bonuses were less overtly gender biased: whatever the effectiveness or overall fairness of universities' appraisal schemes, to the extent that they relied on set metrics that precluded discrimination on the basis of gender, which may have reduced their salience such that the separate gender gap in merit bonuses—*after* controlling for level, discipline, and the like—became non-significant in statistical terms. Still, merit and market bonuses are highly permeable, so reviewing both is important. Further, our results have been aggregated, and averages mask individual figures, so it could well be that universities with non-transparent merit pay systems practice discrimination, and need to review their practices. Part of the problem appears to be that these bonuses are secretive, and hence unaccountable: employees are kept in ignorance of the “zones of negotiability” or “asking zones”<sup>36</sup> for bonuses. These zones clearly set out for all parties the framework and criteria for negotiation, emphasizing that such loadings *are* negotiable, and clarifying the parameters governing both the process and outcomes. Having such information is important, both for existing employees and potential employees. Research suggests that it is only when asking zones are established for all types of bonuses, and where these bonuses are fully accountable, that the possibility arises of a level playing field for female and male employees.<sup>37</sup>

## CONCLUSIONS

Academics is a mixed-gender composition occupation, and one that is highly regulated. There appears to be a low internal gender pay gap as women and men receive the same base pay for the same work, and an external pay gap is not an issue as this is a mixed-gender composition occupation. Yet, despite some progress, many important problems persist that perpetuate male dominance and gender gaps in career opportunities, harassment, and the unregulated component of pay that, between them, perpetuate a gender gap within academia. It appears that men still benefit through the operation of less obvious “faces” of power—that is, they benefit from the seeming power of the idea, even in a highly educated group,

that the domestic sphere is more the responsibility of women than men (Lukes' "third face" of power).<sup>38</sup> They also benefit from rules and norms of decision-making (Bachrach and Baratz's "second face" of power),<sup>39</sup> which make it easier for men to gain bonuses, harder for women to gain the social capital that facilitates advancement, and "easier" for women than for men to achieve "flexibility" in work. The more an aspect of work, such as pay, is governed by gender-neutral external rules (i.e. the lower the regulation distance), the less opportunity there is for male-dominated norms to determine inferior outcomes for women.

Significant gender-related barriers to advancement remain in the interface between the domestic and employment spheres for academics, with work-life interference more of a problem for women than for men, and the domestic-work interface affecting women's ability to advance their careers. Women probably internalized some of the conflicts through greater feelings of being rushed and pressed for time. There also appear to be gendered differences in access to particular resources and, reflecting that domestic-home interface, opportunities.

The findings here highlight the importance of discipline-specific approaches to dealing with the issue of gender equity in academia, so what might appear to be a single mixed-gender composition occupation turns out to be several occupations in many different situations. We found that gendered obstacles to career advancement related, in particular, to the composition of disciplines, including the preponderance of insecure work in research-heavy disciplines. Harassment is an issue that is more common among women than men, and therefore, it has a bigger impact on women's career opportunities than it does on those of men. This appears to be individualized rather than collectively related to market opportunities. In addition, university managements increasingly circumvent the restrictions of pay regulation by using bonuses ("loadings"), and these appear to have gendered consequences, with higher bonuses going to male academics. Ultimately, gender-related barriers to advancement, including those related to the domestic sphere, appear to be the principal contributor to the existing gender gap, as its immediate driver is the uneven proportions of women at higher and lower levels of academia, though the unregulated component of pay also plays a part. Despite highly regulated wages, there are multifaceted structural reasons for the disadvantages facing women academics that are exacerbated where regulation of wages is weaker.

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## Why Do Women at the Top of Organizations Do Worse?

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This chapter looks at private-sector executives, and in particular at chief executive officers (CEOs). This is a male-dominated occupation that has high regulation distance (i.e. it is in cell M2 in Fig. 1.2 in Chap. 1). At first, this group suggests a paradox: women in this occupation have the highest skills and labor market power, yet they are also subject to one of the highest internal gender pay gaps—in other words, there is a large gap between what men and women doing similar work are paid. This chapter shows that the reason for the high gender pay gap is the interaction of labor segmentation and regulation distance. The combination of regulation distance and male domination means that pay and conditions are set without significant reference to external rules (except on some legal rights, such as freedom from harassment), but they are heavily influenced by norms that are shaped by the dominant group: (alpha) males. So, in much of this chapter, we focus on those norms and their influence.

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In the next section we discuss the two features defining the location of this group: high regulation distance, and male domination of the composition of executives and boards. We then briefly explain how the senior executive labor market works, including the importance of norms, before examining some general observations about power, resource dependency theory, and the labor market—and why we might expect women CEOs to be doing well. The section immediately after that discusses the empirical reality—the size of the gender pay gap among high-income earners in general and CEOs in particular. We then consider the four relevant norms and their effects: norms about childcare and family responsibilities, the “ideal manager,” relative pay deprivation, and social behavior—before concluding. Our emphasis is on the Australian experience, but we also draw on international studies.

### REGULATION AND THE EXECUTIVE LABOR MARKET

Executives have very high regulation distance in most, although not all, areas. Almost all CEOs in the private sector are on individual contracts. Almost all are non-unionized—unionization for themselves and their employees would be frowned upon and most union rules would not allow unions to cover senior managers, who are often unions’ opponents. Senior managers and other high-income earners might be exempted from laws such as those relating to unfair dismissal—for example, in Australia, there is a cap (presently around A\$140,000) above which the Fair Work Act provisions on dismissal mostly do not apply. Thus, executives have high regulation distance—among the highest of any occupation. CEOs are still subject to legislative provisions prohibiting sex discrimination. However, sex discrimination in pay is hard to prove, as “performance” can always form a basis for apparent discrepancies in senior-level pay, and each firm only has one CEO, so discrimination there is almost impossible to prove. This is not so, however, with harassment, and more senior female employees, being highly educated with access to information about their rights and the resources to enforce them, will sometimes take action there. A very prominent example in Australia concerned a harassment claim by the publicity coordinator of one of the largest retailers, David Jones, against the firm’s then CEO, a story that ironically ended up with the alleged offender being “paid \$2 million to leave”—more than the settlement paid to the offended claimant.<sup>1</sup>

The milieu in which CEOs operate is very male-dominated. Only 3 percent of the world's largest 2500 public companies have a woman CEO.<sup>2</sup> Men make up 92 percent of the highest paid positions within major corporations.<sup>3</sup> A third of Fortune 500 firms in 2014 had just one female director, or none.<sup>4</sup> Though integration of women into boards is occurring, it is "glacially slow,"<sup>5</sup> particularly in the top-ranked public stock exchange listed companies.<sup>6</sup> Men still control and monitor the recruitment process onto boards.<sup>7</sup> Women directors still experience "glass ceilings"—or, perhaps more accurately, "sticky floors."<sup>8</sup>

CEO pay is heavily influenced by organizational size,<sup>9</sup> the asymmetric nature of the "bargaining" relationship,<sup>10</sup> and social norms that are operationalized as seven important behavioral rules.<sup>11</sup> These have been summarized as: the status of a corporation is influenced by that of its CEO; the ability of CEOs to extract rents is influenced by their social capital; CEO pay is heavily influenced by relative pay deprivation; institutions emerge to facilitate the operation of asymmetric bargaining; the incentive structure of executive pay adjusts over time to minimize downside risk, justify high growth, and deflect shareholder concerns; different norms shape pay in different segments, consistent with labor market segmentation theory<sup>12</sup>; and the ability of CEOs to push pay upward is contested.<sup>13</sup> Many of these simply reflect the class power of CEOs, but some have potential gender dimensions, highlighted by the importance of social capital, relative pay deprivation, and segment-specific norms. Norms are extremely important in understanding CEO pay and how it is gendered.

## POWER, RESOURCE DEPENDENCE, AND LABOR MARKET POWER

Power in the employment relationship is exerted through a range of factors, including gender<sup>14</sup> and class.<sup>15</sup> Our focus is on how these two interact among elite women and how the resultant paradox can be explained.

A useful starting point is resource dependency theory, developed by a range of writers, including Emerson, Williamson, Pfeffer, and Salancik, and more recently, Nienhüser and Salas-Porras.<sup>16</sup> The core notion is that whoever controls resources has power over those needing access to those resources.<sup>17</sup> Following Weber,<sup>18</sup> these writers argue that the greater the dependency of A upon B, the more power B has over A. Thus workers in strategic positions have more bargaining power than low-skilled workers if

they take strike action, because the company is more dependent upon the former's resources. Those who possess "labor market power" have skills or knowledge that an organization may need. Whether they negotiate individually or bargain collectively, those with high labor market power will be in a better position to extract gains from their employer.

People in senior managerial and executive jobs rightly can be said to possess the highest labor market power. They have personal resources and skills to which others require access and for which they are willing to pay high amounts. This applies despite argument about the relationship between skill and pay at such levels,<sup>19</sup> and widespread dissatisfaction among citizens at the pay achieved.<sup>20</sup> Indeed, that they are able to achieve such high remuneration in the face of heavy cynicism is suggestive of a strong role for power in explaining their rewards.<sup>21</sup>

Although women are disadvantaged in the labor market,<sup>22</sup> women in senior positions undoubtedly are the women with the highest labor market power.<sup>23</sup> The gender pay gap is a symptom of the inequality in power and resources between men and women.<sup>24</sup> Accordingly, we might expect that the gender pay gap would be the least for women with the greatest labor market power. That is, the pay of women in senior executive or managerial positions would most closely match that of men in comparable positions.

### THE GENDER PAY GAP AND WOMEN AT THE TOP

Despite the strong labor market position of women CEOs, senior executives, and managers, data indicate that the gender gap is often wider than for other groups.<sup>25</sup> As a benchmark, among non-managerial employees, the hourly earnings of non-managerial Australian female workers were 11.0 percent lower than those of men in 2008.<sup>26</sup> Yet in 2008, the earnings of Australian women senior executives were 28–39 percent below those of male executives.<sup>27</sup> More recent data show that, among top managers, there was a considerably higher gender pay gap in the private sector (21.3 percent) than in the public sector (12.2 percent),<sup>28</sup> consistent with the concept of regulation distance.<sup>29</sup> The top Australian female CEO, Gail Kelly (of Westpac Bank), was paid \$9.1 million, when the top male Australian CEO, David Gyngell (of Channel Nine), received \$19.6 million.<sup>30</sup>

The gender gap is higher at the top end of the earnings distribution in Australia,<sup>31</sup> and in 9 out of 11 European countries.<sup>32</sup> Bivariate comparisons using data from 5321 companies suggested that, in Europe, the gender pay gap among executives ranged from 6 percent

(in Belgium) to 22 percent (in Germany).<sup>33</sup> In the United Kingdom, Geiler found among listed firms a statistically significant gender gap in remuneration of 13 percent among executives—the effect size for the gender gap among CEOs appeared larger but was only weakly significant—while Kulich et al. found a 19 percent gender pay gap among executive directors.<sup>34</sup> The higher the wage, the higher the income gap between the sexes.<sup>35</sup>

The internal pay gap also appears to be related to the gender composition of a specialization. Remuneration consultants Mercer have a database of 200,000 records from 560 companies and encompassing 750 jobs across 25 levels in Australia. It indicates that, in 2015, female-dominated roles such as marketing, human resources, and retail were valued at around 14 percent less than male-dominated jobs of similar “job size” in areas such as supply chain, logistics, and manufacturing.<sup>36</sup> Within female-dominated roles, women earned 4.4 percent less than men performing the same roles, while in male-dominated roles, the gap was almost 10 percent.<sup>37</sup> Regression (but not bivariate) analysis of 2015 Workplace Gender Equality Agency (WGEA) data suggested that more male-dominated industries also had higher gender gaps among managers.<sup>38</sup>

## NORMS ABOUT CHILD AND FAMILY CARING RESPONSIBILITIES

Norms about caring responsibilities reduce women’s opportunities to “perform” highly. Although norms vary between countries, to varying degrees, they demand that women have the chief responsibilities in family care. Australian data show that, in the labor force as a whole, having children leads to a major reduction in women’s earnings, but not in men’s.<sup>39</sup> Among professionals, having children puts women at a disadvantage as primary child-carers and domestic workers.<sup>40</sup> Executive women have to satisfy their board and peers that work is their priority over the family, while men are rarely asked. Male board members, ironically, may feel they are protecting women by not appointing them to demanding jobs. Women in many male-dominated occupations have to prove themselves more than men<sup>41</sup>; they need to meet masculine norms such as full-time availability, participation in night-time training sessions, acceptance of long working hours, and a willingness to travel for career purposes.<sup>42</sup>

The concept of the “mommy track”<sup>43</sup> describes a situation whereby women in senior positions, after having a baby, may request part-time

jobs—and since most senior positions are not available part time, they end up in lower-level roles. Mothers seeking part-time or more flexible working hours can “be shunted off the main track into a side-track,” which it is then hard to get off.<sup>44</sup> Martin described this stereotype as reflecting “paternalistic masculinity”: the belief that women will have trouble managing demanding jobs, as their role is seen to be taking care of the children.<sup>45</sup> Senior women may experience their working environment as hostile and incompatible with domestic and caring responsibilities.<sup>46</sup>

The problem is not only of women’s opportunities to be seen to have performed, but also of the way care responsibilities affect men’s perceptions regarding how well women *do* and *will* perform. Having care responsibilities does not meet the requirement of an “ideal manager,” and therefore rules many women out from senior management positions. As Yvonne Due Billing states, “an attractive candidate for a managerial job is constructed as an individual who is willing to accept the rules of the game,”<sup>47</sup> including regarding travel, working hours, and on-call availability. Otherwise they are not considered “competent.” Many senior managerial women are therefore childless.<sup>48</sup>

### NORMS ABOUT THE AGGRESSIVE “IDEAL MANAGER”

The image and ideal practices of managers appear to be characterized by a stereotypical notion of masculinity,<sup>49</sup> affecting how women are promoted and rewarded. Several studies have illustrated how the large numbers of male managers influence the few women in senior positions, and have investigated relations between power, management, and masculinity.<sup>50</sup> “Competitive masculinity” sits in contrast to “paternalistic masculinity,” mentioned above as emphasizing the different roles of men and women outside the workplace. Instead, “competitive masculinity” emphasizes stereotypical traits of males in the workplace. It involves ranking individuals according to their perceived competitive or productive competence—that is, their perceived ability to compete within the workplace in masculine-defined terms.<sup>51</sup>

Business organizational practices reflect biases within society but are made worse by the “inherently masculine” nature of business.<sup>52</sup> Managers and senior executives may represent themselves as “hard men,” displaying highly autocratic management styles.<sup>53</sup> Women who wish to assume senior positions need to exhibit masculine performance traits such as toughness and ruthlessness to be acceptable; this may be difficult, and could damage

their sense of self.<sup>54</sup> So it is that women in senior managerial positions are, as Wajcman says, expected to “manage like a man”—and they do.<sup>55</sup> Militarism and warfare may be prominent in the discourse, drawing on military experiences when there is an organizational problem and emphasizing control.<sup>56</sup> Being a senior manager often encompasses victory, competition, and control as performative components.<sup>57</sup> The masculine image takes a variety of forms, such as being tough, independent, indestructible, and impenetrable.<sup>58</sup>

For those few female managers, there are special norms that constrain their behavioral options. Naomi Wolf argues that the “Beauty Myth” is pervasive in business.<sup>59</sup> Successful women are referred to in press releases by reference to their physical appearance as “attractive,” “gracious,” and even “funnily enough, very good looking.”<sup>60</sup> However, the inconsistencies run deeper. Aggressive men show “initiative,” but women managers who emulate male aggressiveness are portrayed as too “pushy,” and women who do not behave in this way are deemed not assertive enough.<sup>61</sup>

### NORMS ABOUT RELATIVE PAY DEPRIVATION

A key factor shaping CEO pay is the idea of relative pay deprivation: executives attach great importance to relativities<sup>62</sup>; they typically believe that they *are* above average,<sup>63</sup> and hence deserve to be *paid* above average,<sup>64</sup> generating “leapfrogging.”<sup>65</sup> Studies have shown that women and men negotiate differently, particularly in relation to money, meaning that women are likely to undersell themselves, relative to men, if negotiations take place.<sup>66</sup> According to one writer, “manifestations of hubris—often masked as charisma or charm—are commonly mistaken for leadership potential, and ... these occur much more frequently in men than in women”—that is, a disproportionate number of incompetent men become managers, or get paid more for being managers, than similarly competent women.<sup>67</sup> As a result of these supply-side influences (in contrast to the demand-side influences discussed in the previous section), men end up assessed as superior performers. Much of this behavioral difference likely arises from socialization processes.

### NORMS ABOUT SOCIAL BEHAVIOR

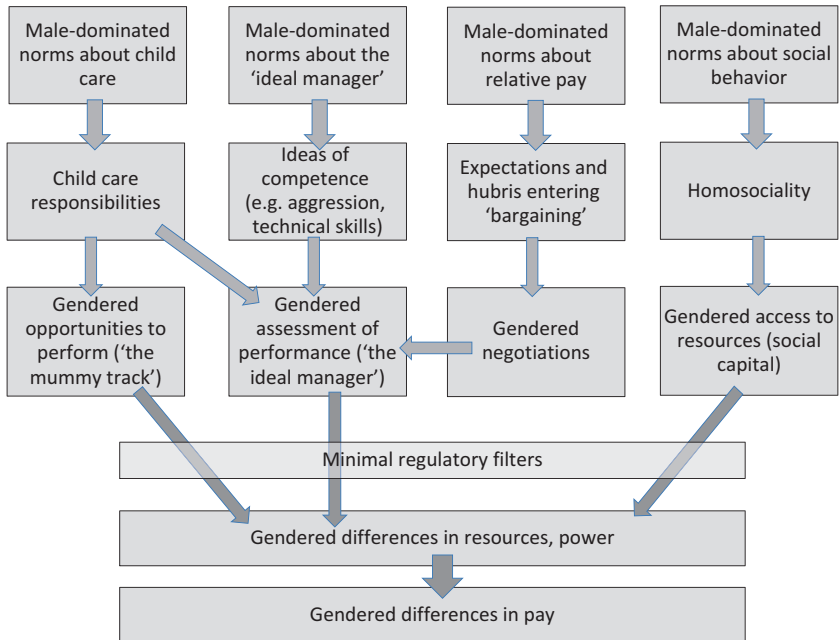
Research shows that a “social circle premium” is a component of CEO compensation.<sup>68</sup> CEOs with more golfing contacts among other local CEOs have higher CEO pay. So do those who display luxury mansions

or those who are in firms with directors who also serve on other boards in the same social circle; this enables them to create common understandings of the local pay norm. In short, the social capital of directors and executives shapes CEO pay, and helps explain why CEO pay races well above community norms and is not adequately explained by performance of the firm.<sup>69</sup> The resources and information to which CEOs have access within the corporation, their connections or networks with other CEOs and directors, and the norms that dominate the executive milieu help prevent “arm’s length bargaining”<sup>70</sup> in executive remuneration.

Male executives prefer the company of other males, and their use of masculine models, stereotypes, and symbols in management is taken for granted.<sup>71</sup> As a result, women are less integrated into executive “old boys” networks through clubs, schools, and the like.<sup>72</sup> They are less likely to advance through executive ranks than men, due to their relative lack of social capital.<sup>73</sup> Although networks and mentoring are seen as paths to advancement, including for women,<sup>74</sup> there is little evidence of females interlocking in “female” networks,<sup>75</sup> while “white male incumbent directors [provide] white male in-group first-time directors with relatively more mentoring.”<sup>76</sup> Powerful men may subtly deny women resources or training initiatives.<sup>77</sup> Meanwhile, those few women who are directors may be overwhelmed by the largeness of the task of mentoring other women and the demands on their time (“we need a woman on this panel”), although most still want to support other women<sup>78</sup> despite the unwarranted stereotype of the “queen bee.”<sup>79</sup>

## DISCUSSION AND CONCLUSIONS

At the beginning of this chapter, we pointed to a paradox: that female senior managers possess high skills and high labor market power, yet experience some of the highest gender pay gaps. This happens because, due to high regulation distance and male domination, pay is set internally, mostly free from the influence of external pay rules, such that it is shaped by norms determined by, or at least in the interests of, males. The four norms that are crucial here are male-dominated norms about care and family responsibilities, male-dominated norms about the “ideal manager,” male-dominated norms about social behavior, and male-oriented norms around pay expectations. These norms, in turn, create gendered opportunities to perform, gendered assessments of performance, and gendered access to resources. With minimal regulatory filters, these gendered processes create differences



**Fig. 10.1** Influences on gender pay differentials among senior executives

in power that in turn lead to significant gender differences in pay—despite the seemingly high level of personal power resources possessed by women in this class. The phenomenon is depicted in Fig. 10.1.

The power resources<sup>80</sup> available to both men and women in senior positions help to explain pay and gender gaps among CEOs. The social capital possessed by CEOs, their norms and mores are among the resources that determine their remuneration, and gender differences in access to those resources, influenced by the male domination of senior ranks, are critical. The power resources on which executives effectively draw include the norms of the executive reward system. These norms constitute part of what Lukes<sup>81</sup> would call the “third face” of power. These norms are highly gendered. While earlier research has identified seven behavioral rules describing the norms that shape executive pay,<sup>82</sup> we can add an eighth: gendered images of the “ideal manager,” and patterns of social interaction, caring responsibilities, and relative pay expectations influence executive pay outcomes.



Normative models of “leadership” disadvantage women. Harassment is still seen in business.<sup>83</sup> It can be explicitly sexual, but is often simply gendered—that is, reflecting discrimination against women, rather than sleaziness.<sup>84</sup> Discrimination is much easier when women constitute a minority, and so the norms of the milieu are predominantly male. As mentioned by one female remuneration consultant, “simple discrimination on pay is often the reason behind salary differences, but there are [also] other factors at play.”<sup>85</sup> In the end, these male-dominated norms, and the absence of external pay regulation, enable pay discrimination to occur. Organizational practices and processes based on gender reproduce the pervasive and persistent structuring that creates gender inequality in senior positions.<sup>86</sup>

While the norms in the determination of executive remuneration particularly disadvantage women, the context is one in which state regulation is minimal. While senior women have considerable labor market power when compared with other women, the intersection of high regulation distance and a male-dominated labor segment characterizes their occupation. This combination provides the maximum opportunity for the values of those in power—men—to determine the rules by which the pay of executive women is set.

That said, as we saw in Chap. 2, class still outweighs gender. The gap between high-income women and low-income women has widened.<sup>87</sup> Leading businesswoman Janet Holmes à Court said, “I see glass ceilings imposed on people because they have the wrong accent, for example, or because they have been to the wrong school or university. It is not only women who are prejudiced against.”<sup>88</sup> We may not feel the need to pity the well-paid executive woman when we know that a deeper issue is the remarkable excess that executive men have, but we do need to understand the reasons for differences in their pay rates.

The resources that are controlled by men and women cannot be conceived simply in terms of the human capital, organizational position, financial capital, or even class background of those concerned. Norms are a resource enabling the exercise of power.<sup>89</sup> Social capital possessed by members of organizational elites—the connections they possess with other “influentials,” and their ability to mobilize those networks for their own benefit—along with the norms and values embedded in their social circles are resources that they control which are critical in shaping the degree of power individuals exercise and the outcomes they achieve. Their significance is heightened in a male-dominated occupation that is distant from regulation.

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## A Comparison of Australian and Indian Women Garment and Footwear Homeworkers

*Annie Delaney*

Women predominate in the labor-intensive global production supply chain of garments and footwear. In India, women homeworkers, living in small villages, work from home stitching shoes for global brands. Yet firms commonly fail to acknowledge their presence in supply chains. They face regulatory barriers, and are rarely acknowledged by employers, unions, or the government. The picture in Australia shows important parallels and differences. Women garment homeworkers are recognized by law, are deemed employees, and are acknowledged by unions, non-governmental organization (NGO) labor-rights groups, employers, and the government. However, they still face significant barriers to accessing rights and protections. Both Indian and Australian homeworkers experience marginalization linked to gender, race, and class. They are part of a highly segmented workforce for global and Australian brands that rely upon women's labor. Both groups face challenges to develop collective strategies to improve their conditions and work security, and to have their voices heard.

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Using this comparison of situationally different types of homework, this chapter's aim is to draw out the invisibilization of homework as a contributor to gender inequalities. The focus is on categories of informal homework in a highly gender-segmented workforce that experiences high regulation distance. Work invisibilization occurs in distinct social spaces of global and national supply chains.

Feminist scholarship on homework has emphasized how women have always performed paid work at home.<sup>1</sup> Yet an ideological separation of home and work has made women's paid and unpaid economic activities both invisible and undervalued. Given the multiple inequalities experienced by women homeworkers, invisibility is a key factor contributing to gender inequalities in homework. Building on the concept of invisibility, this chapter explores how the manifestations and effects of invisibilization contribute to women homeworkers' work being hidden, negated, not counted, and undervalued. But what is meant by invisibilization?

Since early industrialization, homework has been denied as work. It has always been made to seem invisible in the supply chain, not because it physically cannot be seen but rather because leading actors—global brands, local manufacturers, and civil society—have denied the value of women producing goods from their homes.<sup>2</sup> Corporations have used various strategies to negate homework's presence, assigning the work lesser value or depicting it as non-work. Firms engage in euphemisms, such as *renaming* homeworkers as seasonal workers, or “just housewives,” to make them seem a less significant part of the supply chain workforce or to appear as non-workers.<sup>3</sup> Lack of recognition means the state fails to provide rights and protections, leaving homeworkers to market forces and private regulation. Likewise, unions and NGOs may avoid homeworkers' organizing. A lack of recognition and inadequate rights contribute to the invisibilization of homeworkers, as reflected in the processes and discourses of capitalism and patriarchy.<sup>4</sup> The relationship between production (paid labor) and social reproduction (activities and services outside the production process commonly performed by women workers, such as housing, health, education, unpaid housework, and reproduction) contributes to the undervaluing of women's work.<sup>5</sup>

This chapter addresses gender gaps by exploring invisibilization (rather than invisibility), consistent with the invisibilization literature.<sup>6</sup> Invisibilization here is defined as a process that occurs through sociopolitical forces and associated discourses that render types of work categories as non-work.<sup>7</sup> While invisibility is one possible outcome of invisibilization, invisibilization incorporates processes that enable work to be defined as non-work and workers as non-workers.

The chapter draws from fieldwork, interviews, organizational documents, and media reports conducted in Australia over the years 1994–2015, and interviews in India with homeworkers, NGOs, small contractors, and Indian manufacturers in the South Indian state of Tamil Nadu conducted between 2011 and 2015. The data highlight how little attention has been given to the voice of homeworkers and demonstrate how this contributes to making these women workers fully or partially invisibilized. Even though the objective conditions of Indian and Australian homeworkers differ with respect to regulation and recognition in the supply chain, both experience varying degrees of invisibilization.

### INVISIBILIZATION

Invisibilization refers to the processes by which certain jobs or occupations (such as caring and service work) and certain employment modes (such as casual, temporary, or voluntary work) are diminished, renamed, or recast in such a way that they are redefined as different from proper paid “work.” Thus homework is *denied* as “work” and made to look like non-work (which may be unpaid or poorly paid, and less regulated).<sup>8</sup> Invisibilization is the most extreme form of regulation distance, defining a type of work as outside the regulation and even the meaning of work. “Invisibilization” and the “denial of work” are terms used synonymously,<sup>9</sup> but in this chapter, “invisibilization” is used.

The invisibilization of work literature refers to precarious and devalored work, where workers have little or no power or collective identity.<sup>10</sup> Arising from neoliberal globalization, invisibilization justifies working conditions that are not associated with traditional forms of work.<sup>11</sup> The concept of invisibilization thus has parallels with the precariousness literature, which attributes changes from standard work to particular structural and institutional arrangements, such as low labor regulation and union decline.<sup>12</sup> Critical social and power relations are due to political, economic, and regulatory processes.<sup>13</sup> The permeable boundaries of work and non-work are the product of social relations. If new work is unrecognized by official definitions, then new forms of invisibilized work are created. The concept of invisibilization goes beyond categorizing and describing specific conditions of work, and takes into account the power relations that produce it. Invisibilization affects many workers, but is disproportionately related to gender, class, and race.<sup>14</sup>

Invisibilization may be revealed where full-time workers work alongside labor-hire employees, casual workers, volunteers, or workers recruited through welfare schemes, doing similar work with different conditions and rights.<sup>15</sup> A documented example was New York park workers, consisting of full-time workers, workers on welfare schemes, and volunteers.<sup>16</sup> Full-time park workers were employed under standard arrangements, protected by labor laws and unions, while the others carried out the same work as the full-time workers, but had varying levels of remuneration, conditions, rights, and representation (union membership for other than full-time workers was limited). These trends blurred paid and unpaid work arrangements and worker identity, with the effect that many workers were not recognized as workers—they were invisibilized.<sup>17</sup>

The literature contemplates a continuum that includes partial and full visibilization. Full visibilization refers to the complete valorization of work, including worker rights and recognition, whereas partial visibilization falls somewhere in between invisibilization and visibilization. Domestic work in Brazil provides an example of partial visibilization.<sup>18</sup> Some work visibilization has been achieved via regulation, worker representation, and recognition through government policy.<sup>19</sup> However, there continue to be a range of inequalities in terms of pay, relationship with employer, working conditions, rights, and protections, and these factors provide parallels with invisibilization.<sup>20</sup> That domestic work takes place within the private sphere, constructed as the female domain, has contributed to a failure to address the inequalities entrenched by class, gender, and race, and perpetuated by the master–servant relationship inherent in this work.<sup>21</sup> These factors limit workers' capacity to identify and be recognized as workers. They devalue work, misrepresenting it as the innate work of women, and further diminishing women's capacities to seek support, to recognize their own status as workers, or to assert their legal rights.<sup>22</sup>

## THE PROCESSES OF INVISIBILIZATION

The invisibilization literature has links to that on precariousness, which relates to concepts of neoliberalism and globalization.<sup>23</sup> Globalization provides firms with opportunities to access new product and labor markets. However, it also creates greater vulnerabilities for workers. Outsourcing and subcontracting are key features of global supply chains.<sup>24</sup> The practices associated with outsourcing and subcontracting, mingled with narrow constructions of work and workers, frequently result in marginalizing informal workers.

Homework has been present in supply chains for a long time, and continues to be closely integrated within contemporary globalized markets. Homework typifies the patterns of institutionalized separation of home and work, and gendered and racialized patterns typical of neoliberal globalized markets. In those, suppliers to national and multinational corporations reduce their overheads and economic risks by transferring the pressures of prices and tight deadlines imposed by buyer-firms onto their most vulnerable workers. This invisibilization literature provides an analytical tool to examine how this pattern is perpetuated.

Invisibilization is brought about via social relations and discourses embedded within current sociopolitical, economic, organizational, and regulatory environments.<sup>25</sup> Invisibilization is legitimated by corporate organizational discourses that diminish women's work contribution and status.<sup>26</sup> Workers internalize these messages. When workers accept a devalued perspective of their work and themselves, it affects their ability to associate and collectivize.<sup>27</sup> Simultaneously limited by a lack of agency and associational power traditionally gained through unions,<sup>28</sup> these workers are less likely to join with colleagues to act on feelings of injustice.<sup>29</sup> Despite this, there are examples where workers have collectivized without unions. However, the devaluing of work perpetuates the lack of recognition of these marginalized groups in society,<sup>30</sup> and diminishes workers' capacity to form collective structures.

Regulation and labor laws may favor or confer power on some social actors—for example, corporations and business entities. Regulatory environments may be weaker in some jurisdictions, and firms may choose the most favorable regulatory environment for their purposes, at the expense of working conditions and worker rights.<sup>31</sup> The state reduces the number of domains of its responsibility<sup>32</sup> and allows capital to act without regulatory consequences, thus safeguarding the dominant interests of business.<sup>33</sup>

Invisibilization may also be manifested in how firms respond to external pressures to behave socially “responsibly.” We can see this in the reports of child labor in the soccer ball and leather sectors in Pakistan and India. One response by brands may be to accept homework as a part of the supply chain or “tolerate” it, and continue to ignore the poor working conditions, resulting in no changes for the workers. Alternatively, corporate brands might ban homework. This often leads to the women workers losing work or accepting lower-paid and more precarious work.<sup>34</sup> Where brands have required suppliers to establish stitching centers so that work can be monitored, this has led to the work shifting to men. When

stitching centers were established, there was little attempt to work from the bottom up, particularly with the homeworkers. The women's capacity to travel from their homes to work is limited due to their social reproductive responsibilities, forcing the homeworkers to go further underground and to accept even lower piece rates, and to further rely on their children to help them.<sup>35</sup> These two responses bring about similar results in that workers are no better off; invisibilization occurs due to the social relations and discourses of capitalism.<sup>36</sup>

### BACKGROUND TO HOMEWORK IN AUSTRALIA AND INDIA

To apply the insights of invisibilization to the case of garment and footwear homework in Australia and India, this section explores the background and regulation context in relation to homework as a subcategory of informal employment.<sup>37</sup> It is characterized by the absence of secure contracts; precariousness; a lack of worker status; a lack of work benefits, including social protection; and difficulty in accessing protections and rights.<sup>38</sup> As mentioned previously, women are overrepresented in homework. Engagement in caring roles and domestic duties may preclude women from obtaining formal employment on a regular or full-time basis, so the need to earn an income to support their families can force them into accepting more precarious part-time, casual, or informal work. While there is some evidence regarding voluntary entry into informal work, others have argued that workers who have no viable alternative in the formal sector cannot be said to have entered the informal employment voluntarily.<sup>39</sup>

In the Australian garment sector, homework is also known as "out-work," and has been present since colonization. A key factor shaping this sector was a series of reductions in industry protection. Paradoxically, while recorded employment in the sector fell because of policy changes, garment production increased; this was attributed to the growth in the number of homeworkers.<sup>40</sup> This revived a debate within the relevant union about the elimination versus protection of homeworkers. The union estimated that there were 329,000 outworkers,<sup>41</sup> though this number would have declined drastically since the rapid increase in offshore sourcing over the last decade. The profile of homeworkers was ethnically diverse, with campaign materials provided in 11 languages. This reflected the characteristics of the garment industry, which historically had relied upon migrant and refugee women.

As self-employed or independent contractors, Australian homeworkers saw their worker status as ambiguous.<sup>42</sup> It was difficult for them to identify as workers. This presented greater challenges than experienced by formal workers to join a union and to secure legal and social protection.<sup>43</sup> The homeworkers reported earning as little as \$2.00 an hour and were subject to excessive work hours, often seven days a week. Tight deadlines and constant pressure by subcontractors and middle persons contributed to their feeling that they had to work on demand just to earn a minimal wage.<sup>44</sup>

In many instances, homeworkers could not identify their ultimate employer, as they were working on the bottom rung of long supply chains. Nor did they have a workplace context to develop collective understandings and solidarity with co-workers.<sup>45</sup> Isolation was prevalent, and they remained marginalized due to work location, gender, race, and class.<sup>46</sup> Australian out-work thus shared the characteristics of homework around the world.

In India, the leather footwear industry has produced shoes for the export and domestic markets from the mid-nineteenth century onward. Since colonial times, key footwear production clusters have existed from Chennai to Ambur in Tamil Nadu, South India. In the 1970s, government policy encouraged the industry to increase its export focus. Government liberalization policies facilitated financial support for the industry, deregulation of the labor market, reductions in rules for foreign investment, and a rapid increase in special economic zones and leather and footwear production clusters.<sup>47</sup> The weakening of labor laws, a diminished labor inspectorate, and increased militancy of employers, alongside a limited welfare net, left workers and unions more vulnerable.<sup>48</sup> An estimated 90 percent of the manufacturing workforce is employed under informal employment arrangements, with many people employed as contract workers in factories and many more working in small workshops and based at home. These workers are commonly referred to as “unorganized workers.”<sup>49</sup>

The workforce has become more gender segmented, as women are over-represented in the most difficult and lowest paid jobs. Workers are drawn from *dalit* communities (previously known as “untouchables”), Muslim communities, and other backward castes (OBC) (low levels of the Hindu caste system), where many thousands of women are engaged in hand-stitching leather shoes mainly for export in a rapidly expanding industry.<sup>50</sup> The leather footwear industry is dependent upon homeworking. Hand-stitching of shoes takes place alongside other factory-based machine production, with many styles of men’s shoes for US and European brands requiring hand-stitching. This is common for homeworkers around the world.<sup>51</sup>

In Ambur, there are dozens of villages where women wait for intermediaries to deliver leather uppers for men's shoes. These intermediaries, many in the same villages, distribute work each day for large factories. People previously had worked in agriculture, but the land and rivers became polluted by tanneries and footwear factories. With fewer employment options, many took up work in the leather sector. There, women predominate in factories and are the entire home-based workforce.

### HOMEWORKERS IN AUSTRALIA

Regulation of homework in the Australian garment supply chain began in the late 1980s, with the inclusion of "outwork" clauses in the Clothing Trades Award (the Award) to make principal companies take responsibility for the work conditions of homeworkers.<sup>52</sup>

The Textile, Clothing and Footwear Union of Australia (TCFUA), Asian Women at Work (AWatW), and the FairWear Campaign (FairWear) collaborated from the early 1990s to strengthen key mechanisms to protect garment homeworkers.<sup>53</sup> Community campaigning focused on improving regulatory mechanisms, working directly with homeworkers and pressuring retailers and manufacturers to take responsibility for work conditions of homeworkers.<sup>54</sup> The FairWear Campaign focused on the exploitation of homeworkers and raised public concern around "sweatshop" conditions tainting the fashion industry. The combination of increased public awareness, high-profile protests at retail outlets, and heightened media attention placed the retailers and fashion brands under considerable pressure to sign on to a voluntary Homeworkers Code of Practice (HWCP) (now run by the accreditation body Ethical Clothing Australia).<sup>55</sup>

Following years of advocacy for corporate and government action on sweatshop conditions, a set of regulatory mechanisms to regulate the garment supply chain was put in place.<sup>56</sup> This included the Award, homeworker-specific state legislation, federal homework legislation, and the voluntary HWCP (the Code).<sup>57</sup> This suite of regulatory mechanisms stands out as world best practice.<sup>58</sup> The mechanisms are interdependent and cross-referential. For example, employers who seek accreditation via the Code must provide evidence of supply chain records, demonstrating that each subcontractor is providing homeworkers with award wages, superannuation, and worker's compensation insurance.<sup>59</sup> If not signatories to the Code, they are subject to related award obligations.



There is homework-specific legislation in most Australian states—for example, the Industrial Relations (Ethical Clothing Trades) Act 2001 (NSW).<sup>60</sup> The federal government funded the Industry–Union Code Committee and the Ethical Clothing Australia Accreditation Scheme. National legislation was passed to align the national labor law to similar state homework-specific legislation.<sup>61</sup> The Fair Work Amendment (Textile Clothing Footwear Industry) Act 2012 passed despite strong opposition from the Australian fashion industry. This legislation has remained under constant threat, with succeeding conservative governments vowing to repeal it in the context of industry hostility to increased regulatory obligations. National and state government inspectorates adopted a light-touch approach to compliance monitoring, leaving the TCFUA as the prime monitor of regulatory compliance. The TCFUA strove to improve and protect the legislative mechanisms in place, and engaged on homeworkers’ issues, but its focus was less on collective organizing strategies.

Sustained campaigning over two decades at the national level highlighted exploitative practices in the industry, and secured the political will to strengthen regulation and support initiatives such as the Code. Homeworkers’ leaders became advocates in campaign activities that provided an avenue for homeworkers to develop broader skills and knowledge, and to participate in shaping the campaign and policy direction. For example, homeworkers’ leaders attended meetings with the federal government in Canberra to directly relay their needs regarding regulation.<sup>62</sup> Afterward, one said:

We are happy that through these new laws retailers and our bosses will have to face greater responsibility for providing fair wages and conditions for us, and the union and industrial inspectors will have more tools to sort out the problems that trap us ... (Dung, homeworker, 2011)

Securing award legal minimum wages and work conditions for homeworkers remains a significant challenge, since recent reports indicate that the majority of homeworkers are still receiving significantly less than the legal hourly pay rate.<sup>63</sup>

A more recent study of homeworkers shows that the average pay is equivalent to one-third of the minimum hourly wage, and only 14 percent of those surveyed received sick pay,<sup>64</sup> indicating that little progress has been made by the industry to address inequalities experienced by homeworkers. Australian brands continue to relocate production to China,

India, and Bangladesh, among other places, where there are few international standards or regulatory obligations. External monitoring of these supply chains by NGOs, unions, or other bodies there is difficult.

## HOMEWORKERS IN LEATHER FOOTWEAR IN TAMIL NADU, SOUTH INDIA

There are an estimated 20,000 homeworkers in the Ambur area. When walking around many of the villages in this region, homework is a very visible form of work. Yet there is little acknowledgment by brands, manufacturers, or the government of its existence. Homeworkers describe very low piece rates: they earn an average of 6 rupees a pair of shoes and usually make 10 pairs per day, which gives them an average earning of 60 rupees a day (less than A\$1.00).

While all homeworkers there do the same work—sewing the uppers of the shoes—there is some variation in the way in which it is distributed. It is rare for factories to distribute work to homeworkers directly; usually contractors and intermediaries do this.

Many homeworkers in small villages expressed gratitude for having the work, but all were vulnerable in having no legal entitlement to ongoing work. Many were concerned that if they tried to demand a better piece rate, they might lose their work supply. The homeworkers generally did not have much knowledge of the rest of the supply chain, and did not feel empowered to claim any rights:

We don't have any rights ... if we have problems we women just get together and talk, that is all ... I don't know anything about the company. I am just at home doing this work. (Homeworker interview, 2011)

Homeworkers were not aware of any union or labor NGOs that could assist them. One NGO began to work with them, but it lacked understanding of the power relationship within the supply chain, and also lacked the capacity to support women leadership or to mobilize the workers.<sup>65</sup> Homeworkers are also largely ignored by the state, even though employees of the footwear factories are entitled to receive the legal minimum wage and to have their employer contribute to the government Employees' State Insurance (ESI) scheme (health benefits) and Provident Fund (PF) (retirement fund). Homeworkers working for the same company as factory workers are not entitled to either ESI or PF contributions. Although they

technically could register with the government's Tamil Nadu Footwear and Leather Goods Manufactory and Tannery Workers Welfare Board, to receive the lesser accident insurance and educational assistance for children provided by that board, they are generally unaware of this entitlement. While the national Indian Minimum Wages Act 1948 includes outworkers in its definition of employees, there was no evidence of the homeworkers in Ambur being paid piece rates equivalent to the relevant minimum wage, nor of any efforts by the state to monitor or enforce this.<sup>66</sup>

While the image presented by this industry is of an irregular and marginal workforce, the evidence suggests otherwise. Women stated that they worked all year, six days a week, with a low season occurring around June each year. That is, homeworkers contributed to a significant level of production and were working all year. Yet employers denied this, leaving these women workers marginalized. One of the largest manufacturers in Tamil Nadu stated, "Homework is only required a few months of the year, when there is only overflow during peak times in spring and summer" (supplier interview, 2013).

Corporate codes of conduct, often established in response to campaigns on child labor, are voluntary mechanisms that can apply international labor standards to workers in the supply chain. Companies in Tamil Nadu, supplying global brands, reported that the brands insisted on compliance and monitoring of codes, but mainly cared about child labor and, more recently, building safety, following the Rana Plaza building collapse in Bangladesh. As a result of the campaigns to abolish child labor—this being a common stereotype associated with homework—many homeworkers may become even more hidden than was previously the case.<sup>67</sup>

#### INVISIBILIZATION, PARTIAL INVISIBILIZATION, AND REGULATION

In India invisibilization of footwear homeworkers occurs in two ways. First, in an attitudinal stance by the international brands and Indian manufacturers that plays down or diminishes homeworkers' involvement in footwear production. This misrepresentation of homeworkers occurs even though the industry is structured around home-based hand-stitching. The companies play down the significance, contribution, and role of women workers. This renders a significant section of the workforce invisible, as is evidenced by the efforts to deny these workers existence, and to trivialize their economic dependence within the supply chain.

The second method of invisibilization is the use of language and behavior that erases homeworkers' existence and communicates to them a diminished presence. This is shown by the lack of recognition of homeworkers by local unions and NGOs. For example, local unions have never attempted to organize home-based workers.<sup>68</sup> Similarly, efforts by an NGO to contact homeworkers, but subsequently failing to support the development of the women's capacity to collectively organize, limited the women's ability to collectively negotiate with companies for improvements in their working conditions, compounding their invisibility.<sup>69</sup>

The Indian homeworkers experience high regulation distance. While corporate codes enshrine core international labor standards, these are rarely applied. Rather, corporate-driven interests, such as child labor and building safety, have become priority issues. Brands consider these issues of greatest concern to consumers in Europe, Australia, and North America. Currently, there is very limited opportunity and capacity for footwear homeworkers to assert any demands or means to change their situation.

The absence of regulation is therefore part of the invisibilization of homeworkers. It reinforces the brand and employer discourses that homeworkers are inconsequential to production. This absence is premised on the gendered social relations that institutionalize women's social reproductive role, and renames them as non-workers.

In Australia, homeworkers have received considerable public attention. The shaming of brands to address exploitation in their supply chains has been an ongoing narrative, promoted by the FairWear Campaign and the national union. Consistent media reporting has contributed to increased awareness of homeworkers' situation, and pressured the industry and government. The failure of national and state government inspectorates to enforce the laws has further reinforced the industry's complacency about supply chain transparency and about ensuring that workers in the supply chain receive their legal entitlements. The partial invisibilization of garment homeworkers in Australia is a consequence of low business and government commitment to compliance.<sup>70</sup>

Business in India takes a very narrow view of the definition of homework and trivializes the survival role of homework: "Indian women only do a little bit for some extra money." Thus, they render some parts of it invisibilized and devalued (through low piece-rate payments, irregular work, non-recognition as workers, renaming as non-workers, and hindering access to protections). In Australia, the suite of regulatory mechanisms appears as world best practice, but there remain significant barriers to homeworkers accessing these rights. Whether homeworkers experience partial or full invisibilization, they are inadequately recognized as workers.

## DISCUSSION AND CONCLUSION

The evidence on this industry reinforces what we already know through the literature: that invisibilization is determined by the social relations and discourses of capitalism and patriarchy.<sup>71</sup> The fact that homework is situated in the private sphere nominally places it outside regulation and monitoring by the state or the responsibility of the corporation. It illustrates how gender inequalities can be reinforced through choices by the state and corporations that maintain the ideological status quo.

Clearly, any challenge to this would have cost implications for the state and firms in meeting minimum wages and conditions. In India, civil society actors such as NGOs, media, and unions appear to abrogate responsibility toward homeworkers by actions that ignore or deny their presence, rights, and protections in the public sphere. In Australia, workers experience barriers to access rights that contribute to their partial invisibilization.

These findings on Australian and Indian homework, from a comparative perspective, demonstrate that regulation makes a difference, but that on its own, it is inadequate to make workers visibilized. Regulation distance is significant to this female-dominated workforce in that the absence of regulation, in the case of Indian footwear homeworkers, further marginalizes and exacerbates these workers' undervaluation and job devalorization. In Australia, where significant regulation exists but barriers prevent workers from accessing this protective regulation, they experience partial invisibilization. There is a need for compliance and monitoring mechanisms, but more fundamentally, these women workers require recognition of the impact of the gendered social relations in these sites of capitalist production. Whereas a feminist analysis of labor rights argues for the inseparability of production and reproduction,<sup>72</sup> social and industrial organization separates these functions such that work undertaken in the home is either not valued financially or undervalued.<sup>73</sup> Capital and the state perpetuate the work-home divide; failing to regulate adequately or to ensure that workers can access the rights that do exist further institutionalizes this divide.

The invisibilization concept provides a lens to analyze homework in Australia and India. While workers' objective conditions differ with respect to regulation and recognition in the supply chain, they both experience levels of invisibilization. Invisibilization and homework link gender inequalities, job devaluation, whether workers identify collectively or not, a lack of social and legal protections, a lack of capacity to access any

protections, and issues in sustaining work and income. Homeworkers are spatially and relationally situated beyond the recognition of the corporation, the responsibility of the state, and, in some instances, the activities of unions, NGOs, and others. They therefore remain invisible, marginalized, and largely unorganized.

Homeworkers are a gender-segmented, regulation-distant workforce that undertakes informal work to survive. They therefore experience various levels of invisibilization that make a significant gender gap inevitable. Visibilization would require the same actors, state, business, and civil society to promote representation and rights through policies, regulation, and monitoring. Business would need to give attention to women worker's reproductive needs alongside meeting their economic priorities. Homeworkers' collective agency could have the potential to challenge the social relations and discourses of capitalism and patriarchy that maintain gender, race, and class inequalities, but currently, the conditions that create invisibilization present substantial barriers to this occurring.

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## Policy Ecologies, Gender, Work, and Regulation Distance in Film and TV Production

*Amanda Coles and Kate MacNeill*

The prevalence of screen technology in the twenty-first century has triggered an unprecedented demand for screen-based content. The screen-based production sector is widely framed as an important employment driver in the creative economy, a popular discursive framing for a post-industrial economic development strategy. The screen-based production sector produces goods that have both economic and social value. We live in a highly mediated screen-based world, and screen-based content is a crucial form of storytelling. Stories are a means by which we share our personal and collective experiences as a society. The content that fills our screens not only reflects our social world, but also *shapes* it. Yet the vast amount of film and television content we consume on screens, both large and small, is determined by a small fraction of the population. A few white men dominate the key creative roles that define the stories we see

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on our screens. The issue of gender inequality in the film and television production industry is thus both an employment equity issue and one of sociocultural significance.

The screen-based production sector presents an interesting, and seemingly paradoxical, case study to examine gender inequality and the regulation of work. The organization of work and labor markets in the screen-based production sector is prototypical of precarious employment. Labor and employment regulations, primarily framed around the standard employment relationship, are notoriously ineffective in industries marked by precarity.<sup>1</sup> Thus, under the model of this edited volume, the screen-based production sector can be understood to fall in the market-proximate category. The significance of this is that deeply gendered industry norms, values, and the practices of key powerbrokers and decision makers play a determining role in the systemic advantage that men have in key creative decision-making roles, which in turn shape the content on our screens.

Yet *content* produced by the screen-based production sector is highly regulated. Governments across Western industrial democracies view film and television content as a merit good that holds significant social and cultural value in the development of national identities. Public access to, and consumption of, film and television content is framed as a site of civic activity where representation matters. Consequently, as Grant and Wood observe, “virtually every country regulates entry to its market by broadcasters and imposes public-service obligations on them to ensure a socially balanced mix of diverse programming.”<sup>2</sup> This takes the form of defining film and television content by national attachments, as, “Canadian” or “Australian,” for example, under the rationale of ensuring the representation of a diversity of voices on domestic screens. Thus, while the organization of work and labor markets is market proximate, the regulation proximity of the sector, in relation to the political emphasis on its sociocultural relationship to nationhood, citizenship, and representation, is high.

Domestic content regulations, incentives, and investments for the film and television production industry serve two functions: first, they create screen space for domestic stories in a global political economy of content production and distribution dominated by US content; and second, they serve as important industrial development instruments to ensure comparatively undercapitalized domestic screen sectors have the capacity to tell stories in domestic and international markets. Importantly, domestic content regulations largely define the nationality of the content by the nationality

of the workers who make the content. Thus content regulations and other policy instruments in the cultural policy portfolio function as a form of labor market regulation for the screen-based production industry.

We advance two main arguments in this chapter. First, we posit a need to conceptualize forms of labor market regulation more broadly to understand how the larger policy ecology of a sector shapes work and employment relations. Such an approach allows us to analyze and understand the complex forces that affect labor markets and the behavior of capital. By analyzing a sector's policy ecology—the intersections between multiple policy domains, such as industrial, social, labour and cultural policy, for example, in relation to their formation, application, impact and mobility<sup>3</sup>—we are able to gain a more complete understanding of how the regulatory environment interacts with industry norms and practices to impact the gendered dimensions of work and labor markets. This then enables us to identify new and/or non-traditional policy and regulatory mechanisms to address gender equality at an industrial scale. Following from this, we argue that the sociocultural objectives of diversity and representation in cultural policy portfolios present an important policy lever to advance gender equality in the screen-based production sector.

The case study, which we use to illustrate the argument, focuses on the Canadian film and television production industry. Canada is an exemplar case study for two key reasons. First, Canada has long viewed the regulation of its domestic film and television production industry as a tool of nation-building and, due to its geographic, economic, and social proximity to the United States, as a tool of national defense.<sup>4</sup> Second, the film and television production regulatory framework in Canada is similar to protectionist approaches in European Union (EU) nations and other Western industrialized countries, including Australia and New Zealand, which support the production, distribution, and exhibition of domestic content. Analysis of the film and television production industry in Canada thereby provides a means by which we can understand the issue of gender inequality to be a matter of national public interest that is international in its manifestation.

This analysis is based on two sets of primary data. First, the general data on labor market and occupational segmentation are drawn from the membership data of the five major unions that represent the full range of off- and on-screen talent in the Canadian independent film and television production sector. Both the Canadian domestic production and foreign-service production sectors in Canada are highly unionized, and an analysis of the union membership data thus provides an accurate snapshot of the

deeply gendered nature of the work. The second data source, on industry norms, values, and practices, is based on a thematic analysis of interviews with 18 Canadian directors—7 men and 11 women—all members of the Directors Guild of Canada (DGC), the professional body representing directors across Canada.

A focus on directors illustrates the regulatory paradox. Directors are key decision makers, with a broad influence over the entire production process, and thus shape the stories on our screens. Directors also require an advanced understanding of the business end of “the biz.” Directors must develop networks and relationships with industry gatekeepers and executives in a complex, hierarchical, and risk-averse industry. The hiring of directors is a key element in the risk management strategies of broadcasters, studios, and financiers. Moreover, directors are core to the key creative positions on which the regulatory framework for screen-based content is based. Consequently, an analysis of directors allows for an examination of the key factors that underpin systemic gender discrimination across the industry.

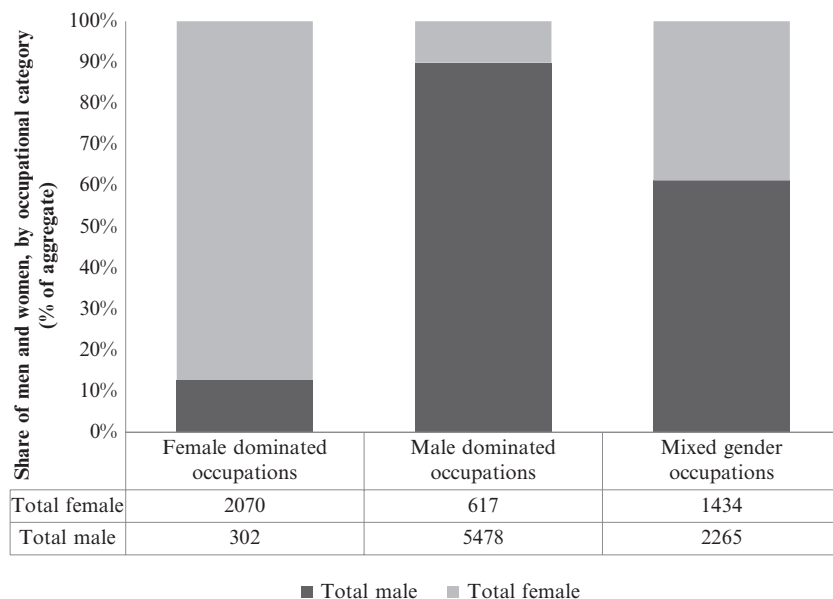
The next section establishes the sharply gendered aspects of labor market and occupational segmentation in the Canadian independent film and television production sector, paying particular attention to the career pathways into the directing profession. This is followed by an analysis of how the organization of work in independent production interacts with the discourse of risk as a justification for the gendered division of labor in relation to financing, networks, and hiring. The chapter then turns to the regulatory paradox in an examination of the ways in which work and employment relations, and regulation of the content under cultural policy frameworks, present barriers and opportunities for industrial change. In the final section, we present an overview of recent developments in Australia and the United Kingdom to illustrate the ways in which a broader conceptualization of the regulation of work and labor markets in relation to the overall policy ecology of a sector presents alternative policy instruments through which the power of the state can be exercised in advancing gender equality.

### LABOR MARKET SEGMENTATION IN FILM AND TELEVISION PRODUCTION

In discourses on the creative economy, the film and television production sector is looked to as a key driver of employment and future economic growth for the twenty-first century.<sup>5</sup> According to the Canadian Media Producers Association (CMPA), the total volume of film and television

production in Canada in 2014–15 reached \$7.1 billion in production volume, generated \$3.2 billion in export value, and produced 148,500 full-time equivalent jobs.<sup>6</sup>

In terms of the schema of this book, the film and television industry is situated in the mixed occupational category at a sectoral level. The workforce composition includes both men and women across the industry. However, a distinctly gendered division of labor emerges between and within occupational categories. As Fig. 12.1 shows, in off-screen occupations, women are overwhelmingly concentrated in occupations that are traditionally considered to be “women’s work,” such as wardrobe, hair, makeup, script, accounting, and the production office. Men dominate technical off-screen positions such as camera, grip, lighting, sound, construction, and special effects. There are a number of occupations that fall within the equity zone of 40–60 percent for both genders. These include production managers, the art department, assistant directors, props, and set decoration, although all these areas are still male dominated.



**Fig. 12.1** Off-screen workforce composition by gender, Canadian independent film and television production sector

Overall, the off-screen workforce in the Canadian film and television production industry is 66 percent male and 34 percent female. These broad workforce demographics are mirrored in other major English-language production markets. A 2014 report by the Department of Culture, Media and Sport in the United Kingdom shows that the film and television sector is male dominated, with a gender divide of 64 percent men, 36 percent women.<sup>7</sup> Follows' gender-based analysis of the key creative positions in feature films shot and released in the United Kingdom between 2009 and 2013 drills down into the gendered division of labor in more detail. Similar to the Canadian data, Follows demonstrates that women are over-represented in makeup, wardrobe, casting, and production; conversely, editorial, visual effects, animation, camera, electrical, sound, special effects, and transportation are all male dominated.<sup>8</sup> According to 2011 Census data from the Australian Bureau of Statistics, 64 percent of the workforce in film and video production is male and 36 percent is female. In post-production, the gender gap widens to 71 percent male and 29 percent female.<sup>9</sup>

The issue of gender inequality in the film and television production industry becomes more pronounced in an examination of career progression. A gender analysis of the multiple occupational pipelines that lead to directing illustrates two important points about male advantage in key creative roles. First, a gender balance of men and women within departments is more prevalent in entry-level positions. Second, as with other occupations and industries, men progress up decision-making levels and income brackets at much higher rates than women.

Research from the Directors Guild of America provides a window into multiple occupations that feed into directing. Of the 611 directors who directed episodic television for the first time between the 2009–10 and 2014–15 seasons, 28 percent had previously directed in other genres; 26 percent were writers/producers; 20 percent were performers; 8 percent were cinematographers/camera operators; 8 percent were assistant directors, unit production managers, and second unit directors; 5 percent were editors; and 6 percent were “other crew.”<sup>10</sup>

In Canada, as in the United States, each of these feeder occupations into the directing professional is male dominated. Figure 12.2 illustrates the degree to which the camera, assistant director, and editing departments, as key occupational pathways into directing, advantage men in leadership positions.

Screenwriting and performing are two major occupational pathways into directing, and evidence again demonstrates male privilege in these highly competitive occupations. Compared with their male counterparts,



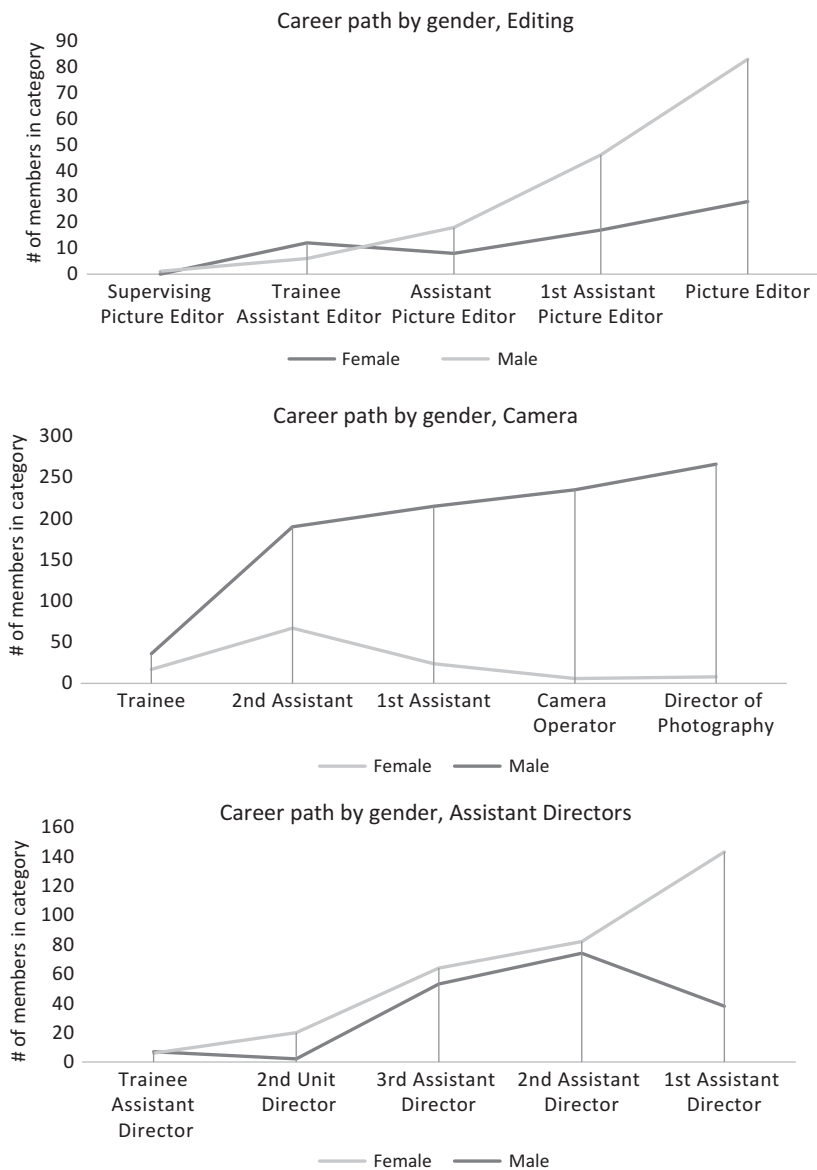


Fig. 12.2 Career path by gender, select off-screen key creative positions

female Canadian screenwriters have fewer screen credits, earn less on average per contract, and have shorter careers than their male counterparts.<sup>11</sup> Importantly, Coutanche and Davis observe that male screenwriters enjoy a privileged position in labor markets, holding more positions “that allow for control over the overall creative and production aspects of screen-based writing in Canada.”<sup>12</sup> Similarly, data from both the Union des Artistes and Alliance of Canadian Cinema, Television and Radio Artists show that female performers have fewer work opportunities than men and earn considerably less than men on average, and that male performers’ careers last longer than those of their female colleagues.<sup>13</sup>

The outcome of male privilege within career paths is a labor market in which men dominate key creative positions—namely, writer, cinematographer, production designer, editor, composer, lead performers, and director. Consequently, we must understand that gender inequality in the director’s chair is a consequence of systemic inequality across the film and television production sector as a whole ecosystem. Yet even when women do make it into key creative positions, they face additional barriers. The discourse of risk is embedded within industry norms and values and exercised by industry powerbrokers and gatekeepers. The discourse of risk is used to rationalize and justify the privilege men enjoy at the top reaches of the industry. In order to understand this logic, it is necessary to understand the role risk plays in key aspects of the industry, namely the market for film and television content, the structure of the independent production model, project financing, and the decision to invest in key creative positions, of which the director is at the center.

### RISK AND RISK MITIGATION: INDEPENDENT PRODUCTION

The film and television industry is a high-risk commercial undertaking. By design, each product is unique, and it is nearly impossible to determine in advance what the ingredients are for commercial success. Yet if commercial success is achieved, cultural products such as film and television can yield very high rewards.<sup>14</sup> One of the means by which capital attempts to mitigate risk is through the independent production model.

In 2014–15, independent production accounted for 79 percent of the total volume of film and television production in Canada.<sup>15</sup> Under the independent production model, a range of small- and medium-sized enterprises (SMEs), or independent production companies, produce film and television projects. These companies are set up as single-cycle corporations or “one-offs” that endure only for the duration of the project.<sup>16</sup>

The independent production model allows broadcasters and motion picture studios to divest themselves of some of the risk and uncertainty inherent in making film and television content by commissioning work from independent producers through license fees, which only constitute a fraction of the total project financing. The remainder of the project capital must then be accrued through a mix of public and other private investors in a complex financing landscape. Data presented below clearly indicate that project financing is by no means gender blind. A growing body of evidence clearly shows that female directors, writers, and cinematographers face protracted barriers in relation to project financing.

### RISKY BUSINESS: GENDER AND FINANCING

The issue of financing is critical to understanding questions around the regulation of work, as the state plays a major role in supporting what is clearly an uneven playing field for women in key creative positions. The Canadian film and television production sector is highly subsidized by significant public expenditures through federal and provincial film and television tax credits as well as funding bodies, namely the Canada Media Fund (CMF) and Telefilm Canada. According to the CMPA, public sources (including federal and provincial departments, agencies and programs, as well as public broadcaster license fees) accounted for 48 percent of total financing of Canadian theatrical production and 54 percent of total financing of Canadian television production in 2013–14.<sup>17</sup>

Male directors in Canada have disproportionate access to public and private financing and larger production budgets. To illustrate, male directors held 84 percent of the 293 directing engagements on 29 television series supported by public investments through the CMF in 2012–13. A closer look at the data reveals that male directors held 100 percent of the directing roles on 17 of the 29 series. Nearly one-quarter of those television series—7 out of 29—employed no female writers or directors. Not one of these television series employed a single female cinematographer.<sup>18</sup> The situation in feature film production is even worse. In 2013–14, of the 91 feature films supported by Telefilm Canada, men held 83 percent of the directing credits, 78 percent of the writing credits, and 88 percent of the cinematography credits.<sup>19</sup>

In 2013–14, Telefilm Canada invested \$63,323,534 in feature-length films. Two-thirds of that funding (\$42,036,218) was allocated to 21 feature films with a budget of over \$1 million. Men held 96 percent of the directing credits on the feature films with budgets over \$1 million. A single female director held only 1 of the 26 directing credits on the

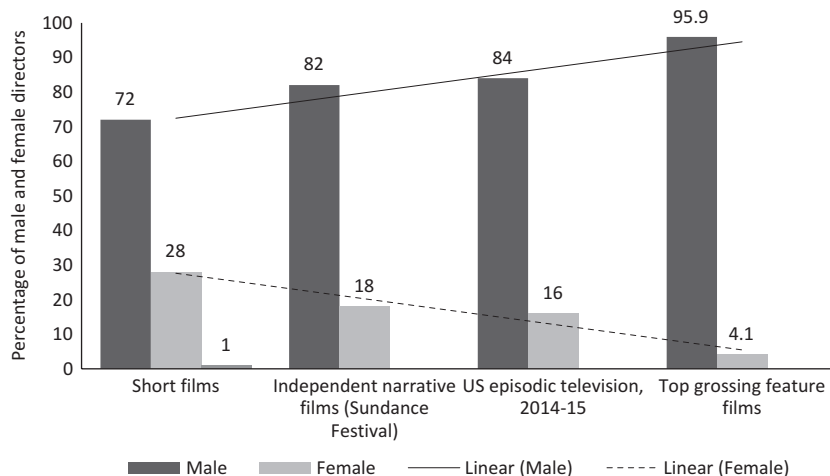
feature films that had budgets of over \$1 million.<sup>20</sup> Female directors fared slightly better when the budgets dropped. In 2013–14, Telefilm Canada also supported 70 feature films with budgets under \$1 million, which were allocated one-third of the total production funding, for an average of just over \$300,000 per project. Women held 16 of the 77 of the directing jobs (21 percent) on films with budgets under \$1 million.<sup>21</sup>

To summarize, male directors work more often, and with much larger production budgets, than female directors. The size of the budget is a significant factor for two key reasons. First, higher-budget films are more attractive to international financiers, and second, they prove “more effective in terms of leveraging public financing to secure private investment.”<sup>22</sup> Thus access to financing and budget size are a reasonable proxy to estimate the international reach and profile of Canadian stories told by Canadian directing talent. The barriers faced by female directors in the Canadian film and television industry are indicative of the structural obstacles female directors face in financing internationally.

Across the four major categories of film and television content—short films, independent narrative films, episodic television, and major studio features—the inverse relationship between budget size and the presence of female directors is what Smith and colleagues refer to as the “fiscal cliff.”<sup>23</sup> In 2015, Smith and colleagues compared the participation of female directors at the top 10 international short film festivals<sup>24</sup> with narrative features at the Sundance Film Festival, US episodic television in the 2014–15 season, and 1300 top-grossing films over 13 years (Fig. 12.3).<sup>25</sup> Left to right, each category represents a rise in project budgets and reputational prestige, and earnings for directors.

It is important to understand that there is no business case that supports gender discrimination as an effective approach to risk management. A 2008 study by Martha Lauzen for the Women’s Media Centre concludes, “Overall, when women and men filmmakers have similar budgets for their films, the resulting box office grosses are also similar. In other words, the sex of filmmakers does not determine box office grosses.”<sup>26</sup>

Paradoxically, not only is gender discrimination an unjustifiable rationale as a risk management strategy, but evidence suggests it is a particularly *ineffective* business strategy. Industry finance and distribution body Slated analyzed the commercial performance of 1591 US feature films between 2010 and 2015. The study was conclusive in its findings that, despite having far fewer work opportunities and much smaller budgets, films produced, written by, or starring women yielded higher returns on investments on average.<sup>27</sup> Furthermore, greater diversity behind the



**Fig. 12.3** Labor market segmentation for directors by gender, format, and budget size

*Source:* Smith, Stacy L., Katherine Pieper, Marc Choueiti, and Ariana Case. “Gender & Short Films: Emerging Female Filmmakers and the Barriers Surrounding Their Careers.” USC Annenberg School for Communication and Journalism; Lunafest Short Films, October 5, 2015. <http://annenberg.usc.edu/pages/~media/MDSCI/MDSC%20LUNAFEST%20Report%2010515.ashx>.

camera increases diversity on screen. As a growing body of research clearly shows, content creators favor characters that are like them.<sup>28</sup> Studies by the Ralph J. Bunche Centre at the University of California, Los Angeles (UCLA) show that, year over year, greater representations of women and non-white communities on screen yield positive returns in ratings, box office, and overall return on investment. The 2015 report is blunt in its conclusion, “America’s increasingly diverse audiences prefer diverse content created with the input of diverse talent.”<sup>29</sup>

The challenges faced by female directors are directly tied to deeply gendered norms and values, and consequently, industry investment in female-driven content. Indeed, interviews with industry leaders and gatekeepers in the film and television industry led Smith and colleagues to conclude that “beliefs about women and the stories they tell may be incongruent with perceptions of the role of the director and of profitable content.”<sup>30</sup> In order to understand those investment decisions, we require an analysis of the role of networks and hiring practices.

## RISK AND HIRING: KEY CREATIVE POSITIONS

In addition to financing structures, the independent production model also has a profound impact on the organization of work. The single-cycle corporations set up for the duration of a project—akin to what Litvak and Litvak term “floating factories”—are a consequence of the short-term nature of the project-based work.<sup>31</sup> The film and television industry is labor intensive, driven by the depth and skill of a highly flexible and internationalized workforce of freelance professionals. Each film and television project requires a different mix of creative, logistical, and technical expertise. Key creative positions are hired based on a range of factors, including budget, rates, skill sets, script requirements, availability, and personal relationships. Nonetheless, it is the last point that needs elaboration: project-based work means that interpersonal networks and relationships inevitably play a central role in management’s hiring practices.

As Wing-Fai and colleagues note, “unlike many other sectors, recruitment in the film and television industries is deregulated, informal and often ad hoc.”<sup>32</sup> In the absence of transparent recruitment processes, contracting of key creative positions largely occurs through a system of self-regulation embedded in the norms and values of those in positions of power. This is particularly the case with the engagement of directors. Informal power systems, networks, and privilege perpetuate the reproduction of white male privilege in labor markets.<sup>33</sup> Thanki and Jeffreys’ work on the London media industries shows that audiovisual industries are “still run by a largely white ‘old boy’ Oxbridge network.”<sup>34</sup> According to Thanki and Jeffreys, this dominance has been perpetuated through the informal networking that operates in relation to freelance work, a key factor identified by Randle and colleagues in advancing “the web of reciprocity” in which a “resilient, self-perpetuating habitus” leads to the “continual replication of a white, male and middle class industry.”<sup>35</sup> This is illustrated by a quote from a female director:

Wow, it’s a closed door. It’s really closed. Women, and minorities, and women are a minority in directing, are special hires. So here’s how it goes. If you’re an actor on a show, which I’ve been many times, they say, “Oh, we’re getting a women director this week.” They never say, “Oh, we’re getting a straight white guy to come in next week.” We just assume there’s a straight—right? We’re going to get a straight white guy with a baseball cap and he’s probably wearing Levis. That’s next week’s hire.

Evidence supports this analysis as a systemic phenomenon. According to research from the Directors Guild of America, in 2014, of the 128 hirings of first-time directors—that is, those who had never directed episodic television before—84 percent were male, up from 80 percent in the 2013–14 season.<sup>36</sup> One female director, who regularly works both in Canada and internationally, queries the risk management rationale of industry gatekeepers that is used to justify gender inequality:

But what I don't understand is this: it must be just as scary and just as, "Oh my God I hope I don't lose my job" hiring an unknown white male director with no experience as an unknown female director with no experience. So, why the preponderance of the boys? ... So if you get a level of experience, why are the boys going first? Why are they being hired first? As if you are somehow less blamed if they don't do it right, or you have a greater confidence in an assumption that they're going to do it right, or what is it that says your arse could be hung out to dry, if you hire a female and it goes badly?

The logic behind preferential hiring of male directors suggests that the likelihood of success for male directors is a generalizable attribute—what one interviewee referred to as “a safe bet.” The degree to which this type of implicit bias is deeply embedded in industry norms is reflected in the comments of an experienced female director on the director roster for the first season of a television series in which she also played a producer role:

We didn't get a lot of female directors, as many as I would have liked. I would have liked to have had 10 a season, you know? It didn't happen and it was very interesting to me because I remember in the first season ... *we played it safe*, we went with people we knew and one of our executive producers is a really good director, in fact, the director that I mentored under in [television series]. So, it's a very long relationship for the three of us and so he did a lot of the episodes in the first season and it's like, "Let's see if [established male director] is available and let's see—you know, people we know and people who we know get the vibe." (emphasis added)

While failure with a male director is a possibility, it is one that is individualized. Conversely, industry norms and values suggest a perception that the risk of failure by attaching a female director to a project is generalized. The logical, and unequivocally sexist, fallacy is neatly summarized in the words of another female director:

I heard this story. Somebody said that a woman director directed an episode and she shit the bed, didn't go very well and the word from above was, "Yeah we tried hiring a woman and it didn't work out." It's like, "We tried hiring a person and it didn't work out, so we're not hiring people anymore."

## AND ... ACTION! POLICY LEVERS AND INSTITUTIONAL EXPERIMENTATION

Addressing the issue of gender inequality in the film and television production industry is deeply challenging at an industrial scale. As Jones and Pringle argue, women tend to fare better in industries where there is a level of "collective action, in settings where there are employers with whom to bargain, and organizations through which policies can be implemented."<sup>37</sup> The Canadian independent film and television production sector is highly unionized: unions play a key role in labor market development and skills training for the industry.<sup>38</sup> Union organizing strategies and membership requirements for particular craft categories can function as barriers or enablers of diversity. The DGC is actively taking steps to diversify the talent pool of professional directors, including an open membership threshold, active recruitment strategies, and sponsoring a number of leading career development industry initiatives. Importantly, the DGC is also exercising leadership at the bargaining table with the CMPA. The DGC/CMPA 2016–18 Standard Agreement includes an agreement to create a Joint Diversity Committee where directors, producers, and broadcasters, through consultation with industry stakeholders, will "make recommendations and establish best practices with respect to issues of diversity through engagement with industry decision makers."<sup>39</sup> Yet, crucially, unions do not make the decisions about who is hired in key creative roles. As noted by Tim Southam, National President of the DGC:

The power to introduce greater diversity into the ranks of our business lies entirely with the engagers. It doesn't mean the responsibility to produce change in the way people are hired rests only with them but the power to actually make a change rests with engagers.

Ephemeral corporate employers and workplaces, networked freelance labor markets, hiring processes that exist entirely outside of anything resembling "human resources" policy, and a risk-intensive industry with a complex set of power relations between key decision makers (producers,



financiers, broadcasters, and studios) mean that resolving the issue of gender inequality at an industrial scale is not straightforward. The lack of a standard employment relationship interacts with the short-term project-based nature of the work to make effective change at the “employer” level a moving target. Traditional employment equity instruments are designed for a standard employment relationship built around a single employer and a fixed workplace. Consequently, work and employment regulations are largely ineffectual in addressing gender inequality.

However, the regulatory framework for the content produced by the film and television production industry presents an alternative policy lever through which to advance a gender equality agenda. The citizenship-building element of the content produced by the workforce sits firmly within the remit of cultural policy. The cultural policy framework thus presents an opportunity to address the issue of gender equity in film and television production not simply as an economic issue, but fundamentally as a sociocultural issue that sits at the heart of the public interest mandate of representation.

National identity is understood as being fluid, a textured matrix of tradition and the contemporary, the legacy of the past and an imagination of the future. Increasingly, it is understood as performative; national identity is both reflected in and created by our cultural products. Film and television content is highly valued as being the means whereby national identities and cultures are both represented and created. Under the cultural policy rationale of citizenship and representation, the nationality of the content is defined by the workers who make the content. The certification of a program as “Canadian” for the purposes of film and television production incentives or for meeting domestic content programming regulations is measured through a quantitative points system based on the number of Canadians employed in key creative positions: director (two points), screenwriter (two), lead performer (one), second lead (one), director of photography (one), art director (one), music composer (one), and picture editor (one). Thus the labor-intensive nature of film and television production, and the value of the talent pool to the production sector, is reflected in the regulatory framework. For example, Section 3(d) of the Broadcasting Act (1991) states that the Canadian broadcasting system should, in part:

- (i) serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada,
- (ii) encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes,

- opinions, ideas, values and artistic creativity, by displaying Canadian talent in entertainment programming and by offering information and analysis concerning Canada and other countries from a Canadian point of view,
- (iii) through its programming *and the employment opportunities arising out of its operations*, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society.<sup>40</sup> (emphasis added)

By analyzing the ways in which the overall regulatory ecology of a sector shapes work and employment relations, we are also able to identify alternative tools to enable progressive change. In this case, we see a number of institutional policy experiments that draw upon the regulatory authority linked to the sociocultural objectives of key state funding bodies. These experiments operate on the premise that the film and television production sector, as major citizenship institutions and part of the national public sphere, should give immediate attention to the degree to which the content creators, and the stories they tell, reflect the diversity of the nation itself.

In October 2015, the British Film Institute (BFI) announced the BFI Diversity Standards, which will apply to all film projects receiving support from the Film Fund Lottery funding schemes. The Diversity Standards are intended to increase the diversity of representation on screen in relation to disability, gender, race, age, sexual orientation, and socioeconomic status. Amanda Nevill, BFI CEO, situates the rationale for the program that will apply to all development, production, distribution, and audience development programs, first, with respect to the social significance of the film industry and, second, in relation to its commercial aspects:

Art itself is born of diversity, of celebrating the different. As our most accessible and powerful art form, film must reflect the society in which it is made and tell stories that speak to the many different people who exist within that society. That isn't an optional extra or a nice to have—it's a moral and social imperative and, by ensuring audiences are served with films they want to see, it also makes good business sense.<sup>41</sup>

In November 2015, Screen Australia announced Gender Matters, a suite of programs to provide funding, support, and mentoring for females in key creative positions over three years. In the discussion paper announcing the Gender Matters program, Screen Australia explains the rationale as follows:

Part of Screen Australia's remit is to support the creation of culturally relevant content that resonates with a broad range of audiences. To achieve this goal Australian screen stories should reflect the diversity of experiences and perspectives in contemporary Australian society.

For its part, Screen Australia needs to ensure that the content it supports is relevant to audiences. However, those audiences are far more diverse than much of the current content would suggest.

Britain and Australia are currently international leaders in positioning equity and diversity in the film and television production sector as a policy priority—both on and off screen. These nations have implemented state-driven regulatory and funding programs that work in concert with a broad range of industry stakeholders and gatekeepers, including training institutions, producers, broadcasters, film studios, unions, and professional associations, to put gender equality and diversity firmly on the cultural agenda.<sup>42</sup> The state is uniquely positioned to do this—it has both the regulatory mandate *and* the financing power to effect change in an industry that is fundamentally anachronistic in its internal dynamics. It is also worth noting that both Directors UK and the Australian Directors Guild have been vocal proponents for gender equality in the film and television production industry. This is a noteworthy aspect of industry leadership and advocacy, as historically, the unions—like the industry—have been male dominated.

While discussion around gender gaps and inequality in relation to regulation distance is important, the case study of the film and television production industry points to the complexity of what, in reality, constitutes regulation of work. Work and employment are growing increasingly precarious, and this not only calls into question the applicability of traditional forms of employment regulation to protect workers, but fundamentally requires a broader interrogation of the form and function of regulation more broadly. Taking a wide-angle lens to regulation both allows for a richer understanding of why gender inequality persists in relation to the (granted, illogical) behavior of markets and capital, and—perhaps most importantly—offers insight into alternative means by which we can advocate for systemic and lasting change.

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PART III

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Conclusions



## The Persistence of Gender Gaps

*David Peetz and Georgina Murray*

As Sylvia Walby points out, the major challenges to democracy are gendered, even if the nature of gendered relations is at times unseen due to the invisibility of women.<sup>1</sup> This book has identified a number of factors that help explain the existence of large and small gender gaps in employment conditions, and the gender regimes that sustain them,<sup>2</sup> including the strength or weakness of the institution of the household division of labor, and its consequences; the extent to which norms promote values privileging or challenging the primacy of males; whether regulation content challenges or reinforces the gendering of work; the proximity or distance to regulation; and the way in which labor segmentation interacts with these factors.<sup>3</sup> We have also seen the persistence of gender gaps over time, even if they are often weakened.

Each of the occupational groups examined in this book has seen gains, but also forces that continue to reinforce male dominance. In a male-dominated, highly regulated space, coal-mining women have achieved increased acceptance and equal pay for equal work, but sexist attitudes, harassment, and unequal access to career progression remain.<sup>4</sup> In the more gender-balanced but even more regulated space of academia, the lack of women in higher levels has eased but not ended, with pay flexibility favoring males—through the increased use of “bonuses”—helping

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to offset gains.<sup>5</sup> In both occupations, the unequal distribution of work in the domestic sphere impedes female advancement in the workplace. In the highly regulated public-sector professions, career structures for female-dominated professions are considerably narrower than for male-dominated professions, and particularly narrow for the occupation upon which we focused most, librarians. This appeared to signify an undervaluation of female-dominated work. There was some improvement in the classification of work in most female-dominated professions, but not librarians, whose bargaining power appeared to be threatened by structural change.<sup>6</sup> Another form of undervaluation of women's work in a regulated space, related to gendered valuations of skill, was among care workers, whose skills in the workplace were linked to "traditionally" female activities in the domestic sphere. State interventions in wage minima and funding of public services have been required to ease gender inequities there.<sup>7</sup>

Regulation is a core theme in this book—and indeed of capitalism. As Walby also argues, "without regulation, markets are inefficient, they are subject to corruption, monopolies, discrimination and power."<sup>8</sup> For women, regulation can be a force for good or bad; without it, in a capitalist market economy, they are vulnerable to the vicissitudes of the market and the whims of the powerful. The more distant the regulation, the more vulnerable women are, although the content of regulation will also determine its impact on them. In occupations distant from regulation—particularly senior positions in business, or film and TV production—male dominance creates male-supportive norms that make progress for women very difficult. In top business management, this enables high internal gender pay gaps (i.e. unequal pay for equal work).<sup>9</sup> Men are more likely to reward other men—for example, through promotion, especially in male-dominated areas where a "good leader" is a male.<sup>10</sup> Gender gaps are higher in organizations headed mainly or exclusively by men.<sup>11</sup> Apparent mistakes made by women in the performance of their duties are more likely to be remembered (they become "riskier"),<sup>12</sup> and women report having to work harder than men in order to achieve recognition or promotion.<sup>13</sup>

Among female-dominated occupations, outworkers in the apparel industries have traditionally been very distant from regulation, not even defined as "employees" because they undertake piecework on contract. They are often characterized as the most exploited of all female workers, with little protection against very low wages, poor conditions, and long hours, and their work is often "invisibilized" through its relationship to domestic work.<sup>14</sup> Efforts to improve their situation have focused on

reducing regulation distance by bringing them within a framework of employment law. Coles' recommendation for improving gender equity in film and TV production is to use other policy instruments—specifically, cultural policy—given the ineffectiveness of employment law in that sector.<sup>15</sup>

The question we address in this final chapter is why things do not appear to be getting much better overall. After all, as Franzway and others show, there have been major feminist campaigns in recent decades.<sup>16</sup> Several institutions (such as unions) that were avowedly anti-female have experienced some substantial internal changes. Watching a rerun of almost any television series made in the 1960s or 1970s leaves one struck by how many behaviors were considered normal then but are unacceptably sexist now. Yet gender gaps persist. As Whitehouse shows, gender pay gaps fell in the Organisation for Economic Co-operation and Development (OECD) between 2000 and 2013,<sup>17</sup> but the average fall across the OECD was barely three percentage points, and in several countries—including Australia—the gap has widened. So why have gender gaps persisted when norms appear to have become substantially more pro-female?

## NORMS

In the period since the 1960s, there have been some major changes in the norms affecting women at work. The most direct evidence for this comes from various national surveys, although it is not entirely unambiguous. In the United States, from 1977 to 1996, there were large drops in the proportions of people agreeing that it was more important for a wife to help her husband's career than to have one of her own (from 57 percent to 21 percent), that it was better for everyone if the man was the achiever and the woman took care of home and family (from 66 percent to 38 percent), and that a preschool child was likely to suffer if their mother worked (from 67 percent to 46 percent).<sup>18</sup> However, there is some evidence that the rate of improvement on many of these issues slowed or even stalled after the mid-1990s, with only small differences between then and 2008 on most issues (some deteriorated by the early 2000s, then recovered by the late 2000s).<sup>19</sup> Between 2001 and 2016, the proportion of Americans who agreed that women (already) had equal job opportunities to men grew by ten percentage points, but the proportion favoring affirmative action programs for women grew by seven points.<sup>20</sup>

In most OECD and Eastern European countries, attitudes became more progressive between 1990 and 2000, by between four and ten percentage points, regarding whether a working mother could establish as good a relationship with her children as a non-working mother, whether men should have more rights to a job than women, and whether women had to have children in order to be fulfilled.<sup>21</sup> Further drops were recorded in several key countries between 2000 and 2006.<sup>22</sup> In Australia, from 1990 to 2013, there was little change in the proportion of voters believing that women should be given preferential treatment when applying for jobs and promotions, but increased support for the view that the government should increase business opportunities for women (from 41 percent to 51 percent), and a more than halving of support for the idea that equal opportunity for women had gone too far (from 21 percent to 8 percent).<sup>23</sup> Changes in attitudes over long periods no doubt partly reflect the direct effects of the feminist struggle, but also its indirect effects, as there is evidence that “increases in women’s paid employment promotes gender equitable norms and stereotypes.”<sup>24</sup>

Yet the same surveys cited above also show the continued existence—albeit with reduced popularity—of gendered norms. Depending on the particular idea, these might only be held by a minority, but they can still affect the experience of women, and are often more strongly held by those still in power. As emphasized earlier in this book, it is not so much norms across society as norms held by those in power that matter for gender gaps, as these are more influential in shaping pay. A recent Australian study showed that only 31 percent of men, but 60 percent of women, thought that significant obstacles still made it harder for women than men to get ahead.<sup>25</sup> This unsurprisingly gendered view of women’s situation is evident in several countries.<sup>26</sup> As we saw in the discussions of senior managers<sup>27</sup> and senior film and TV production roles,<sup>28</sup> or in the behavior of participants in “Gamergate” or reactions to an all-female *Ghostbusters*,<sup>29</sup> male-dominated groups still operate with norms that privilege males and male behavior at the expense of females. While among the coal miners we saw that these norms may be constrained by rules and procedures,<sup>30</sup> among those other groups just mentioned, regulation distance minimized such constraints.

Men react more adversely to women asserting themselves in negotiation than to other men doing the same<sup>31</sup>—something that perhaps helps explain why women appear less aggressive in negotiations than men.<sup>32</sup> Female performers are regularly heckled with sexist jibes.<sup>33</sup> A female

musician has a greater chance of being selected for a symphony if her gender is unknown (with the switch to “blind auditions” accounting for a third to a half of the increase in female orchestral hires after 1970).<sup>34</sup> An author receives more manuscript requests when sending queries under a male rather than a female name.<sup>35</sup> People even feel more endangered by hurricanes with male rather than with female names.<sup>36</sup> Only when their gender is masked online are the high capabilities of female coders acknowledged.<sup>37</sup> But the mask of anonymity online for commenters makes women the target of a disproportionately high amount of online abuse.<sup>38</sup> These views about women’s competence, or even the appropriateness of their presence in certain activities, may reflect resilient notions that women are more suited to domestic activities.

The most extreme manifestation of anti-female attitudes is violence. In Australia, the incidence of violence against women (either physical or sexual) fell by 0.5 percentage points between 2005 and 2012 (when 5.3 percent of women reported the threat or actuality of violence), but this was much less than the 2.1 point drop experienced by men,<sup>39</sup> so it is unclear whether this represents any improvement in attitudes toward women or is simply part of a trend to a less violent society. In Britain, violent crimes against men and women both fell from 1994 to 2008, but after that, by at least some measures, violent crime against women rose—particularly domestic violence—but not violence against men.<sup>40</sup> Across the world, the picture is mixed: in most countries with comparable data, measures of both women’s and men’s acceptance of violence fell over time; in some, the incidence of violence against women, or intimate partner violence, has also declined, but in others, this is not the case. And intimate partner homicide rates have remained relatively stable even though other forms of homicide have declined globally.<sup>41</sup> In trying to reconcile apparent inconsistencies between attitudes and behavior, recall that norms here are the principles that guide behavior—that is, they are not just about personally held attitudes about what is desirable, but also perceptions about what is appropriate behavior in a given context.<sup>42</sup>

Those perceptions about what is appropriate may be influenced by how well competing ideas are mobilized—as evidenced by how often (positively or negatively) people encounter them through the media or personal interactions and networks. A person may hold, but hide, racist or sexist attitudes and be wary of acting upon them because they become social taboos. But if espoused by public figures, elites, or political leaders, such ideas may become legitimate<sup>43</sup>; these views may become no more

common, but their holders may feel more confident in acting upon them, through demonstrations, discrimination, threats, or even violence. Thus, between two points in time, overall attitudes could become less sexist while the norms of acceptable behavior of the powerful may become more sexist. It is beyond the scope of this book to say whether this has happened in recent years, but in the context of the rise of right-wing populism as one form of rejection of market liberalism, we raise this as an important question to investigate.

### THE DOMESTIC–WORK INTERFACE

The improvement in norms still has a very long way to go, not least when we consider more closely how views about women are shaped by the domestic–work interface. Through almost all our case study occupations, the interaction between the domestic and market spheres has played a central role in gender gaps. For those in female-dominated occupations, the interaction has shaped the occupational valuation of work.<sup>44</sup> For chief executive officers (CEOs) and senior film producers, it created an image of the female worker that was far from the testosterone-driven “ideal” worker featured in male-shaped norms, an image that helped keep women out.<sup>45</sup> For women in several—perhaps most—of the occupations we studied, domestic obligations created both imaginary<sup>46</sup> and real barriers to women’s progression to higher levels and achievement of higher pay.<sup>47</sup> For all women with children, access to childcare is critical for participating in the labor force.<sup>48</sup> Without an equal distribution of paid and unpaid tasks between the sexes, the elimination of gender pay gaps is highly unlikely.<sup>49</sup>

With the marked changes in norms mentioned in the previous section, we might have expected that the barriers facing women presented by the domestic sphere would have greatly diminished. Yet they remain powerful. Few industrialized societies have moved to what Pocock would call a truly “shared work/care model.”<sup>50</sup> Most are still in a “modified traditional model,” in which many—perhaps most—women work; however, if someone has to look after the children, it is the woman, not the man, who works part time and whose career becomes secondary. This has increasing rather than decreasing relevance. Since the 1980s, as power has shifted from labor to capital, working hours and work intensity have increased in many countries, following the logic of capitalist accumulation.<sup>51</sup> In some industries, such as mining, 12-hour shifts have become the norm.<sup>52</sup> In others, such as law, long hours are routinely expected of employees.<sup>53</sup>

Long-hour jobs reinforce the contradistinction between the “standard employment relationship”<sup>54</sup> and the domestic sphere; they reward workers without caregiving responsibilities outside the workplace and penalize those with them—mostly women. Increased pressure on men to undertake long-hour work also reduces opportunities for a more equitable division of labor within the household. This is most obvious in mining households, where women partners mainly work part time rather than full time,<sup>55</sup> but it also occurs elsewhere. Even if attitudes have changed, behavior is less elastic. Men often still undertake considerably less housework, childcare, or elder care than women—on average, even when women work full time.<sup>56</sup> The logic of capitalism, with its greater demands for long-hour workers—mostly men—makes behavioral change much more difficult again.

Managerial norms reinforce this link back to the domestic sphere. “Flexibility” is often seen as something to enable *women* to balance their workplace and domestic duties, by reducing the demands upon them, but not upon men. Requests for flexibility—among coal miners, academics, and the population at large—are more likely to be refused when they are made by men than by women.<sup>57</sup> Male lawyers who work part time for some period, to look after children, are financially penalized even more heavily than women,<sup>58</sup> while an experiment showed that managers were much less likely to interview for full-time vacancies men in part-time than men in full-time jobs or women in full- or part-time jobs.<sup>59</sup> While seemingly disadvantaging men, inequalities in “flexibility” simply reinforce old divisions of labor and ultimately disadvantage women. As Acker argues, “the use of family-friendly policies, primarily by women when they have young children ... may increase gender inequality in organizations.”<sup>60</sup>

### LABOR SEGMENTATION

The female share of total employment has risen over the past two decades in every industrialized country. As a consequence, in most industries and occupations, the share of female employment has grown. There are some exceptions, mainly in male-dominated industries or occupations—for example, computing in some countries.<sup>61</sup> In Australia, female representation fell in the male-dominated construction and wholesale trade industries between 1995 and 2015, but grew in the others; it fell in the male-dominated occupation of machinery operators and drivers.<sup>62</sup> In coal mining, women’s employment share has risen and fallen with total employment, as they are

disproportionately part of the flexible “contract” workforce, the size of which can be adjusted more easily as demand alters.<sup>63</sup> In the United States, the female employment share in male-dominated industries appeared to fall between 1995 and 2010.<sup>64</sup> There is little, if any, improvement overall in the degree of labor market segmentation—perhaps even some deterioration. Given the changes in norms discussed earlier, this might surprise, but women entering the labor force may be more likely to seek employment in areas in which they feel comfortable working, and where employment growth and hence longer-term prospects appear stronger; few would look for, or find, employment in declining industries.

Not all occupations retain their gender status. Law, formerly a male-dominated profession at all levels,<sup>65</sup> has been infiltrated by women to such an extent that, in many countries, the majority of law graduates, and indeed law employees, are now female—but partners (the top level of the profession) are still overwhelmingly male.<sup>66</sup> As the gender distribution of those in power shifts, so too will the norms that influence pay. As women occupy more positions in an occupation, they are likely to try to shift the norms toward objective criteria in determining pay and conditions. But this is an uneven process with uneven outcomes, and will depend on occupational struggles and the roles of critical actors. In law, it has meant challenges to the long-hour culture that is seen by some as the greatest barrier to female progression, but so far, few law firms have tried to overturn this culture—through some newly established firms recruit lawyers disillusioned with long hours elsewhere.<sup>67</sup> The gender pay gap in law has declined (e.g. in New Zealand),<sup>68</sup> but gender remains a disadvantage when it comes to obtaining a partnership. Academics are a more regulated occupation where female employment has increased, but barriers to female advancement remain,<sup>69</sup> and are increased over time as universities promote policies that increase working hours and intensity<sup>70</sup> while domestic relations remain gendered.<sup>71</sup>

The maintenance of the gender segmentation of labor in turn perpetuates external gender gaps—that is, the undervaluation of female-dominated work (which becomes, if anything, more important in overall female pay)—and internal gender gaps in male-dominated work, particularly in regulation-distant areas. Female-dominated work pays less, on average, than does male-dominated work, and the gender gaps are greater within male-dominated organizations than within female-dominated organizations.<sup>72</sup> These effects might be ameliorated, however, if changes in the content and distance of regulation favored women.



## REGULATION OF GENDER

In many countries over the past three to four decades, there have been changes in the content of the direct regulation of gender—by which we mean regulation specific to the treatment of women—and the indirect regulation of gender—regulation that might appear to be “gender neutral” but that affects women because it reduces or reinforces demarcations between the domestic and market spheres.<sup>73</sup> As Gottfried points out, regulation of gender can also occur through those mechanisms regulating employment contracts relating to such matters as equal employment and pay equity.<sup>74</sup> Many such mechanisms have enhanced the relative position of women in the labor market. For example, most countries now have some legislation in place that prohibits sex discrimination, often drawing on the 1979 United Nations Convention on the Elimination of All Forms of Discrimination Against Women. Many countries have provisions, initially either through law (as in the United Kingdom) or tribunal decisions (as in Australia), providing for equal pay for equal work or for work of equal value. Some have state policies actively promoting equal employment opportunity for women. Through this direct regulation of gender, emphasis has been placed on the individual rights of women at work. Logically, this should have led to a major improvement in gender pay equity.

On indirect regulation, the picture is more mixed, but overall in a positive direction. In almost all OECD countries, expenditure on childcare and preschool education as a proportion of gross domestic product (GDP) increased between 1998 and 2011, but questions are regularly asked as to whether it is sufficient.<sup>75</sup> Paid parental leave, or at least maternity leave, has become available in most countries, but rarely provides more than a few months away from work.<sup>76</sup> We saw earlier how legislative changes in Japan facilitated greater female participation in the workforce, but reinforced the central role of women in the household and men in the workplace.<sup>77</sup> We saw how, in the Australian case, many interventions such as carer’s leave, parental leave, and the right to request flexibility provisions may appear “gender neutral,” or even of benefit to women at work, but they reinforce the domestic responsibilities of women and do not change how work is organized or remunerated.<sup>78</sup> Outside the workplace, many countries now have laws—although they are still inadequate—on domestic violence, sexual harassment, and marital rape.<sup>79</sup> This matters because prohibitions on sexual harassment and gender violence mean a reduction in threats of violence that suppress the demands of women.<sup>80</sup> More rarely, some workers can take paid leave from work if they experience domestic violence.<sup>81</sup>

The concept of “flexibility” has taken a peculiarly gendered form.<sup>82</sup> The limited capability of flexibility policies to work in the interests of women helps explain the resilience of labor segmentation: if they reproduce the gendered divisions of labor, then male-dominated norms about long hours, untrammelled availability of labor, and the “ideal manager” will help to minimize the female presence in better-paid, male-dominated occupations. Again, we would still have expected more progress in reducing overall gender gaps than has been observed. To fully understand this outcome, we must look not only at the direct and indirect regulation of gender, but also at the regulation of work more broadly.

### REGULATION OF EMPLOYMENT AND THE ECONOMY

Women are affected not only by regulation of gender but also by a range of mechanisms regulating employment contracts<sup>83</sup> and the economy more broadly. Over the last two decades, as policy makers in most countries have endorsed liberal market policies, women have experienced increases in regulation distance. As privatization has progressed, the public sector has declined. The gender wage gap is smaller in the public than in the private sector.<sup>84</sup> The underlying rules in the public sector make the gender gap there less susceptible to changes in the degree of collectivism or individualism in wage fixing.<sup>85</sup>

Unions and collective bargaining have also declined in most industrialized countries, in the face of increased state antagonism, growing employer activism, structural economic changes, and the slowness of union adaptation.<sup>86</sup> In several countries, the union wage premium is greater for women than for men, which suggests that the gender pay gap is smaller among union than among non-union workers,<sup>87</sup> as unions tend to most benefit those groups that, in the absence of unions, would be in the weakest position in the labor market<sup>88</sup>—though the union wage effect has been declining as union density has fallen.<sup>89</sup> In Australia, the gender pay gap for workers on collective agreements is typically less than it is for those on individual contracts,<sup>90</sup> and the lowest gap is for workers reliant on minimum wage awards of tribunals.<sup>91</sup> In Germany, the gender pay gap is least in firms with collective contracts and wage councils.<sup>92</sup> Cross-nationally, higher collective bargaining coverage is associated with lower gender pay gaps.<sup>93</sup>

Wage fixing typically has become more decentralized (though not universally). At the cross-national level, gender equity is higher on average in countries with more centralized forms of wage fixation<sup>94</sup> and in countries

with higher union density.<sup>95</sup> The halt in progress in Australia in reducing the gender pay gap, and its subsequent reversal, coincided with the shift in Australia from centralized to decentralized wage fixing.<sup>96</sup>

Organizations have also sought to find gaps in the micro-level regulation that collective agreements provide, and use these gaps to create flexibility for themselves, by the extension of performance-related pay. Gottfried identified how this “non-regulation” is gendered.<sup>97</sup> We saw this trend, and its effect on women, among academics.<sup>98</sup> The low transparency of performance-related pay, and secrecy regarding pay in general, is linked to inequality and gender pay inequities.<sup>99</sup> Transparency is typically high where workers have regulation proximity (e.g. the public sector) and low where they have market proximity (e.g. individual contracts). Thus visibility has many meanings. We saw earlier that where the *gender* of workers is invisible, opportunities for pay discrimination disappear.<sup>100</sup> But where *work* is invisible to regulators (as in outworkers),<sup>101</sup> or *pay* comparisons are invisible to workers, opportunities to *prevent* pay discrimination or undervaluation disappear.

As market liberalism progresses and competition grows, firms seek to transfer more risk from shareholders to employees. This may be through flexibility in pay, hours, or employment. The transfer of risk is a means by which those in power enhance their control over resources—that is, their power. As women are, on average, in less powerful positions than men in the labor market, this widens the gap between men and women. It thus partly or fully offsets the gains that women have made elsewhere.

## CLASS MATTERS

Gender regimes are “nested within capitalism.”<sup>102</sup> The economic intersects with gender differently between locations, historic periods, and gender regimes, but ultimately the economic is the key source of power. In seeking to understand the persistence of gender gaps, we are forced to return to the idea of an earlier chapter: class matters—a lot.<sup>103</sup> We refer here not only to the class from which people come: the intersectionality of inequality matters (being working-class *and* female is a heightened disadvantage),<sup>104</sup> working-class women *and* working-class men are much worse off than ruling-class women,<sup>105</sup> and the inequality between working-class and ruling-class people is widening.<sup>106</sup> Yet that, in itself, is not enough to explain trends in the gender gap. True, women at the top of organizations, *relative to men at that level*, experience a very large gap in pay—possibly the largest

internal gender gap faced by any group.<sup>107</sup> High-income earners are most exposed to market proximity. They are least likely to be subject to minimum wage laws, often exempted from certain labor laws (e.g. in Australia, on unfair dismissal), less likely to be unionized (especially when in managerial positions), and more likely to be governed by individual contracts. Thus in Australia, for example, there is a higher percentage gender wage gap in the higher earnings brackets of most industry groups and overall than in lower brackets.<sup>108</sup> (Notably, though, this occurs only in the private sector, not the public sector, where regulation proximity continues much higher up the classification scale.)<sup>109</sup> In most OECD countries, Whitehouse shows that the gender gap is substantially greater for higher-wage earners than for middle- or low-wage earners.<sup>110</sup> With that background, widening inequality in general would be expected to lead to wider gender inequality, especially as the main feature of growing inequality is the rise of the super-rich,<sup>111</sup> who are almost exclusively male.

However, while that tells us something about the average gap between men and women, it says nothing about relativities between most men and most women. The other factors we have discussed—norms, segmentation, regulation content, and distance—tell us more about that. To understand trends there, we need to consider trends in class *relations*. Since the 1980s, most societies from the global North and many from the South have experienced shifts toward liberal market policies—often described as “neoliberalism”—that have increased regulation distance in most areas of economic life, including employment law, public ownership, and product market regulation. Probably the main contrary trend has been in direct gender regulation, with laws passed in many countries prohibiting discrimination based on sex, pregnancy, or sexual preference, and sometimes promoting employment opportunities for women. Individual rights have been strengthened, while collective rights have weakened.<sup>112</sup> Unions and policy makers in the state have become more supportive of (or at least less resistant to) women’s advancement, in part through the growing presence of women in significant positions in such institutions. Ultimately, though, the weakening of collective rights, via the decline of union power and the weakening of employment protections, has harmed the relative position of women in ways that have offset gains through changing values and individual rights.

That is, trends in gender gaps reflect opposing forces. On one hand, there has been increasing regulation distance through the resurgence of market liberalism. On the other, there have been more supportive norms

and regulation content—although probably with declining momentum. But this occurs in the context of resistance to change in the gender segregation of the workforce and the relationship of women to the domestic sphere. Women’s activism has indeed enabled progress to be made in norms and direct gender regulation, but it has not been directed to, or at least has not prevented, the growth of market liberalism that has increased regulation distance in many areas.

Finally, we must expand on another aspect of the link between gender and power. In earlier chapters, we saw reference to the “faces” of power.<sup>113</sup> The general trend toward more progressive attitudes toward women in society as a whole—and, by implication, a lower likelihood that women will willingly accept their own subjugation—suggests a weakening of the “third face” of power, through which many women may have previously agreed that they should be paid less than men. But one aspect of the “second face” of power, by which the behavioral norms of the system continue to favor men, continues to act strongly against women’s interests. As argued, it is not norms across society that matter as much for gender gaps as the norms held by those in power, as these are more influential in shaping pay. This occurs even while a different aspect of the “second face”—the content of regulation itself—might have moved in favor of women, but still another aspect—regulation distance—appears to have moved against them. There have been contradictory forces affecting the power of women—forces that have varied over time and space—and these suggest reasons for the unevenness of progress toward equal pay, and the complexity of analyzing power in relation to gender.

Moves toward gender equity have focused on several things: drawing occupations into regulation, attempting to break down barriers between segments of the labor market, better valuing women’s work in regulation, precluding discrimination and harassment, promoting equal career access, and minimizing the scope for interference by the domestic sphere in career development. The great gains for women have been made, and are made, through collective action, but that action has a lasting impact only where it produces regulation that favors women’s employment opportunities and rewards, and brings workers clearly within the scope of such regulation; it can only be said to be truly effective when segmentation in the labor market is broken down. It also requires a challenge to the logic of market liberalism and the problems that this creates for collective power.

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