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Section C: Research

Equal Opportunity — Lip Service or Reality

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Introduction

It would be reasonable to assume that today's business managers are aware of the ethical and legal obligations they have with regard to discrimination and harassment. Anyone acting in a management position should realise that organisations are 'subject to increasingly frequent lawsuits by a growing variety of groups, ranging from employees to clients' (Robbins, 1991: 85). The wise manager will, therefore, utilise the competencies of qualified human resource and legal practitioners to constantly review procedures in areas vulnerable to litigation.

Legal action on the part of minority groups against management and co-workers can only reflect badly on the company, affecting both the internal environment and the mega- or external environment. The resultant disruption of organisational culture has the potential to forestall realisation of organisational goals. 'The sociocultural element of the mega-environment includes attitudes, values, norms, beliefs, behaviours and associated demographic trends ... Because these sociological trends are changeable, managers must monitor trends ...' (Robbins, 1991:

85) in relation to products, work practice, employee/ employer relations, employee work conditions and the ways in which organisational behaviour demonstrates a company's attitude toward its clients.

Awareness of the ethical and legal repercussions of harassment **should** mean that discrimination and harassment in the workplace no longer occur. Equal Opportunity regulations have applied in South Australia since 1975. The 1984 *Equal Opportunity Act* enforces compliance with legislative requirements which act to protect the right of employees. Employers must provide:

- a safe and healthy workplace
- a workplace free from discrimination and sexual harassment
- a workplace where workers will not be humiliated, intimidated or offended
- counselling if work performance is not up to standard, and the opportunity to improve.

Harassment and discrimination affect mainly minorities and may occur due to physical, ethnic, social, economic, or class difference. Anti-discrimination legislation applies to:

- sex
- marital status
- pregnancy
- religion
- sexuality
- race, nationality
- impairment — physical or intellectual
- age.

It protects against discrimination in:

- employment
- education
- conferral of qualifications
- provision of goods and services
- accommodation
- clubs and associations
- advertising
- the sale of land.

Disability

Disability is a broad term, applying not only to those with obvious physical handicaps, but 'also to those with less visible conditions, such as cancer, heart disease, diabetes, epilepsy, AIDS, drug addiction, alcoholism and emotional illness' (Rachman *et al.*, 1988: 82). Many able-bodied workers feel jeopardised or uncomfortable with diseases and disabilities which they do not understand. Thus, even in situations of equal merit, management may choose to disregard disabled people. Where such conditions do not impair a person's ability to perform their work tasks, it is both unreasonable and unlawful to discriminate against them.

Discrimination

Discrimination means that reactions to perceived distinctions or differences create situations where exceptional treatment of individuals or groups occurs. Such treatment varies with the object, and in the case of sexual or racial discrimination, generally stems from fear, misunderstanding and the abuse of power. It 'runs counter to the ideal of equal opportunity for all' (Rachman *et al.*, 1986: 76). Proponents of affirmative action believe that discriminatory behaviours can be countered and redressed by offering temporary special benefits to minorities. They argue that minorities deserve, and require, preferential treatment to boost opportunities and to redress years of disadvantage. 'Affirmative action is the set of actions taken by businesses to recruit and promote members of minority groups. Its proponents believe that equal opportunity can best be achieved if minority groups are temporarily given special benefits' (Rachman *et al.*, 1986: 77). Thus there is a basis for differential

treatment of disadvantaged groups which goes beyond the bounds of a purely formal equality of opportunity.

Sexual discrimination

Although it is important to realise that men can and do face some sexual discrimination in the workforce, women are more likely to feel the effects of discrimination on the basis of gender. In 'Ethical and social responsibilities in business' (Rachman *et al.*, 1986: 79), the authors point out that women have moved into higher paying occupations, narrowing the gap between their earnings and men's earnings. Yet women continue to earn significantly less than men, even when they compete in the same occupations and are equally, or even better qualified.

Women of childbearing age may, in fact, be precluded from employment on the inferred premise that they will probably either require leave or resign to have children. Women may also be denied promotion or advanced training opportunities because managers assume they are 'less interested than men, and more tied to their families' (Rachman *et al.*, 1986: 79). Such sexist assumptions negate the principle of employment, training and promotion on the basis of merit. They stereotype women as 'home-makers' rather than competent career people.

Sexism is the belief that females do (and should do) different things from males, just because they are female. People who have these beliefs ... think that what males do is more valuable and important. (Commonwealth Government of Australia, 1984: 5)

Women at work

Pringle (1993: 133-134) asserts that analyses show an unequal distribution of women within organisations, curiously concentrated at the bottom of the hierarchical structure. This is due to the fact that, in organisations saturated with male values the sex role for women takes precedence over the work role. Employment has been a male bastion for so long that men 'close ranks' to protect against the invasion of a female workforce. Sargent (1983: 48) states: 'power relations are involved in sexual behaviour, in knowledge about it, and in the

alliances which might be made'. These power relations, when transferred to the workplace act to keep women at the bottom of the promotional ladder and to disallow the influence of female ideologies on male work culture and behaviour.

Feminism

Feminists view the relationship between men and women as being one of unequal power.

Radical feminism has contributed to management theory, particularly in the analysis of sexual harassment or, as its more broadly conceptualised, 'social-sexual' relations. (Pringle, 1993: 128)

This has led to the naming of sexual harassment, with the resultant visibility of a frequent experience of women. 'The main focus of liberal feminism is to make women the social equals of men' (Pringle, 1993: 128). Cultural feminism 'focuses on women's experiences', viewing organisational structures and culture as masculine (Pringle, 1993: 128). The impact of these feminist ideologies has given a legal definition to sexual harassment, empowering women with tools for protection and redress, enabling them to compete socially, and in the workplace, on a basis of equality.

Economic discrimination

Many people have been (and often still are) targets of economic discrimination. On the basis of ethnic-background, age, religion or other characteristics unrelated to their ability to do a particular job, immigrants, Australia's Aboriginal people and other minorities have carried the burden of discrimination and disadvantage.

In a social and economic sense, women are a minority as well. Even though they outnumber men in our society, women have also traditionally suffered economic discrimination. (Rachman *et al.*, 1986: 76)

Minorities

Job discrimination against minorities has been a vicious cycle. Because they could not hope for better jobs, many minority-group members had little incentive to seek an education. Without

adequate education, they were unable to qualify for the more prestigious jobs which might otherwise have been available to them. Relegation to low-paying menial jobs then prevented them from taking advantage of opportunities available to mainstream groups. Our immigrant populations, which contribute toward making Australian society 'one of the most ethnically diverse in the world' (Castles *et al.*, 1988: 25), have long been considered separate from the Australian working class, subsequently becoming victims of discriminatory practice, particularly with regard to upward mobility. Many migrants, especially women are 'dependent on exploitative work relationships as outworkers' (Castles *et al.*, 1988: 30), suffering from a lack of realistic employment prospects due to social and economic disadvantage. At work, many are still subject to verbal abuse (name calling, etc.), and exclusion from organisational culture.

Histories and geographies which privilege certain Australians have denied many people a participatory voice in Australia's past. Numerous Australians grew up 'believing Australia was "mateship"; the individual Australian bound by obligation to the welfare of his fellow soldiers ...' (Clark, Forbes and Francis, 1993: xi, foreword). Destined to confuse, this male symbol was eerily silent about Aboriginality, women and the multitude of cultures and histories either dominated or ignored by the official pre- and post-World War I record. The virtues of white male mateship supposedly 'surpassed any other call on emotion, or any other moral code' (Clark *et al.*, 1993: xi, foreword). Women, young people, indigenous Australians or the ethnically diverse immigrants of the late twentieth century could not possibly bond, or be accepted, in the same way.

'Racial and ethnic divisions have played a central role in the shaping of the Australian labour force since 1788' (Castles, 1988: 16), and in the shaping of our cultural expectations. Culture has various meanings, but can be, according to Sargent (1983: 47), taken to include the socially shared and transmitted knowledge, values, beliefs and customs in a given society. Other influences include 'the ideology of the dominant groups whose hegemony (rule of ideas) is perpetuated partly through the fact that culture is transmitted from generation to generation' (Sargent, 1983: 47).

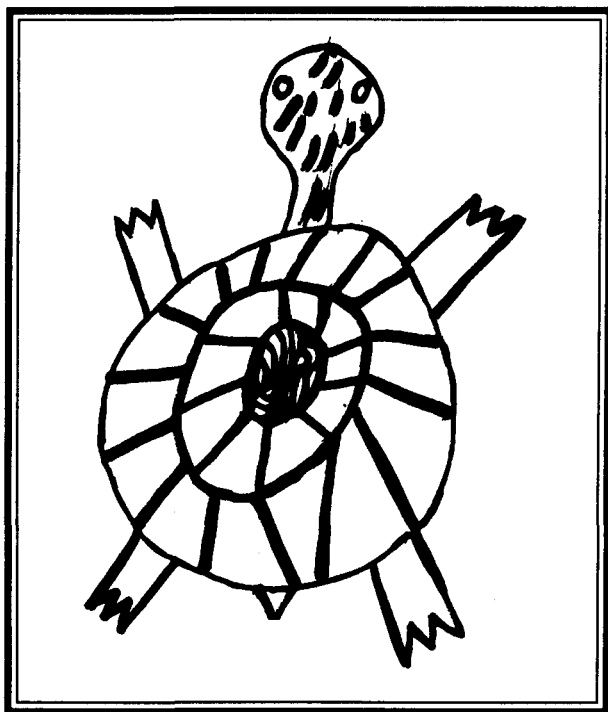
Work culture

Work cultures, as an attribute of organisations, may be seen, ideally, as inclusionary systems, working for the benefit organisations and toward the fulfilment of organisational goals. However, they may also act as exclusionary systems, serving to mark 'us' off from 'them'. Work culture should be associated, in optimum circumstances, with collective harmony, leading to a tendency to:

ignore counter-cultural movements; to regard culture as a unifying force, and to relate conflicts of understanding on the part of those who appear to dispute the unifying nature of the culture. (Grint, 1995: 173)

Unfortunately, in my opinion, Australian culture assumes or presupposes assimilation of minority groups. Where assimilation is not seen to have occurred, Australians (and other cultural majorities — this is not a uniquely Australian characteristic) tend to feel threatened, therefore project occlusive constraints.

Culture, and workplace cultures, can act to limit behaviour in certain ways, according to the expectations and values which prevail in that particular culture. Work mates who might disagree or feel neutral about a particular situation are 'bound through need for acceptance to go along with the majority values' (Clarke, 1993: 65). The



well-being of individuals is often tied to the welfare of the cultural groups to which they belong. Pressure and power groups within a work culture are able to exert considerable influence, overriding any dissenting opinions of co-workers who are not a part of the power elite. Thus differences in attitude may be subsumed or overwhelmed by the majority work culture. Those who disagree or object are consequently relegated to minority status and treated accordingly. By actively displaying contradictory or opposing attitudes, the dissenters themselves become victims of harassment or victimisation.

Harassment

Harassment contradicts any notion of justice in the workplace, whilst restricting equality of access to work. It precludes fairness in favour of security and compensation for those whose own inadequacies are bolstered by feelings of control and exclusivity. The principles of justice include a belief that:

People should be treated fairly and impartially, that rules should be applied consistently, and that people who harm others should be held responsible and should make restitution. A just decision, then, is one that is fair, impartial and reasonable in the light of the rules that apply to the situation. (Rachman *et al.*, 1986: 88)

Justice incorporates the notion of protecting the rights of the individual and of ethical respect for persons at personal, group and institutional levels. Democracy, therefore, does not preclude protection of the rights of minorities.

While harassment is unlawful, victimisation is also unlawful. Sexual harassment is unwelcome behaviour of a sexual nature. It may manifest verbally, physically or through innuendo. Harassment, however, need not necessarily be sexual. The term incorporates, in my opinion, any behaviour which discommodates, offends, or acts to penalise or harm other persons or minority groups physically, emotionally or psychologically, because of difference. 'Victimisation means treating someone unfairly in any way because they acted on the rights given them by the Equal Opportunity law or because they supported someone else who acted on those rights' (Markotic, n.d.: 5).

Indigenous Australians

Australia's Indigenous people have been, for over 200 years, victims of discrimination and prejudice. Disadvantage still manifests in poor education, poor living conditions and poverty. Whilst most Australians like to think of Australia as a classless, egalitarian society (compared with many other countries this is true), it is incontrovertible that class distinctions do exist. Australia has become an increasingly middle-class nation with rises in the standard of living and growth in home ownership for most Australians. Australians are reluctant to see themselves as 'working class' and there is, objectively, less employment of mainstream workers in rural or factory labouring positions. Not all Australians have prospered however. Permanently poor and disadvantaged sections of the population include Indigenous groups, and immigrant groups, often suffering language difficulties. Single parent families, unemployed people, ill or aged citizens may also suffer exclusion and disadvantage. Generally, Indigenous Australians remain 'as a group, the more poverty stricken sector of the working class' (Curthoys, 1983: 97). This poverty was forced upon indigenous groups and individuals by Australia's policies of ethnocentrism and control, thus denying them the scope for economic improvement through education and employment opportunity. Few Aborigines seek for instance, executive employment positions, or entry into politics, because of educational disadvantage and the racist attitudes of mainstream Australians. Others have found themselves working for lower wages than their mainstream counterparts. Marcus Priest reported in the *Courier Mail* (26/9/95: 16), on a case in which the Racial Discrimination Commission was asked to examine a complaint that the former Queensland Aboriginal and Islander Affairs Department paid seven Aboriginal workers less than their white colleagues. As a result of this action, similar cases were brought to light, showing that this form of discrimination is not uncommon for Indigenous workers.

'Education and employment are among the central areas where positive state interference may be required in the name of justice' (Clarke *et al.*, 1993: 65). Accessible education and vocational training opportunities for minorities allow a widening of choices for those wishing to compete in the

employment market, and for those in a position to offer and monitor employment practice.

Conclusion

Very few private behaviours can be controlled by law — 'anything that can be risked in private will be' (Faust, 1994: 11). However, supporters of equal rights want to create safer workplaces where women and other minorities may earn decent wages in decent conditions.

Legislation can fulfil a declaratory role, telling citizens this is how the community would like them to behave, but it cannot change behaviour — especially when it is not widely published or understood ... The best solution — indeed the only one — is the preventative education of both sexes. Workplace manners should be included in all induction programs. (Faust, 1994: 11)

Simplistically, the role and function of a Trade Union is to maintain and improve working conditions for the labour force. Unions should therefore exert considerable influence over how people at work are managed, offering appropriate support for workers. This includes minority group support. Unions further have an obligation to ensure that information and training are available to workers — that workers understand their responsibilities, the legal liabilities and possible repercussions of discriminatory workplace behaviours. Their role incorporates responsibility for ensuring that management initiates appropriate induction and training procedures which consolidate equal opportunity, anti-discrimination and safe work practice material.

Awareness of social, political and consequent legislative changes is central to the efficient management of any organisation. To respond to these changes and make the necessary adjustments within organisations is the challenge for employers and managers in the 1990s. 'Employers must respond to both the spirit and the letter of the law' (Markotic, n.d.: 2). Employers and companies will benefit by educating staff on expectations of employee behaviour in the workplace.

It is already widely accepted by many managers that it is good business for all their employment practices to be based on merit. This means decisions in every aspect of the employment cycle:

recruitment, selection, during employment and dismissal, are made on fair and objective criteria which take account of a person's skills, abilities, potential, motivation and capacity as they relate to the requirements of the job. Merit based employment therefore means people are not being discriminated against on the grounds of their age, sex, marital status, race, sexuality, pregnancy, physical or intellectual impairment. Non-discriminatory, merit based employment practices are the aim of most organisations, because they increase productivity and the effectiveness of the workforce. (Markotic, n.d.: 2)

Education and training needs to go beyond employees — to management, business owners, politicians, and other powerful people. Ethical behaviour in business starts at the top, where a strong leadership position by senior management sets the example for people throughout the company. If managers are prepared to demonstrate exemplary behaviour and attitudes, and to initiate worker education incentives, ensuring that all workers understand their legal and moral obligation with regard to discrimination and harassment, litigation should become unnecessary. But, more than this, education and training have the potential to effect true attitude change. Human resource expertise can be utilised to direct attention to suitable training programs, media production and general information/communication processes which will effectively inform and educate all organisation members.

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