

# Sustaining Diversity from Start to Finish





## Presenters

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## Program Outline

### ***Sustaining Diversity from Start to Finish***

- Issues in research and application - Erica
- Investigations in legislation - Geraldine
- Initiatives in practice - Kate



# Issues in Sustaining Diversity – developing the research in diversity

## Current Issues

Developing the vocabulary of diversity

Moving From Rhetoric to Reality – the gaps

- Creating links between diversity at the workplace and the historical or socio-political context of individual countries
- Including Employees views on diversity management
- Recognising limitations of business case

## Future directions

- Interplays multiple identities, oppressions and inequalities in organisational contexts
- Combining methodological forces
- Transnationalism
- Need for critical approaches to be melded into pragmatic daily management of diversity



## Survey of EEONA members on the how and why of diversity and equality implementation

- 2003 Survey administered to 60 EEONA members
- Sample: 50% had 2000+ employees; 48% government sector, 45% private sector and 7% not for profit





# Key findings

1. ***We've got the strategies, but not the practices***
  - 83% had a formal diversity or EEO strategy
  - BUT only 49% had a designated Diversity/Equal Employment Manager (compared with 89% in the US)
  - BUT only 68% explicitly considered the strategy in business planning and objective setting processes (compared with 79% in the UK)
  - BUT only 20% of Board directors and Executives are women, and only 10% of Board directors and 3% of Executives are NESB



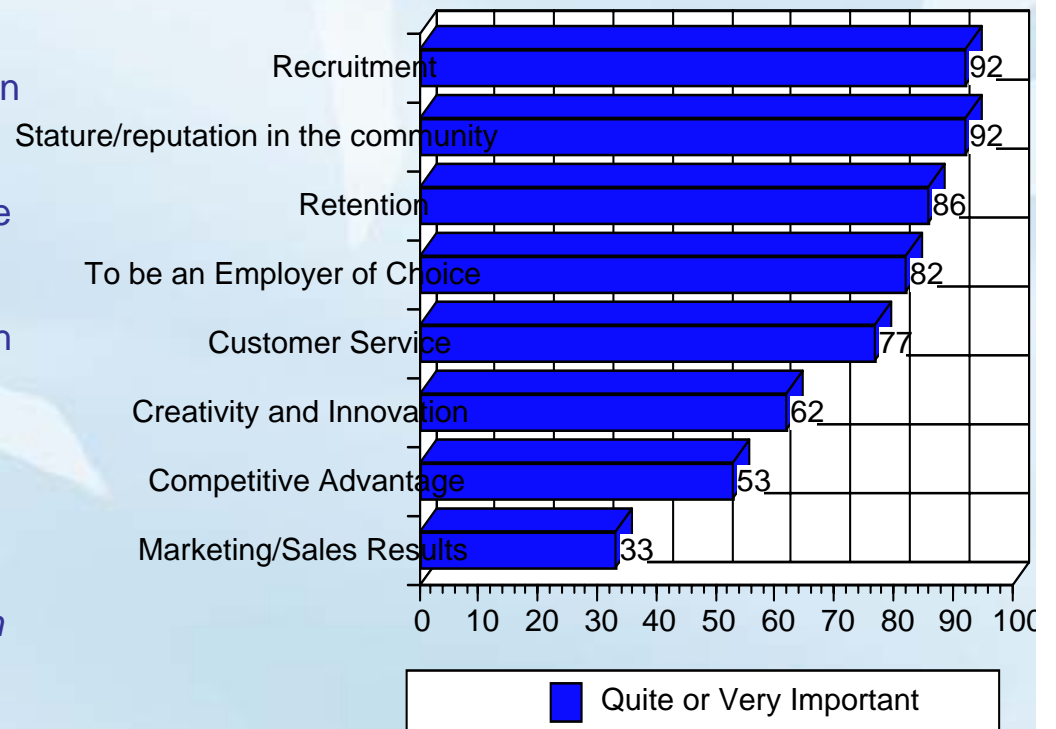
## Key findings cont.

### 2. *We are more focused on external appearance, and less focused on real benefits*

In the private sector:

- 90% improve stature compared with 10% in the US
- 90% recruitment compared with 46% in the US
- 70% competitive advantage compared with 89% US (and 100% for Catalyst Award winners)
- Best practice companies focus on marketing/sales outcomes
- *“Resources are focused on the recognition side, not on strategy”*: survey respondent.

Graph 1  
Importance of specific outcomes





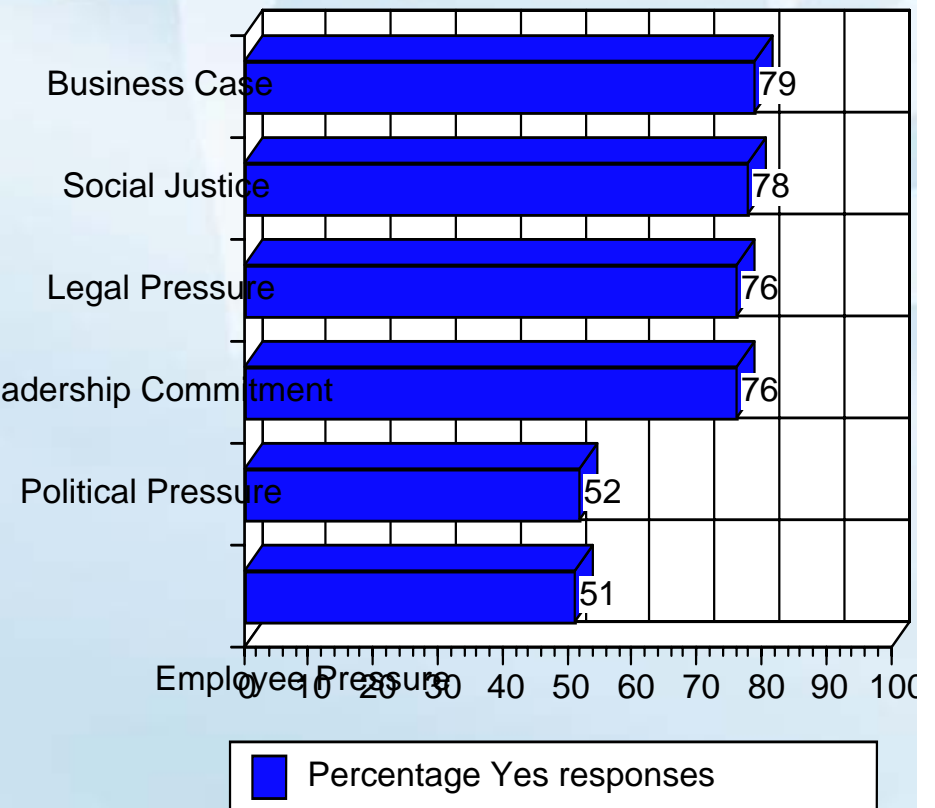
## Key findings cont

### 3. *The business case and legal pressure are the main drivers, but one size does not fit all*

Key differences between sectors:

- *Social justice* is the number 1 driver in the government sector (91%) the private sector (61%)
- *Personal leadership/commitment* is the number 2 driver in the government sector (90%) the private sector (62%)
- *Political pressure* is a key driver in the government sector (71%) but not the private sector (39%).

Graph 3  
Main drivers for implementation



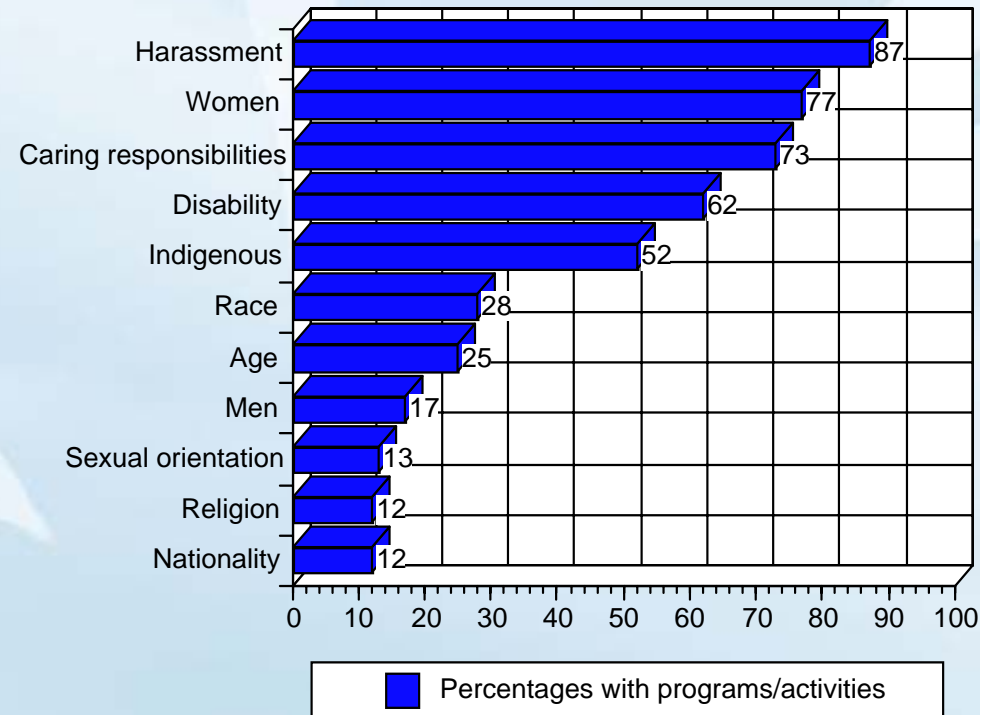


# Key findings

## 4. *Our diversity programs are not diverse*

- We are targeting harassment, gender, caring responsibilities and disability
- We are neglecting race, religion, age and sexual orientation
- The US is more focused than AUS on race (94%), sexual orientation (60%) and nationality (43%).

Graph 5  
Specific programs/activities addressing diversity groups/issues





## Key findings cont.

### **5. *We can improve managerial accountability for diversity/EEO outcomes***

- Only 57% of managers are held accountable for diversity/EEO outcomes (68% in the UK)
- Only 18% of organisations link a manager's promotion/progress to performance on diversity/EEO outcomes (48% in the UK)
- Only 13% of organisations link a manager's pay (including bonuses) to performance on diversity/EEO outcomes (27% in the UK)
- 2/3 of Catalyst organisations have representation/recruitment objectives for women, colour and minority groups



## Research into EEO approaches and effects on women and men in management and non traditional areas

- Content analysis of 197 EEO reports from finance and transport industry
- Each report assessed and information recorded in SPSS data base: includes workplace profile; organisational analysis and consultation; 7 employment matters.



## Findings of Research into EEO approaches and effects on women and men in management and non traditional areas

- Few organisations developed proactive strategies (n<10%) in recruitment, promotion and retention. Numerous organisations identified 'equal treatment' as the primary reason for lack of pro-activity (n>45%).
- A strong response in sex harassment category where 65% of finance organisations and 75% of transport organisations have policies categorised as anti-discrimination.
- The greatest proportion of organisations with approaches categorised as gender diversity occurred in the work organisation (n=22%) and conditions of service (n=22% and 19%) categories usually related to work and family activities.
- A lack of mention of pay equity issues or strategies.



## Findings results for numbers of women in management

**Increased numbers of Women in Management:** Organisational size was only significant contributing item

**Increased numbers of Men in Management:** Organisational size and addressing sexual harassment were the significant contributing items

**Increased numbers of Women in Sales:** Organisational size and addressing sexual harassment were the significant contributing items

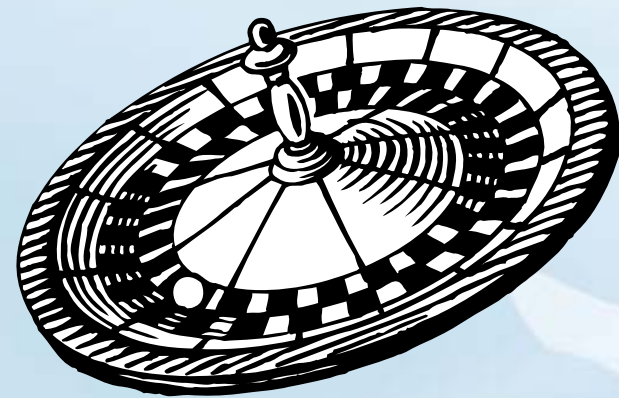
**Increased numbers of Women in Operations:** Organisational size training and development and addressing sexual harassment were the significant contributing items

**Increased numbers of Women in Clerical Roles:** Org size was the only significant contributing item



## Assessing the odds – what will be covered

- The landscape under Workchoices
- Liberal and Labor policies in EEO and diversity
- HREOC's attitudes
- Future trends - vicarious liability
- How to reduce the risk of breaching EEO/diversity obligations



**Freehills**



## The landscape under WorkChoices

- Unfair dismissal/unlawful termination/freedom of association
- Same discrimination bodies and legislation applies
- The number of complaints received by HREOC for unlawful termination has doubled
- Australian Fair Pay and Conditions Standards
  - Right to parental leave for up to 52 weeks after 12 months continuous service
  - Right to be transferred to a safe job
  - 10 days paid personal leave
  - unpaid carer's leave



## Liberal policy

- Focus on economic policy and employee-employer contract autonomy
- Entrench freedom to associate or not
- Recognition of family as fundamental
- Focus on education to create opportunity
- Limit role of government and regulation

**Freehills**



## Labor Policy

- There is a chapter on Human Rights
- Public inquiry on how to recognise and protect them
- Focus on more protection in employment conditions
- Equality for women and men in the workplace
- Better balance between work and family
- Remove discrimination against same sex couples
- Office for Children and Young People
- Indigenous issues including employment
- Improve access to employment for disabled people
- National paid maternity leave scheme

**Freehills**



## HREOC – ongoing considerations

- *Youth Challenge*
  - focus on educating youth about human rights
- *Bringing them home*
  - focus on Indigenous issues and self-determination
- *Face the facts*
  - focus on multiculturalism
- *Valuing parenthood and It's About Time*
  - paid maternity leave
  - women, men work and family - sharing
- *Implementing report on use of genetic information*

**Freehills**



## Vicarious liability – broad scope

### *Lee v Smith*

- Employee raped by colleague after informal dinner at another colleague's house
- Held that Commonwealth (as employer) was vicariously liable finding the rape was result of culmination of earlier incidents of sexual harassment and discrimination in the workplace
- Ordered
  - \$100 000 damages for hurt, humiliation, pain and suffering
  - \$232 136 for special damages plus \$53 000 for interest
  - apology from respondents
  - \$55 259 for past and future medical expenses
  - reemployment with Commonwealth



## Vicarious liability – focus on allegations

### *Streeter v Telstra*

- Employee had sex with 2 people in presence of colleagues after Telstra Christmas party
- Affirmed the broad construction of vicarious liability for out of hours conduct
- Held that there was no sexual harassment on the facts
- Ordered
  - reemployment with Telstra
  - payment of remuneration lost
- Telstra planning to appeal



## Improve the odds by reducing the risk

- Lead by example in culture
- Train your employees in EO and diversity
- Remind employees these policies and procedures apply even out of hours
- Do not allow unlawful conduct or passively ignore it
- Follow up complaints with fair and impartial investigation
- Ensure the investigation complies with dispute resolution policies of your organisation



Placing your bet ?

**Freehills**



## Employer of Choice - Where does Diversity Fit?

- Current workforce trends and increasing labour market shortages make diversity very important.
- EOC Organizations' invest in people, this will play a substantial role in attracting and or discouraging employees to your workforce (Organisation's are competing for the same talent pool).
- EOC enables a flexible approach to work life and family priorities and recognize the need to connect with the motivational sets of all employees.
- EOC supports and values the inherent diversity in all of us and looks at ways to foster this.
- EOC recognizes some of the inherent barriers that some members of society have faced in gaining employment and promotion and implement strategies to remove them.



## What Can We Do ?

Develop your own Diversity and Equity Planning Framework (Find, Keep and Grow)

Establish Employment Targets

Establish Accountability

Role Models in Senior Executive Positions

Ensure Leadership Capability Framework incorporates cultural competency and equity issues into Key Executive Learning Areas and Capabilities

Link with Organizational Planning Cycles

Establish Measurable Performance Indicators

Include key accountability related to diversity management and cultural competency in all Position Descriptions and Individual Performance Plans

Examine Attrition Rates

Measure staff perceptions of the organizational diversity and equity outcomes through staff attitude survey or organizational self assessment tools



Why

Improved Retention  
Reduced Recruitment Costs  
Reduced Training Costs  
Increased Motivation  
Increased Morale and Productivity  
Decreases in Absenteeism  
Increased Ability to Attract a Skilled Workforce



## Diversity and Equity – Find

- Promote a positive and diverse corporate image
- Develop targeted employment information and promotional material
- Visible participation in Careers Expos
- Aggressive EEO targeted marketing and advertising campaigns
- Targeted support to EEO applicants
- Pilot Programs aimed at particular applicant pools (Eg DES Aboriginal and Torres Strait Islander First Step Traineeship)
- Migrant Work Experience Program



## Diversity and Equity – Keep and Grow

- Cultural Awareness Training
- Diversity and Equity Training (Induction)
- Fair Play in the Workplace
- Participate in significant Cultural Events
- Profile Initiatives
- Equity and Harassment Contact Officer Network
- Support Scholarships
- Promote Leadership and Development Courses
- Implement and Role Model Work/Life Balance
- Women's Reference Group, Aboriginal and Torres Strait Islander Reference Group
- Pilot Programs (DES Pathways for Women)