This article examines the argument that gender mainstreaming offers the way forward for closing the gender pay gap. It juxtaposes research on the process of gender mainstreaming with our account of the processes involved in Australian state government Inquiries into the gender pay gap since the late 1990s. We indicate that the continuous process of analysis and response that gender mainstreaming can offer demands political will, intensive links between research and action, and adequate resources — which means that gender mainstreaming is seldom delivered in practice. We use our account of the Australian Inquiries to argue that, provided adequate political and financial resources are in place, the gender pay gap can be narrowed through the institutional mechanisms of an industrial relations system but that the regulatory approach is limited by its vulnerability to changes in industrial relations policy. The article concludes that, whatever strategy is used to narrow the gender pay gap, it must be able to show those who use and observe it that gender itself is a continuous, effortful and political process.

Keywords: gendering; gender pay gap; gender mainstreaming; wage-fixing systems

Introduction

In March 2004 Australian Prime Minister John Howard announced a proposal to change the Australian Sex Discrimination (1984) Act, so that Catholic Education, the governing body for Roman Catholic primary and secondary schools in Australia, could offer men-only teaching scholarships. The problem for Catholic Education was that the Sex Discrimination Act, enacted during an earlier and more progressive era of government, disallowed such proposals for unequal remuneration based solely on gender.
However, for both John Howard and Catholic Education, it made simple ‘common sense’ to remedy the lack of male teachers in their system by offering scholarships to men only (Howard, 2004).

The proposal to offer men-only scholarships lends considerable weight to the research that shows that, across all occupational groups, gender wage inequality is an integral feature of a system that values the work of men more than that of women (Pocock and Alexander, 1999). Indeed, such a ‘common sense’ idea reminds us that a politics of advantage favouring masculine bodies and ideals (Eveline, 1994) often underpins government policy from the highest levels down. Moreover, it demonstrates the everyday ease with which special treatment for men is labelled as a necessary advance for society, rather than as a form of affirmative action (Bacchi, 2005).¹ In sum, Howard’s statement is ‘doing gender’ (Gunnarsson et al., 2003; West and Zimmerman, 2003) as a routinely acceptable relation of inequality.

The ease with which Howard makes his male-biased proposal should remind us that a narrow focus on wage determination systems is going to be insufficient for dealing with the social, political, cultural and historical factors that reproduce sex-segregated occupations, the gender pay gap and gender inequality itself.

Increasing numbers of analysts are alert to the need to take account of such complexities, and in response recommend a multidimensional or multi-faceted approach to challenging the gender pay gap (International Labour Organization, 2003; Pillinger, 2005; Rubery et al., 2005). As Armstrong (2005) argues, a systemic solution is needed for a systemic problem. The systemic approach said by several researchers to have transformative potential is gender mainstreaming (Pillinger, 2005; Rubery et al., 2005; Walby, 2005). Gender mainstreaming is the public sector policy tool that has become important not only in developing countries, where it first took hold in the early 1990s, but also in Canada, Europe (particularly the EU member states) and New Zealand. Formulated initially by feminist practitioners in development fields, the principles of gender mainstreaming gained considerable ground as a policy tool for developed countries at the 1995 UN Decade for Women Conference in Beijing. In the EU it has been used quite widely with regard to aspects of gender inequality at work (Walby, 2005), and more recently has been suggested as a way of dealing with the gender pay gap. In their analysis of the gender pay gap in EU member countries, for example, Rubery et al. (2005, p. 1) suggest that governments ‘gender mainstream’ pay and employment policy. Gender mainstreaming of the gender pay gap, they argue,

shifts the focus from deficits or deficiencies in female characteristics, behaviour and preferences to the investigation and rooting out of gender pay discrimination as embedded in institutional arrangements, social norms, market systems and pay policies. (Rubery et al., 2005, p. 1)
The question examined in this article is whether, with regard to the gender pay gap, such faith in gender mainstreaming is warranted. As a form of policy intervention gender mainstreaming relies particularly on its use in the public sector and, given the monopsonistic nature of public sector employment, there is considerable potential for contestation if the aim is to narrow the gender pay gap by paying women relatively more.

Methodology

As Bacchi and Eveline (2003) argue, the meanings and efficacy of gender mainstreaming are highly contested. Thus the way forward, those writers suggest, is to assess in which contexts this policy tool can prove useful for advancing a change agenda, as opposed to those in which it might undermine gender equity.

This article addresses that question by examining a public sector in which gender mainstreaming has not caught on as a policy tool for addressing the gender pay gap — the Australian context. In particular, we examine high-level government reviews of the gender pay gap, which have included executive support from Australian public sector agencies with a responsibility for promoting gender equity in employment. Our aim is to assess what benefits a gender mainstreaming approach could have provided.

Since 1997 all six Australian state governments (with the exception of South Australia) have commissioned and completed at least one high-level review of the gender pay gap covering occupational groups across both public and private sectors. In addition, the government in Victoria has undertaken a further Inquiry focused solely on the public sector. This strategy of conducting high-profile state-funded Inquiries was intended to produce new research as to why the gender pay gap is so persistent, and to provide institutional, legal and legislative remedies on which governments can act. In some cases (for example, New South Wales and Queensland) the process of the reviews was also designed to produce better understanding (among the three sectors of government, unions and business) of how and why employment practices, including their own, contribute to the gender pay gap.

In this article our methodology is to interrogate how gender mainstreaming may or may not benefit efforts to narrow the gender pay gap through three phases of discussion. Firstly, with specific reference to the Australian context, we review research which seeks to explain the gender pay gap, including research suggesting the need for a gender mainstreaming approach. We next consider the public sector and feminist challenge and the potentials for (and critiques of) gender mainstreaming. Thirdly, in light of the core premises of gender mainstreaming, we discuss and assess recent government-sponsored reviews of the gender pay gap in Australia that are
invariably based on linking research to action plans. We then provide some preliminary observations as to how the insights and practices from both strategies might be of value.

Explaining and challenging the gender pay gap

As Preston and Crockett (1999, Table 1, p. 566) showed in their succinct summary of an array of econometric studies into the gender pay gap in Australia, most Australian studies have found that less than one-quarter of that wage gap is due to differences in the human capital characteristics (as for example, educational levels and years of employment) of men and women. A recent British study shows a similar lack of support for human capital explanations, suggesting there are ‘features of the life cycle (as well as the labour market)’ that they cannot explain (Joshi et al., 2007, p. 52). Using comparative European data Rubery et al. (2005) concur with this critique of human capital theory, arguing that it is essential therefore to look beyond standard economic models for the causal components of the gender pay gap.

How the institution of the family is treated in capitalist societies is an overarching factor found to contribute to the gender pay gap. Having children has a positive impact on men’s wages but a negative one on women’s (Pocock and Alexander 1999). Assessments of the provision of family-friendly arrangements in Australian workplaces conclude that good practice initiatives are confined to a minority of employees. For example, up to 65 per cent of managers and 54 per cent of professional women have access to paid maternity leave, yet only 18 per cent of the much more numerous clerical, sales and service workers and 0.4 per cent of casual workers are entitled to it (Watts and Mitchell, 2004, p. 179).

The institutions of an industrial relations (IR) system invariably impact on the gender pay gap. In Australia, for example, the wage determination system has played a key role. Some specific features of Australia’s IR system have been the award system and legislative provisions for arbitration by industrial tribunals for setting wages and conditions and resolving industrial disputes. It is notable that until the 1990s Australia’s gender pay gap was less than in many other OECD countries. This is primarily due to the 1972 Equal Pay Case in Australia and its implementation through a system of centralized bargaining. This Case officially demolished the formal discrimination that had operated since the 1907 Harvester decision, which established the concept of wages being determined on a gendered needs basis, with a woman to be paid only 54 per cent of a man’s wage. In most cases, however, the implementation of the 1972 Equal Pay Case has involved little or no evaluation of the work women performed, while most award variations were transfers to the lowest classifications on the male wage scale, and were made by consent rather than through a test case (Short, 1986). Nonetheless, particularly for professional
women, gains were made through two federal wage-fixing mechanisms: the ‘anomalies and inequities’ principle and the ‘structural efficiency’ principle (Rafferty, 1989). Later still, the ‘minimum rates adjustment’ principle allowed some leeway for establishing comparable minimum rates of pay against the comparator of a metal industry tradesperson (Australian Industrial Relations Commission, 1989).

However, Australian attempts to close the gender pay gap through wage determination decisions have been limited in two ways: (a) they have no way of addressing pay rates above the award minimums and (b) they fail to challenge the undervaluation of female-dominated occupations (Whelan, 2005b, p. 1), apart from the few, albeit important, cases that have been resolved under the Equal Remuneration Principles introduced in recent years in New South Wales and Queensland.

In addition, the introduction of enterprise bargaining in Australia since the 1990s (and the consequent fragmented bargaining system) has exacerbated gender pay inequities. The distribution of female employment between wage determination streams and the inequalities within the streams is contributing to the overall gender pay gap. Recent studies using Australian Bureau of Statistics data show that women are strongly over-represented in the lowly paid award-only stream (Whitehouse and Frino, 2003) which can operate at industry, sector, enterprise or occupation level. However, in the contemporary IR system, the pay of most workers is not set by awards alone but by registered and unregistered individual and collective agreements. Australian Bureau of Statistics data reveal that the gender pay gap is substantially greater for those on individual agreements than on collective agreements, a bargaining trend being encouraged by the Australian Government (Todd and Eveline, 2006).

A number of studies have pointed to the sex-segregated labour market as a key factor in the gender pay gap (Heiler et al., 1999; Pocock and Alexander, 1999). Pocock and Alexander (1999, p. 88), for example, concluded that ‘between 58 and 81 per cent of the gender pay gap is associated with being in feminized work (whether occupation, industry, workplace or job-cell)’. Consequently, many argue that the paid work of women has been undervalued and that attempts to describe it have received little recognition (Acker, 1989).

In late 2005 the federal government introduced changes to Australia’s IR system that brought predictions from the states, the Human Rights Commission and IR academics of an even greater negative impact on women’s wage and salary relativities (Group of One Hundred and Fifty One Australian Industrial Relations Labour Market and Legal Academics, 2005; Human Rights and Equal Opportunity Commission (of Australia), 2005; Joint States, 2005). According to the Joint States (2005, p. 55) submission, ‘as a package, the Work Choices Bill will render women even more isolated and precariously placed than before’. The new legislation provide for a new mechanism for setting the minimum wage, with most analysts predicting a reduction in the
minimum wage relative to average earnings. It gives priority to individual over collective bargaining, in which agreements are able to satisfy lower minimum employment standards and accepts a diminished role for the Industrial Relations Commission. It places greater restrictions on union activity and removes unfair dismissal provisions for employees in workplaces with less than 100 employees. In addition, the Work Choices Bill will deny approximately 85 per cent of the workforce access to state IR legislation which, in turn, will prevent most women workers from pursuing comparable worth cases through the state-based Equal Remuneration Principles introduced in 1998.

**The public sector and feminist challenges**

In Australia, as in the UK (Joshi et al., 2007), gender pay equity is somewhat better in the public than the private sector. Yet, as research elsewhere shows, the public sector has its own ways of maintaining that wage gap. The first of these is that the public sector, as a monopsonistic employer, uses its power to keep wages down in specific areas such as health and education (Rubery et al., 2005, p. 207). Secondly, there is the current influence of economic rationalist thinking that encourages restraint on public sector expenditure (Lonti and May, 2004). Thirdly, the restructuring of the public sector, involving downsizing, privatization and subcontracting, poses inherent risks to overall wage levels and decreases employment prospects in the public sector (Briar and Ang, 2004). In Australia, moreover, a key factor in this continuing gap is the level at which women are appointed to public sector positions. For example, Probert et al. (2002, p. ii), in their review of gender pay equity in the Victorian public service, found that average starting salaries favoured men significantly because women continued to be appointed at lower levels.2

Yet while the persistence of the gender pay gap has serious economic and social consequences, the substantial benefits that the public sector reaps from undervaluing women’s labour leave little room for optimism that governments themselves will do much to intervene.

It is clear that there is no one cause of the longstanding inequity of the gender pay gap. It is equally clear that the factors involved do not remain fixed but are reshaped in line with changing economic and political forces, as well as changes over the life cycle (Joshi et al., 2007). As Philippa Hall (2004, p. 4) notes:

> We need an intelligent and flexible appreciation of how ongoing social, political and economic change affects equal remuneration issues and solutions.... One of the reasons is that the mix of contexts and drivers of remuneration is constantly changing. [emphasis added]

Those who suggest gender mainstreaming as a way of narrowing the gender pay gap want to predict and prevent the negative effects of those
ever-changing contexts and drivers. Rubery *et al.* (2005, p. 209), in their argument for gender mainstreaming, suggest that

the gender dimension of specific policies should be anticipated, and amendments made on this basis. There must also be monitoring of the policy and subsequent amendments where the outcomes are unanticipated or even perverse.

But, in order to examine further the claims for gender mainstreaming made by Rubery *et al.*, (2005) we must consider in more detail what that policy strategy entails.

**The potential and critiques of gender mainstreaming**

According to Walby (2005, p. 463) gender mainstreaming ‘is a new and essentially contested form of feminist politics and policy, existing in the tension between the mainstream and interventions to secure gender equality’. Although its origins are in feminist activism, the proliferation of gender mainstreaming in public sector agencies has seen it become most visible as a practice of governance. Whether in public policy or in feminist activism, however, gender mainstreaming uses a form of gender analysis as its principal tool. Gender analysis begins from the premise that policy routinely (re)produces gender as a relation of inequality (Eveline and Bacchi, 2005). To intervene in those routine policy practices, gender mainstreaming suggests the need for sex-disaggregated statistics (Pillinger, 2005), and a well-developed understanding of gender as a product of social and political processes (March *et al.*, 1999).

Those crucial features of gender mainstreaming have generated keen support among numbers of feminist researchers, including some working on gender wage inequality. Rubery *et al.* (2005) agree with Magnusson *et al.* (2003), who describe the potential of gender mainstreaming as ‘transformative’. Rubery *et al.* (2005) offer three instances of how public sector organizations might use gender mainstreaming to counter the gender pay gap. In their view, and as noted above, the crucial advantage of gender mainstreaming is that it shifts attention from comparing characteristics of women and men onto gendered institutions, norms and policies, as the problem that must be addressed. This in itself is an important insight for those working on the gender pay gap. It brings research on the gender pay gap into the more recent conceptual frames used in feminist theories of organization, and developed from Joan Acker (1990) to Martin and Collinson (2006). In effect, the promise of gender mainstreaming, for Rubery *et al.*, lies in its activist roots. They write (2005, p. 44): ‘Gender mainstreaming pay policies means questioning the gender effects of these developments and not just seeking gender equality’ among specific groups of women and men.
It is crucial to note here that gender mainstreaming is a strategic intervention designed largely for public sector deployment. Jane Pillinger (2005) is one who emphasizes its potential for political activism. Pillinger’s study is on the public sector, where she analyses the Pay Equity Now! campaign, organized by an international alliance of public sector unions. This example of gender mainstreaming, she argues, was aimed at tackling the low value of women’s work, living minimum wages, privatization and liberalization, in parallel with enhancing the role and participation of women in trade union decision-making and activism. (Pillinger, 2005, p. 598)

This capacity in gender mainstreaming for empowering women to make gender discrimination visible also moves Rubery et al. (2005) to suggest its use for pay equity, including in the public sector.

Rubery et al. admit that good examples of gender mainstreaming pay policy are scarce. Nonetheless, they offer three cases of a wider and more systematic approach consistent with gender mainstreaming (2005); one in France, another in Sweden and the third in the UK. The basis of the argument of Rubery et al. is that the three most crucial elements for recent pay policy have been and are being implemented with little or no reference to their gender effects. These elements are ‘trend decline in the minimum wages, moves towards more decentralization and individualization, and the restructuring of the public sector’, (Rubery et al., 2005, p. 208). The principles of mainstreaming, they note, require policymakers to ‘examine the system of wage formation for evidence of gendered processes’. As they suggest (2005, p. 207), a projected outcome of gender mainstreaming is the prevention of policy errors which prove costly to rectify. Based on a preliminary analysis of the gendered processes, they claim, policymakers can consider likely future trends in these sectors and their implications for the gender pay gap.

In most forms of gender mainstreaming the goal of producing cost-efficient outcomes goes hand in glove with the goal of preventing gender inequities. However, in the cost-cutting climate of the contemporary public sector, that dual agenda can weigh too heavily on the side of cost efficiency. One result is the justifiable criticism that gender equity strategies are undermined by neoliberal premises (Bacchi and Eveline, 2003).

Clearly, Pillinger (2005) and Rubery et al. (2005) see that a particular attraction of gender mainstreaming is that it enables a shift from merely explaining the components of the gender pay gap towards a responsible plan of action anchored to a complex interweaving of research findings and gender analysis. As Rubery et al. (2005, p. 208) remark, ‘Gender mainstreaming offers a continuous process of analysis and response’. And in Pillinger’s words (2005, p. 591)
the practical realisation of this (gender mainstreaming) in the *Pay Equity Now!* campaign has been through transfer of capacity building, participatory research at the workplace level, donor funding and union networking.

Despite such glowing accounts of its potential, the use of gender mainstreaming is also strongly criticized by researchers across the world. Criticisms range from its ineffectiveness against ‘institutional and legislative obstacles, as well as attitudinal, ideological, structural and political barriers’ that sustain gender inequality (Pillinger, 2005, p. 598) to a lack of clarity as to how it should be done, coupled with a lack of interest or resources for monitoring and evaluating its effectiveness (Moser, 2005, p. 585). The crucial premise of the strategy is that because supposedly gender-neutral policy reproduces gender inequalities, gender mainstreaming requires an ongoing process rather than a sense of completion. As Eveline and Bacchi (2005, pp. 502–03) note: ‘the process of gender analysis of policy has no foreseeable end point — it must necessarily be sustained for as long as policymaking endures’. Yet according to Sandler (1997) the strategy is too often treated as a finite goal rather than an ongoing process. A more recent criticism is that most forms of gender mainstreaming pay insufficient attention to the way in which their premises and their advocates understand and portray ‘gender’, an oversight which severely limits their chances of success (Eveline and Bacchi, 2005).

In attempting to assess further how gender mainstreaming might benefit research and action on the gender pay gap, we turn now to the Australian context, where the public sector has been devoid of any formal recognition of gender mainstreaming until very recently. In fact, women’s policy units in South Australia and Western Australia were the first to begin gender analysis pilot projects in late 2004 (Eveline and Bacchi, 2005), and the Australian Sex Discrimination Commissioner, Pru Goward, also announced gender mainstreaming as the preferred gender equity strategy of the federal Coalition government only in late 2004 (Goward, 2004). The state government Inquiries into the gender pay gap that we outline below echo that transition in the wider policy domain, with little sign of gender mainstreaming terminology appearing in gender pay gap Inquiries until the Western Australia government review in 2004.3

**Australian reviews of the gender pay gap**

The audit society (Power, 1997) ensures that we measure, identify and legitimate the elements that make us who we say we are and how we should perform, from the ingredients listed on soup cans to the surveillance techniques of call centres. That ‘explosion of audit’ has gone hand in glove with the trend to new public management that suffuses the public sector and the
new accountabilities demanded of all employees, from university staff to police officers and government auditors themselves (to name just a few).

Reviews of the gender pay gap are just one of the many forms of formal auditing processes activated through public sector agencies such as equal opportunity units or industrial commissions. The UK for example has introduced not only occasional reviews but compulsory annual audits for the public sector and voluntary compliance for business and industry (Kingsmill, 2001), monitored by public sector agencies. Indeed, reforms such as equal employment opportunity and, more recently, gender mainstreaming, rely upon such public sector accountability, performance measures and auditing techniques for their effectiveness. As with the critiques of gender mainstreaming noted above, feminist researchers remain divided as to what those ever-increasing performance measurements can achieve in addressing gender inequalities in employment, pay and organizational contexts, with their main critiques being the minimalist way in which such strategies and policies are applied (Bacchi and Eveline, 2003; Walby, 2005). With regard to Australian reviews of the gender pay gap, however, there is some evidence that the review process itself can become a means of raising awareness of how the gendering of wages and salaries has occurred over time.

The strategy of mounting reviews of the gender pay gap in Australia was in part a result of running out of other options for addressing wage inequality. Although the early comparable worth cases in North America resulted in some gains for women in certain occupations (Hallock, 1999), in Australia comparable worth cases on the whole failed miserably. The Australian Industrial Relations Commission, for example, rejected comparable worth using points factor job evaluation as being incompatible with Australia’s wage fixing principles (Short, 1986, p. 329).

Federally, the Industrial Relations Act 1988 was amended in 1993 to include equal remuneration provisions and these were subsequently included in the Workplace Relations Act 1996, but the Australian Industrial Relations Commission has never made an equal remuneration order. The option of pursuing cases under these provisions in the federal legislation subsequently provided the opportunity for two test cases that amounted to exercises in comparable worth. However, as both these cases achieved negotiated settlements, the opportunity to set a pay equity precedent was lost (Reed, 2002, pp. 13–14). Accessing the provisions under the federal system is difficult because of a lack of clarity about how they can be applied, uncertainty as to whether they can adequately address undervaluation and the reliance on discrimination as a threshold test (Whelan, 2005a, p. 5).

At an organizational level, job evaluation techniques have been utilized as seemingly objective tools to analyze jobs. These techniques, however, have been criticized for their inept undervaluation of some aspects of traditional female duties and skills (Probert et al., 2002, p. 6), for example the more subtle skills involving human services compared with the visible and appreciated
skills associated with using technology (Probert et al., 2002, p. 6). With the federal climate becoming increasingly conservative and deregulated since 1996, and with IR tribunals discouraging gender pay equity cases (Jamieson 2004, p. 10), the need to address undervaluation shifted to the states, and found some response in periods when Labor governments held power.

New South Wales set the scene for other states to follow. The New South Wales 1997 Pay Equity Taskforce, comprising representatives of employer organizations, unions, government agencies, women’s organizations and academic experts, generated case studies of six occupational groups and recommended a subsequent pay equity Inquiry. Conducted by Justice Glynn in 1998, the central focus of the pay equity Inquiry was how work can be evaluated and remunerated without those practices being affected by the gender of the workers. The Inquiry used the case studies of the earlier New South Wales task force to investigate the history of wage fixing in the occupations studied and to identify the extent to which institutional arrangements influenced remuneration in ways that favoured one occupation over another.

The Glynn Inquiry identified undervaluation of female-dominated work in all the areas in which detailed case studies were considered, thus finding that gender-related undervaluation was routine and persistent. The Report listed the following characteristics of occupations that signal historical undervaluation of the work: female dominated; female characterization of work; little or no work value exercises by the Commission; inadequate equal pay application; a weak union, few union members; awards and agreements by consent rather than as test cases; inadequate recognition of qualifications, including the misalignment of qualifications; little access to training or career paths; a large component of casuals; small workplaces; a new industry or occupation; a service industry; home-based occupations (Hall, 2004, pp. 27–8).

In her Report Justice Glynn endorsed the concept of historical undervaluation. She found that gender-related undervaluation is systemic and so should be made central to equal remuneration provisions. The Glynn Report recommended that, when historical undervaluation is evident, comparators are not necessary for establishing the value of work; and no specific proportion of an occupation, industry or enterprise workforce should be required to be women as a condition for access to equal remuneration provisions (Hall, 1999, p. 43).

In line with the Glynn Report the New South Wales Industrial Relations Commission established a new equal remuneration principle in 2000 (IRC of New South Wales File No. ARC 1841 of 1999). The New South Wales equal remuneration principle can be used by workers’ unions to mount a case under the tribunal system. In mounting such cases it is no longer necessary to prove discrimination by employers or industries, provided the occupation shows evidence of the characteristics of historical undervaluation outlined in the Glynn Report. Mounting a case under the equal remuneration principle:
• allows for fresh assessments of the value of work and the rates of pay in an award where the current rate is undervalued on a gender basis
• ensures that the reassessment of the value of work is gender-neutral
• allows comparisons to be made across dissimilar work, industries and industry sectors and employers, and across enterprises
• is limited to awards, although account can be taken of actual rates paid (including over-award payments and payments under enterprise agreements and contracts) where they reflect the value of work
• provides a range of measures to remedy gender-related undervaluation
• includes a range of economic safeguards. (Hall, 2004, p. 29)
• excludes the need for a male (or any) comparator
• excludes the need for a specific gender proportion in the occupation or group making the claim
• requires no particular method of evaluating work (including job evaluations and independent experts)
• requires no proof that discrimination was/is the cause of a gender-related pay disparity
• forgoes the need to make a case within a particular enterprise, occupation, industry, or single employer. (Hall, 2004, p. 30).

It has been a disappointment to some observers that there has been only one arbitrated decision (for librarians and information workers) under the New South Wales equal remuneration principle, although that case resulted in significant gains for the low-paid groups of library workers. Moreover, the promise of the equal remuneration principle has been short-lived in the Australian IR system. As mentioned earlier, the new federal government Work Choices legislation explicitly excludes most Australian employees from accessing these provisions within the state IR regulatory frameworks, although the unused and largely unclear equal remuneration provision in the federal system is not affected. So what does this mean for the usefulness of the concept of undervaluation for the states that have applied it? According to Hall (2004), the costly process of mounting a pay equity claim through the New South Wales arbitration system is not the only way that the concept of historical undervaluation can prove effective. Hall (2004, p. 8) reports that pay equity issues have been considered in non-arbitrated cases, including nurses, psychologists and preschool teachers, and she suggests that this demonstrates that an increased awareness of undervaluation is spreading in the New South Wales industrial system.

The impetus the New South Wales Inquiry gave to other states has also been important. State jurisdictions in Tasmania and Queensland had by 2001 followed the lead of New South Wales in convening an Inquiry and then endorsing the insertion of an equal remuneration principle based on historical undervaluation into their wage fixing mechanisms, and by 2005 Western Australia and Victoria had also completed high-level reviews.
The Tasmanian Pay Equity Taskforce, established in 1999, accepted the findings of the New South Wales Pay Equity Inquiry and recommended the adoption of an equal remuneration principle as the most effective ‘mechanism in this State for working women to find adequate remedy for the undervaluation of their work’ (Tasmanian Industrial Commission, 1999). On 6 July 2000 the Tasmanian Industrial Commission (2000) adopted a pay equity principle as part of its wage fixing principles.

In contrast to the short Tasmanian Inquiry (Tasmanian Industrial Commission, 1999), the Queensland jurisdiction replicated and extended the New South Wales series of reviews. Justice Fisher decided that the scope and detail of the six case studies conducted for the New South Wales Inquiry should be replicated in Queensland to ascertain whether similar conclusions applied. The subsequent research, conducted by Griffith University, confirmed that the profile of undervaluation indicators developed in New South Wales were relevant to Queensland (Fisher, 2001, p. 4). Consequently, the Queensland Report found the findings of historical undervaluation in the New South Wales Inquiry to be directly relevant to Queensland and supported and adopted them. Furthermore, in order to demonstrate to employer groups, unions and government jurisdictions how undervaluation occurs through the influence of wage-fixing systems in female-characterized occupations, the Queensland Inquiry completed an additional case study of dental assistants. Conducted by members of the Inquiry team themselves, the case study of dental assistants revealed sets of skills and responsibilities that had not previously been taken into account in their remuneration (Fisher, 2001, p. 5). The Queensland reform included legislative change. Unlike the New South Wales Principle, which is confined to dealing only with awards, orders made under the Queensland Principle can be applied also to ‘employees whose wages and conditions are not governed by an industrial instrument’ (Fisher, 2001, p. 54).

In 2005, before the introduction of Work Choices, the Liquor, Hospitality and Miscellaneous Workers Union initiated and won a case on behalf of dental assistants under the new equal remuneration principle set by the Queensland Commission, building on the findings of the case study on dental assistants undertaken by the Pay Equity Inquiry (Whitehouse and Rooney, 2006). Another claim was mounted for childcare workers, leading Hall (2004, p. 29) to note, rather too hopefully, that Queensland unions will be focusing on pay equity cases until at least 2010. The Queensland system makes funding (to a total value of $50,000) available to industrial parties in equal remuneration cases, subject to an agreed case plan. Unions in the first two cases to be taken under the new principle, the dental assistants and childcare cases, subsequently gained approved funding (Hall, 2004, p. 8). The scope of the Queensland legislation may mean that some sectors of the Queensland workforce can still access the equal remuneration principle, but an increasingly conservative industrial environment also undermines the impetus for future cases.
The Western Australian Gender Pay Gap Review, conducted by independent consultants to government in 2004, can be seen as actively responding to the increasingly neoliberal environment by recommending a gender mainstreaming approach to deal with Western Australian’s unenviable position as the state with the widest gender pay gap in Australia. Rather than emphasizing legislative and institutional remedies, in this climate of federal government neo-conservatism the reviewers shifted attention to the multiple factors maintaining the gender pay gap. Although the workforce participation rate of Western Australian women is consistently higher than the Australian average, the gender pay gap has also been consistently wider (since 1993). In February, 2004, when the Western Australia government’s review was commissioned, the gender pay gap in Western Australia, based on full-time total adult earnings, was 26 per cent, as opposed to the national average of 19 per cent. The gap in full-time adult ordinary time earnings was 23 per cent and 15 per cent respectively. To combat this bleak comparison, the Western Australia government commissioned a compact review. This was not meant to replicate earlier Inquiries in other states, but to bring together insights from those and other prior Western Australia studies, from the national and international literature and through submissions and expertise from parties concerned with the Western Australia IR system. The terms of reference were recent research dealing with the gender pay gap, the capacity of the state wage fixing principles to close the gap, the efficacy of voluntary strategies, the role of the state’s Minimum Conditions of Employment Act 1993 (Western Australian Government (1993) and strategies for training (Todd and Eveline, 2004, p. 3).

In identifying a multiplicity of factors contributing to the gender pay gap, the Western Australia Report concluded that a multidimensional approach is necessary to address not only historical undervaluation through wage-fixing mechanisms but also, and more widely, the current contexts of gender inequality in work and family arrangements. As noted above the holistic approach it advocated was gender mainstreaming to be implemented through the formation of a pay equity unit and under the auspices of a high level steering committee. Completed in the climate of uncertainty of radical changes occurring in IR legislation at both the federal and Western Australia state levels, the Western Australia review’s raft of remedial measures recognize the vulnerability of relying upon regulatory measures to increase pay equity. Nonetheless, the Report recommends that the ‘IR Act be amended to establish an Equal Remuneration Part that can be applied with a high degree of certainty in assessing undervaluation on a gender basis’ (Todd and Eveline, 2004, p. 4), and amendments relating to the objects, award modernization and aspects of enterprise bargaining to make them more receptive to pay equity claims (Todd and Eveline, 2004, p. 4; pp. 60–79).

Importantly, however, the Report pays particular attention to the role of government as a large employer, recommending that ‘the Government apply gender analysis to all policies and practices in relation to the public sector so
as to identify gendered employment and pay outcomes’ (Todd and Eveline, 2004, p. 10). With regard to voluntary strategies, it recommends the development of pay equity audits, mandatory within the public sector and voluntary in the private sector, along the lines of the UK strategy. The Report views such audits, along with various recommended training strategies, as effective ways by which all groups and industry parties can gain an understanding of what the gender pay gap means and thereby build their capacity to implement equal remuneration. As of October 2006 the Western Australia government had endorsed the Report and recommendations and employed a director and staff for the recently established pay equity unit, which was in the process of designing and implementing gender pay equity audits for the public sector. With the funding so far only on a limited contract basis, the pressure will be on the Unit to implement the rest of the recommendations, as a way of securing a more permanent presence in the public sector.

The 2004–2005 Inquiry on behalf of the Victorian government, chaired by Commissioner Whelan, followed the Western Australian example in deciding not to replicate the earlier reviews, but to draw instead on their findings, insights and recommendations. Alone among the states, Victoria’s legacy of a 1990s conservative government at the state level is that it no longer has a state-based IR system. Instead, Victoria operates solely within the federal system of IR. Under the Australian Constitution Victoria’s unique situation precludes its government from legislating on equal remuneration. Therefore, the Whelan Report (2005a, p. 13) recommends that the Victorian government undertake a review of the equal remuneration provisions in the federal Act, with the goal of clarifying and amending those provisions where needed.

In accord with the Western Australia recommendations, the Victorian pay equity working party recommended that a pay equity unit be established to implement a plan of action for the other recommendations (Whelan, 2005a, pp. 9, 19). Like the Queensland Inquiry, it also recommended the establishment of a pay equity fund (Whelan, 2005a, pp. 9, 20). Further key recommendations included, as in Western Australia, a long-running educational campaign to improve jurisdictional and community understanding of the gender pay gap issues; a series of case studies similar to those conducted in New South Wales and Queensland; a standardized system of data collection to provide more accurate data for equal pay cases and the introduction of pay equity audits along the lines proposed in the Western Australia review. In a similar vein to the Western Australia Report, the Inquiry recognized the undervaluation of women’s work as requiring a multi-dimensional interventionist approach. Unlike the Western Australia Report there is no specific recommendation for gender mainstreaming. Nonetheless, recommendation 15 calls for a similarly holistic strategy. It suggests that the pay equity unit ‘should also review Canadian and European policy analysis and development that is assessing widening the scope of gender pay equity audits to include employment equity’ (Whelan, 2005a, p. 15).
In an earlier era the central bargaining mechanisms of the Australian system delivered Australian women better pay equity than countries without central arbitration, but in 2007 the promise of the equal remuneration principles of New South Wales, Queensland and Tasmania has been overtaken by the neoliberalism of federal Australian government policy. The state reviews that occurred since 2001 were more actively responding to the growing awareness that relying on institutional mechanisms to reduce pay inequity was fraught with pitfalls. In that climate of change the promise of gender mainstreaming begins to look attractive and has prompted at least one of those review reports to recommend it. To what extent, then, might we expect gender mainstreaming to be more effective in the long term?

In our summary above we noted the two key facets of gender mainstreaming that attracted Pillinger (2005) and Rubery et al. (2005). These were that gender mainstreaming offers a plan of action based on research (in short, it links explanation to action) and a continuous process of analysis and response. In the final section below we read the process and outcomes of the Australian government Inquiries in the light of these features of gender mainstreaming and make some preliminary observations about their strategic value.

Is gender mainstreaming the way forward?

The Australian state government reviews on the gender pay gap outlined above have no problem meeting the criterion of a plan of action based on research — their terms of reference demanded exactly that. Through empirical case studies and a sensitivity to the norms and regulations of the Australian IR system, the New South Wales series of reviews generated the concept of ‘historical undervaluation’ and developed a plan of action whereby the general agreement around that term could be exploited to narrow the gap through test cases and consensual bargaining. The later Inquiries followed suit. They built their research findings (whether using primary data or based on earlier literature) around that concept and followed up with a plan of action. The effectiveness or otherwise of those reviews therefore was not the result of whether or not they linked a plan of action with their explanations of the gender pay gap. Rather, it was whether their plans of action offered and enabled what gender mainstreaming is supposed to offer — a continuous process of analysis and response that can overcome the lack of interest, concern and political will that ‘invisibilises’ (Moser, 2005, p. 584) the gender pay gap.

Certainly, for two at least of the Inquiries (New South Wales and Queensland) the process of the reviewing itself was lengthy and continuous. According to Hall (2004, p. 5 and p. 26) the New South Wales Pay Equity Inquiry owes its success to two elements. The first was the way in which
Justice Glynn used the concept of ‘historical undervaluation’ to inhibit the negative backlash and series of obstacles that had arisen through the earlier use of the concept of discrimination, which had been rarely applied or recognized in a systemic sense. The second was the extended period of grappling with pay equity issues, as engaged in by IR commissioners, employers, unions and government agencies. That process has led us to rethink what is really required to secure pay equity, especially to refresh our focus on ways of valuing work free of effects of the sex of the workers who do it rather than focusing on requiring proofs of past discrimination. There has been a real increase in industrial parties’ and tribunals’ familiarity with, and understanding of, pay equity, why it is an important issue, and why some of the existing mechanisms need updating. (Hall, 2004, p. 5)

For the new concept of historical undervaluation to be effective, therefore, a long and interactive process was required in order for the parties – employers, unions and public servants — to learn, understand, negotiate and accommodate gender pay equity issues. In working through how the new conditions could be applied (a lengthy period of negotiation and compromise) the parties had to develop a new mind-set in which they could grasp the concept of historical undervaluation. In the words of Hall (2004, p. 5), ‘We broke through some seemingly unresolvable problems. We changed hearts and minds’.

The question for us here is just what it was that those ‘hearts and minds’ were changing towards. Hall is vague on this point and the reader can only surmise that she is saying how the concept of historical undervaluation overcame the problem of being forced to argue, as the quantitative human capital models do, that any unexplained gap must be attributed to discrimination. What might gender mainstreaming have added to this process?

A gender mainstreaming approach would have been designed to give the players in the New South Wales Inquiry an awareness that the devaluing of women’s work is a major force in maintaining the gender pay gap. We would hope that it would have generated research on the outcomes of that devaluing process, with numbers and percentages taking centre stage, and research concentrating on which bit of the gap can be explained by which piece of the overall puzzle of causal factors. What a gender mainstreaming approach should also have provided is an awareness that, besides attending to the outcomes, it is equally important to attend to the ways in which that outcome is reproduced in the ‘institutional arrangements, social norms, market systems and pay policies’ noted by Rubery et al. (2005). In other words, if the gender mainstreaming strategy was working well there would have been continuous attention to the unexamined ways in which the gendering of the pay gap occurs, without losing sight of what outcomes that gendering produces.
On that score to date, the Queensland Inquiry should rate highest among the Australian reviews. Although its Report makes no mention of gender mainstreaming, the Queensland Inquiry replicated the lengthy process of the New South Wales case studies which developed some interest and awareness in the industrial parties and in women across six key occupational groups, and it also provided the fighting funds and the legal and legislative clarity to mount and win pay equity cases. These cases promised, before the federal work choices legislation at least, to continue for the best part of the decade that followed.

Ironically, as noted above, the only review to suggest gender mainstreaming as the way forward was that of Western Australia, yet that state shows little sign to date of the successful outcomes derived from the New South Wales and Queensland Inquiries. Todd and Eveline (2004), in fact, used Rubery et al. (2005) to provide a rationale for the gender mainstreaming approach. Their Report suggested that a multidimensional, holistic form of intervention was needed; one that could demonstrate and counter the widespread practices in policy, employment, IR systems and family arrangements through which the undervaluation of women’s labour was routinely occurring. Although the Western Australian Minister for Consumer and Employment Protection instituted the recommendation of the Review to implement a Pay Equity unit, that unit has limited resources and as yet little legislative backing for its cause. Instead the Unit is forced to rely on a politics of persuasion so that more than three years after that review the state public sector charged with implementing that plan has little more resources than careful persuasion with which to deliver its goals. Thus, almost three years after that review it is too soon to predict to what extent that multi-dimensional approach will apply and succeed.

Concluding thoughts

What a gender mainstreaming approach can demonstrate is that dealing with the gender pay gap through a purely technical process of legislation, auditing, reviewing, monitoring and accountability measures will never be enough. This is not to deny the worth of those strategies but to recognize, with Pat Armstrong (2005, p. 22) that

all strategies have limitations and no single strategy can do it all.... Instead we need multiple strategies that are thought together, integrated through theory as well as legislation and enforcement.

Through both Rubery et al. (2005), who promote the use of gender mainstreaming, and Hall (2004) and Armstrong (2005), who do not, we are reminded that the factors producing the gender pay gap in the public sector as well as more generally do not remain fixed but are reshaped in line with
shifting economic, social and political relations. It is important to note again
that these Inquiries occurred in the public sector itself, under state-based
Labor governments, often reacting to an era of conservative federal politics.
John Howard’s proposal, outlined in our introduction, demonstrates not only
his leadership of those conservative, anti-labour politics at the overarching
federal level, but also how gender is shaped through political and economic
relations. A compromise to Howard’s proposal to facilitate men-only schol-
arships was reached: the Human Rights and Equal Opportunity Commission
allowed Catholic Education to offer equal numbers of scholarships to men
and women. However, only half of those offered to men were taken up, and
although all the women’s scholarships were filled, the scholarships not taken
up by men were not subsequently offered to other women, who still comprise
most of Australia’s trainee teachers. The chief executive officer of Catholic
Education is on record as saying that teacher salaries and career opportunities
are significant factors in keeping men out of teaching (Catholic News, 2006),
but so far Catholic Education show no sign of significantly increasing salaries.

Our strategy for highlighting the process of gendering, following the argu-
ment of Eveline and Bacchi (2005) would be to treat gender as a verb, in order
to make it clear to all observers that gender was something people do rather
than something they have. Gender mainstreaming is meant to foster a con-
tinuous and never-ending process of analysis and revision, in line with good
policymaking. In highlighting mainstreaming as an always unfinished
process, it is important to show that gender, too, is never fixed and complete,
but is continually worked at through effortful and routine practices.

Notes

1. Bacchi (2005) uses this story and other quotes from Howard to build an argument
   about affirmative action. We use it here for a different purpose.
2. Reports for the New Zealand task force on pay and employment equity in the
   public sector also found ‘broad and persistent patterns of occupational segregation
   and that women are generally still lower paid and lower in the relevant hierarchies
   than men’ (Jones and Torrie, 2004, p. 3). Nonetheless, there was considerable
   variation in the gender pay gap between areas of health services, education
services and the rest of the public service. Although in this article our methodology is to concentrate on the Australian cases, from a comparative viewpoint it is worth noting that New Zealand has had gender mainstreaming in place since the mid-1990s.

3. In the late 1970s and into the 1980s the Australian women’s budget statements, in which most government treasuries were required to report on the possible effects of budgets on women, were an early form of gender mainstreaming, although they were not named as such.

4. The introduction of the Work Choices Bill will now remove some of these groups of workers from the state’s jurisdiction, preventing their cases from being heard.

References


