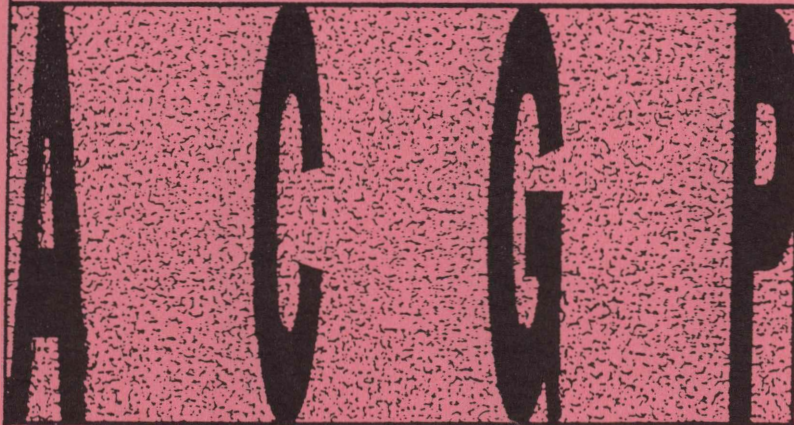


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**CARE WITH COMPLIANCE:
Changing the Worlds of Men**

Joan Eveline

Administration, Compliance and Governability Program
Working Paper No. 25
October 1994



**ADMINISTRATION, COMPLIANCE
& GOVERNABILITY PROGRAM
RESEARCH SCHOOL OF SOCIAL SCIENCES
AUSTRALIA UNIVERSITY**

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**ADMINISTRATION, COMPLIANCE
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This is the twenty-fifth of a series of Working Papers relating to the propensity of citizens to comply with rules governing the administration of various public policy areas.

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Series Editor:
Penelope Hanley

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Abstract

Drawing on a case study of affirmative action implementation, this paper takes a feminist approach to two questions about regulation and compliance: i) does the concept of compliance limit analyses of legislative effects to a perspective from the top? ii) can the language of compliance accommodate an adequate account of the changes that occur in the process of complying with enabling legislation? These are questions primarily concerned with the politics and process of change. The suggestion here is that institutional change and resistance can be best understood when regulative strategies and the constitutive and unremarked discourses already operative are viewed as having competing forms of legitimacy. I also suggest that it is in the micropolitics of implementation that these unequal forms of legitimacy can best be clarified.

The paper develops its theme by examining the impact of Australia's Affirmative Action Act on a mining enterprise known in affirmative action terminology as a "best practice" organisation. Placing women miners at the centre of the analysis, it can be shown that even in this case, however, the legislation proves a weak and over-rated tool against the constitutive advantages men have over women. Yet the account suggests something more: the dissonance between their raised expectations and the hostility that confronts them in a male-dominated workplace can prompt women to demand their rights. In the ensuing conflict the sexual politics of the organisation is taken beyond the control of human resource management strategies.

CARE WITH COMPLIANCE: CHANGING THE WORLDS OF MEN

The subjugated have a decent chance to be on to the god trick and all its dazzling — and therefore blinding — illusions. . . But how to see from below is a problem . . .

— Donna Haraway.

'Situated Knowledges' (1988:582)

Concerns about compliance, directed by the gaze of those who govern and regulate, are based on a view from above. In the words of Donna Haraway (1988), the top-down perspective, whether feminist or malestream, tends towards an unmarked and unremarkable gaze from which totalised answers can be drawn. True objectivity, for Haraway, is an acknowledgment of the partiality (in all senses of the word) of one's claims to knowledge. This is not to claim that those who comment on the design and implementation of government regulation may necessarily deny, or even be satisfied with, their partiality of vision. Rather, it may well be more appropriate to question whether in such cases it is possible to avoid the 'god trick'. In studying Australia's *Affirmative Action (Equal Employment Opportunity for Women) Act 1986*, for instance, the view from the top forms an important part of the analysis: putting the legislation into practice requires strategic planning by management, regulators' views of compliance with the legislation, and claims and commentary by feminist representatives, for all of whom affirmative action is a top-down initiative.

While seeing from below is not without problems, as Haraway acknowledges, this paper attempts to avoid a totally top-down view by focussing on the implementation, in a specific workplace, of the Australian legislation. My analysis pays most attention to stakeholders who had no input into the policy design: men who are destined to relinquish some of their taken-for-granted advantages if the strategy is to succeed; and women who expect to gain better jobs in the process. It begins, however, with some account of the parties usually considered in relation to the legislation: government regulators; business and corporate management; and the liberal feminist lobby.

From Feminist Action to Workplace Outcome

On many issues, feminism is opposed to compliance. As Levi and Singleton (1991:23) argue, the women's movement has encouraged women "to question the rules with which they must comply". Ultimately, however, this questioning of the rules means that institutions which maintain and promote advantages for men (whether that advantage is pursued by individual men or not) are pressured, by feminist-inspired thinking and a range of advocacy groups, to change. In liberal democracies like Australia, the strategy of equal opportunity, focussed almost exclusively on labour market and educational fields, has since the early eighties been uppermost in legislative response.

In their turn, the white, privileged feminisms that have driven most gender equality claims have themselves been accused of taking a universal view: women of colour and third world feminists point out that their needs are often out of step with the interests of feminists who gain most

recognition from governments and administrators. The subsequent soul-searching and debates have been crucial for feminist thought. They have produced a recognition that there can be no simple or singular 'us', in terms of 'compliance' to the issues of identity, and they offer pointers to ways in which conflictual relations might be situated in a process of change.¹

Many men, of course, while they are reluctant to change the way that gender relations operate in their worlds at the behest of women, are also in their different ways committed to workplace change. Some men as managers want a better climate of industrial relations, men who are unemployed want opportunities just as do women, and men in traditional employment often recognise problems with their ways of working and desire change without having a clear blueprint to follow. For women, equality of opportunity is taken to be an immediate goal. It is usually enunciated simplistically, in terms of successfully pursuing opportunities within the worlds of men. This in turn is simply seen as changing these worlds by the inclusion of women in workplaces, through the impact of "critical mass". In complex ways, however, equal opportunity policy is tied to other struggles, often unenunciated, occurring in the wider spectrum of the Australian citizenry. Although the implementation of discrete laws and regulations is necessarily linked to those wider changes,

¹ Such arguments show how identities like 'woman', 'black' and 'working-class' can be mapped as simultaneous aspects of a "differential consciousness", rather than mutually exclusive political categories. Third world feminist Chela Sandoval (1991), for instance, develops a notion of oppositional consciousness by which, she argues, marginalised groups and individuals with an alliance to feminism learn to "switch gears" in moving between discrete manifestations of the women's movement, like "equal rights", "revolutionary" or "separatist". In doing so they activate a "differential consciousness" which operates on a totally different register, and allows a mobile transition across identity categories.

compliance is usually regarded as a product of a discrete design procedure.

The Australian *Affirmative Action Act*, for example, is designed to increase equality between women and men in the workplace.² As Valerie Braithwaite (1993:v) suggests, "resistance to the legislation is high and capacity to enforce (it) is low". At its inception, the *Act* pleased neither those on the left nor the right: conservatives construed it as an imminent threat to the contemporary social fabric, while socialists saw it as an inadequate approach to the constitutive factors which advantaged men over women. Procedurally, the legislation operates as a managerialist or 'top-down' measure, with the best forms of implementation occurring when the organisational focus stresses human resource management (Braithwaite, 1993). Even there affirmative action leads a precarious existence, subject to the vicissitudes of other managerial agendas. Heading the latter is the economic, with its apparently neutral norms supporting a deeply ingrained bias towards men. For women to be accommodated to that bias, under the terms allowable to profit-seeking organisations, they must be discursively located as serving a cost-benefit function. Unlike the usual employment of men, in which sex is normatively irrelevant, it is as sexed creatures that the employment of women is considered. This bias against women is not a consequence of affirmative action but rather a normative practice which precedes and constitutes the legislative process.

Since it was enacted, and at both workplace and monitoring levels, the *Affirmative Action Act* has been subject to surveillance from

² The only penalty for contravening the Act is for an organisation to be named in Parliament, which led some feminists to dub the legislation a "toothless tiger" (O'Donnell and Hall, 1988; Bagwell, 1988).

government, industrial relations bodies, management circles and feminists. A Parliament of the Commonwealth Inquiry (1992) has canvassed responses to the policy, and an evaluation of the first five years of its monitoring agency has been completed (Affirmative Action Agency, 1993). In line with the criticism that came from both sides of the political spectrum, feminist writers have expressed some support (Sawer, 1985; Ronalds, 1988; Bacchi, 1990, 1992; Burton, 1991; Cockburn, 1991; Braithwaite, 1992) and also dissatisfaction with the political, legal and spatial limitations in which the policy has been framed (Thornton, 1985; Thornton, 1986; Braithwaite 1993). The Agency's approach to its own charter of surveillance has been to pursue a policy of guidance and persuasion. Among other things, this has generated some 'how-to' manuals (for example, Affirmative Action Agency, 1987; 1989), and studies of how various organisations have conformed to guidelines (for example Council for Equal Opportunity in Employment, 1990).

In emphasising the relation between regulator and managerial response the legislation leaves the relation between implementor (management) and beneficiary (women workers) out of the regulative picture. Absent from the design, also, are procedures for handling a group from which most resistance can be expected — male employees and bosses. This is one of its most problematic design features, since effective implementation will necessarily entail, at the very least, the reshaping of diverse expectations and aspirations by both women and men. One of the biggest tasks faced by the Affirmative Action Agency, in working towards more than compliance with the letter of the law, has been formulating

advice on how the conflicts erupting through such pressures to reshape can be addressed.

Accommodating diverse and often opposed expectations is more than compliance with a set of rules or regulations; it becomes the difficult and sensitive matter of negotiating ongoing conflicts alongside mobile alliances and meanings. For the management of a mining enterprise which mounted an affirmative action program prior to the Australian legislation being enacted, for instance, the conflicts seemed insoluble. As a participant in the Prime Minister's *Voluntary Affirmative Action Pilot Program* (of 1984-85) Argyle Diamond Mine (ADM) was privy (at least within upper management) to the negotiations between business and government which mirrored the public controversy during which the legislation was developed. At that level of ground-breaking, there was no preparation given, to women, men, workers or bosses, for dealing with the conflicts that occurred in implementation.

For each of these groups, implementation meant something quite different. For the women in mining, for instance, being part of a well-publicised affirmative action program raised their expectations of receiving treatment that would accord them comparable benefits to men. Their consequent disappointment led to them questioning the commitment of not only management, but legislators. The women's expectations were quite different to those of many men working at the mine, although these were men who were also benefiting from affirmative action — they had gained their jobs because the company wanted workers previously untrained in mining. Although keen to work in a democratic working environment, these men expected that women could be added to the

workforce without affecting the traditions and norms of a male-dominated workplace. From the perspective of management, moreover, what might be achieved in complying with the legislation was a more malleable workforce. This was an expectation connected, but differently skewed, to what was seen as important by either women or men.

A process operator at the mine, 'Clarity', expressed what implementation meant to her:

prior to this legislation being enacted, we knew what to expect — we knew our place and we followed the rules. After the legislation, I for one expected change. What I've found is complacency where I've wanted and needed support. Maybe its time to assess the impact of the legislation on the working women of Australia. Maybe its time to redefine our goals. I want to see the working woman as part of Australia, not just a doormat or a pair of token tits.

Expectations unmet, some of the women at Argyle organised collectively, taking their concerns to supervisors, to management and finally outside the mine's administration to arbitration and conciliation bodies. The conflict surrounding this mobilisation of women led one of the general managers to say:

The thing is, we planned it. We wanted to do it differently [with] this workforce. But here we are now with a tiger by the tail.

In later sections, the paper elaborates further details of the complex interaction between women, men and management at the mine. First, however, I outline the theoretical frameworks that shape, and in their turn are reshaped by, this analysis.

Explanatory Schemas

Elsewhere, I have argued that the ubiquitous use of the phrase 'women's disadvantage' sets the limits by which equal opportunity for women is justified: it tends to ignore the relational components of gender and advantage and construct women as the problem that needs to be resolved (Eveline, 1993; 1994a). To counter this tendency, I suggest a reverse mechanism of justification — the use of a concept and rhetoric of 'men's advantage'. In this paper, I use the case study of the mine to map the struggle as men's advantage is threatened by women who do 'men's work'.

Conventions that accord material advantages to men, women's challenges to those advantaging strategies, and the regulative means of mediating the conflict between the two, require further analysis in their overlapping complexity. To this end Eva Lundgren (1992) conceptualises two levels at which gender dynamics are legitimated: the constitutive and the regulative.³ For Lundgren, the 'constitutive' and the 'regulative' are sets of "*basic and derived rules*" (1992:144). Although I am critical of a schema which relies solely on sets of 'rules', I find the notion of an interacting process between two levels of legitimacy useful. When coupled with discourse analysis it becomes a heuristic device for raising as an issue the materiality of men's advantage, and discussing how it is challenged. Two levels of cultural convention, following this lead, are to be defined as

³ Lundgren cites three sets of influences on her theory: structural linguistics with its notions of "surface" and "deep" structures; Paul Ricoeur's critical hermeneutics, which examines aspects of language that are either open or resistant to altered interpretations; and Pierre Bourdieu's structuralist-inspired distinction between the open and closed elements of a "symbolic universe" (Lundgren, 1992:145). In Bourdieu's schema practices constituting a social environment, produce a "habitus" in which some benefit over others: the practices "procure an important secondary advantage for those who can scarcely be called their authors — the social approval accruing from apparent disinterestedness" (1977:72).

according legitimacy to social practices: i) constitutive factors, which are enacted historically, pervasively and often implicitly as 'hidden text'⁴; and ii) regulative edicts, which are publicly expressed and specified, and applied legislatively or through contractual negotiations. These two 'levels' interweave in complex ways, the more tacit and the more explicit continually influencing the way each other acts and is acted upon. Together they determine the pattern of legitimacy accorded our interpretations and actions.

Regulative strategies are not only an outcome of constitutive discourse but one means by which the legitimacy of changes to the constitutive conventions can be affirmed or questioned. A regulative strategy (for instance a proposal for a law against sexual harassment) is an attempt to mediate between the constitutive factors that benefit men (for e.g. financial, seniority and social advantage as well as notions about male aggression and female passivity) and women's challenges to those factors. Even if the attempt at regulation is successful and laws or 'rules' become established or somewhat constitutive, the process continues, since those rules may then be re-interpreted, and the mediation continues.⁵

A simplistic account supposes that compliance is a matter of matching a set of rules for behaviour with actions which follow or reject those rules. Hermeneutics provides a critique of what is missing when compliance is viewed in such a way. Hermeneutic reflection points out

⁴ The Microsoft Word computer software program has a facility called Hidden Text, which allows the user to compile material on a word-processing file which may, on both computer screen or in printout, disappear at the will of the writer while remaining hidden in the file. I use the metaphor of 'hidden text' here, to refer to discursive and material factors which are often tacit at the expressed or regulative level, but are nevertheless constitutive of the expressed understanding.

⁵ The relation between the constitutive and regulative influences is non-dualistic. Social life is elaborated through the formation of patterns of legitimacy. The process is one of social elaboration (Booth, 1988).

that besides the regulative strategy (be it legislation or informal rule) there is also the holistic level of understanding within which the interpretation of the rule is made. The interaction between the holistic understanding and the discrete expression of that understanding is complex: too complex to be mapped within a concept of compliance which relies on assessing correlations between a set of expressible rules and behaviour which can be measured against those rules.

Take the concept and practice of 'working to rule', for example, in which written, articulated rules and regulations are strictly followed in order to undermine the purposes of those who have framed these rules. When a group of bus drivers work to rule they know they can expect to achieve much less in a day's work than if they continue to drive buses according to the largely unwritten norms, standards, customs and understandings they have evolved in their day to day practice. Unexpressed norms and standards have been tacitly learnt by bus drivers, and involve a practical response to the spirit of the ongoing regulations and the concomitant pressures of the context to which those regulations have applied. The responsive and ongoing process of adapting the rules to those pressures cannot be adequately set down in discrete terms as the rules constituting behaviour. Behaviour has to be a practical and political process. It responds to the contingencies of everyday events, including such practical considerations as the number of buses supplied and the numbers of people whose need for transport has to be satisfied. It also responds to the political contingencies, like whether the bus driver is recognised as doing a good job or not and whether she feels sufficiently rewarded or unfairly blamed for her bus driving. Out of this complexity

emerges the behaviour for that day's activity. When very occasionally disaster occurs (as has happened recently, when overcrowding on buses has cost the lives of Australian children) and the rules are invoked, the ongoing struggle is a recognition that as well as the rules there are further constraints within which the men and women are operating.

'Working to rule', then, means following rules to the letter. This is often tantamount to insurrection in practice, since it ensures non-achievement of the task at hand by wilfully disregarding the many elements of an ongoing situation which cannot be fully comprehended in the written rules. Compliance to regulations is typically left sufficiently vague for this problem of contingencies to be overcome within the terms of the regulations applied. But then in turn this means that 'compliance' is open to many different understandings. Each discourse through which 'compliance' or 'non-compliance' is articulated produces, therefore, the understanding that has evolved within one or another practical discourse underpinning behaviour. Margaret Levi (1993) calls this process the "construction of contingent consent". To understand the production of both compliance and non-compliance better involves investigations of these evolving practical discourses. I shall in my case study at Argyle Diamond Mine be examining a set of such discourses of compliance and non-compliance that constrain, but are also developed by, male managers, and female and male miners.

'Working to rule' by following the letter of new legislation, but not complying with the spirit it is enabling, can occur wilfully. In this case the spiritually non-compliant agent in nominal compliance may say "I'll turn a blind eye to my holistic understanding of what is required here and

act naïvely." Argyle Diamond Mine had been involved in affirmative action for three years before it was required to furnish returns to the Affirmative Action Agency, after the institution of the *Affirmative Action Act* of 1986. It knew by then that the way it was required to furnish figures to the Affirmative Action Agency (the overseeing body) could turn non-compliance into apparent compliance. A senior manager pointed out to me the rule that in annual reports to the Agency all parent company organisations should collate and report on strategies and goals achieved. The aim, he said, was evidently to ensure that companies were not able to escape compliance with the *Act* by forming organisations with less than 100 employees. Yet, as he said:

There's more to EEO than getting the numbers, although they seem to think it's only a numbers game. As a matter of fact, the rules work to our advantage. It means we can combine the numbers of women in our city offices and our mine sites. We look as if we're way in front when it comes to the percentage of women in mining. If the rules are all about playing the numbers game there's always ways in which that can be fixed.

This, it might be said, is a wilful case of non-compliance through 'working to rule'. One way to cope with this is for policy makers to remove ambiguity in the framing of rules and laws. Troy (1992), for instance, suggests that there is a need for greater 'clarity'. My discussion above of the practical application of any rule according to contingencies suggests that there are limits to this pursuit of clarity. The procedural interface between regulative policing and managerial office is only a small part of the interactions prompted by affirmative action, and as Braithwaite (1993) argues, is a poor indicator of what gains are being made in

implementation. My discussion is about whether compliance is a term which can capture the constitutive processes occurring outside that minimal focus. Does an analysis in terms of rule-following help when the "tiger" is not the one known as toothless, but the one caught precariously by the tail?

Action from the Top

When Prime Minister Hawke launched the high profile Voluntary Affirmative Action Program (a precursor to the legislation) he made much of the phrase "a fair go for women" (Office of Status of Women, 1986). The Program gained qualified support from some sectors in business and industry which argued that any equal employment opportunity scheme, if it was to avoid resistance and backlash, should remain non-compulsory (Council for Equal Opportunity in Employment, 1986).

From its earliest, voluntary beginnings, affirmative action has transmitted a double message. On the one hand, it is promoted as a better deal for women: it aims to extend to women, on merit, some of the socio-economic advantages that accrue to men through work organisation and practices (Ryan and Evans, 1984; Ronalds, 1987). On the other hand, it is framed as an innovation which will benefit organisations. The emphasis is on how organisations will gain competitive benefits from the employment of women: the value of affirmative action, according to this logic, is that it increases the human resource pool, and thus enhances an enterprise's financial and organisational viability. Reference to the unfairness of a system which accords certain taken-for-granted privileges to men is

displaced. The case of Argyle Diamond Mine is a good example of how a discourse of 'women's rights' becomes subsumed under one of 'good business sense'.⁶

ADM was handed its involvement in the Voluntary Affirmative Action Pilot Program by the directors of its parent company, CRA. The politics of corporatist consensus in the developing tripartite system of the Accord had spilled over into the Affirmative Action initiative, drawing some of Australia's largest organisations into expressions of goodwill towards the latter. CRA's New Age arguments for ways of managing centred on human resources as crucial, and led the field at a time when Australian managers were still complacent about what Hugh Stretton (1985) refers to as the "only two activities — business and government — (at which) Australians seem to be incurably mediocre". CRA/ADM's new approach to human resources has since had national acknowledgment. The Managing Director of ADM at the time I did the study was David Karpin, who is currently Chairman of the Australian Government Taskforce on Leadership and Management Skills and whose assessment of Australian managerialism is even more gloomily critical than Stretton's (Brewster, 1994).

For ADM's New Age management, jet travel and computerised mining⁷ helped introduce a new type of mine worker: untrained in mining, socially malleable, politically open to working co-operatively,⁸

⁶ See Carol Bacchi (1994) for an elaboration of this point. Bacchi argues that new managerialist discourses have progressively deleted the justice component of affirmative action to a current situation in which talk of "diversity" obscures inequalities.

⁷ Mammoth pieces of excavation equipment are controlled from computerised and air-conditioned cabs and a round-the-clock processing plant is run from a control room of computers.

⁸ While many of the workers said ADM's form of participative organisation had been a major attraction for them applying to work there, most superintendents were adamant that such ideas were merely a

and industrially non-combative.⁹ A primary aim of the planners in employing workers unused to mining was to avoid the "Pilbara mentality" of the seasoned miner: the propensity for industrial actions and strikes (Thompson, 1984). Predominant in the company literature are terms like "greenfields", "industrially naive" and "virgin workforce", as descriptors of the type of employee characteristics wanted.¹⁰ In this schema, a "commute" system of workers replaced the costly family infrastructure usually associated with mining towns.¹¹ However, this type of "man' management"¹² posed a particular dilemma for the mine's designers. With no family infrastructure there would be few women. Women, say company documents, are a "civilising influence". In company towns where women are included as domestic sustainers, standards of dress and behaviour are kept up. Moreover, when women are part of the workforce,

hindrance to the system of command and control they had always known. The derogatory nickname for the training centre, often used by superintendents and workers, was "Fairyland", the allusion being that its ideas are unrealistic and "naturally", therefore, of doubtful (male) sexuality.

⁹ During the major intake in 1984-85 prospective employees went through a rigorous selection process lasting several months, including attitudinal questionnaires, psychological testing and interviews. Recruits were selected on the basis of characteristics like flexibility, open-mindedness, ability to handle change, team orientation rather than personal ambition, non-aggressive demeanour, and having wide ranging interests.

¹⁰ The importance placed on the goal of worker compliance and managerial control is illustrated by a study commissioned by ADM in 1987. This measured the attitudes of workers and bosses along a scale drawn from an analysis by Hofstede (1983) and found that operators (the 70% of workers with no previous mining training) came out as "green" on the scale, at the opposite end to the "red" characteristics of superintendents and managers. Placed in the "red" category are qualities like competitiveness, aggressiveness, inflexibility, decisiveness, personal ambition. "Green" characteristics are defined as 'other' to these, and fit closely with the qualities sought by the attitudinal testing of the recruiting program. Some workers spoke of being told that "red" equated with masculine and "green" with feminine. According to this measure, superintendents were the group deemed most "red".

¹¹ Workers take a chartered four-hour flight from their city abodes to the mine on a 'two week on, two week off' rotation. Providing employees with jet travel as well as luxury serviced accommodation and meals saves costs, especially as it is seen to preclude a situation where all workers can get together at times of industrial unrest. Managers are the exception to this rule of work/domestic organisation. They are domiciled with their families, a half-hour flight away in a nearby town. This helps keep a strict division of work and private life between management and workers. Employees have their own form of resistance to this public/private division between management and worker. They call the managers "seagulls" who, they say, "fly in from the coast everyday, shit on the workers, and fly back home at night".

¹² At ADM, human resource management is called "man' management".

as in the company's trial alluvial plant (where they represented 28% of workers)¹³ better care is taken of the equipment, there is less antagonism amongst men and the overall safety record improves.

In the event the planners of ADM made good use of the discourse that views affirmative action in terms of how it will benefit employers. One of the senior managers, 'Gunston', who was also one of the venture's planners, outlines what was important about the company's affirmative action strategy:

We need to see just what affirmative action and equal employment opportunity is about in terms of importance. . . . having a large number of females has helped Site because it has improved the behaviour of males. I mean they're just your average peacock and it's amazing how they dress better, stay cleaner, behave more appropriately, when there are females around than when there are not. (We) talked about it beforehand. We argued that . . . there were some very pragmatic reasons for it.

For Gunston and his fellow management team the introduction of women as miners was a way of 'normalising' ADM's workforce. At this point, the sex of women was specifically relevant to their employment, while men's sex remained irrelevant.¹⁴ The constitutive legitimacy of weighting women's sex as relevant is so pervasive as to be unremarkable. Company documents, research reports and media representations of the venture make much of the propensity for normalisation that came with the

¹³ An interesting point here is that when the company joined the Voluntary Affirmative Action Program, and highlighted their involvement as part of their major recruiting drive, the actual percentage of women subsequently employed dropped - from 28% to 14%. Rather than taking the percentage of women already employed in the alluvial operation as the base-line for allocating places, the company chose as a yardstick the percentage of women amongst new applicants - 14%. Since there were 9000 applicants for 400 jobs, the 14% of these who were women represented a large surplus from which to achieve a complement of 28%.

¹⁴ The results were deeply gendered in other ways. None of the women interviewed at ADM had children under eighteen, whereas more than half of the male interviewees did.

entry of women, as did managers we interviewed. There was no apparent acknowledgment that the practical ideology of normalisation runs counter to the regulative strategy of affirmative action as a sexual equaliser. Nor was there recognition that the pervasiveness of the sexual relevance/irrelevance dualism carried a constitutive legitimacy much more powerfully loaded than the regulative power of sexual equality requirements. Rather, there was a certain expectation that women would be pleased that the informal and unpaid contribution of their group should be so acknowledged.

In 'normal' cultures sexual equality is absent: hence while normalisation may increase the proportion of women to men, it constitutively rehearses a discourse of women as subordinate or subsidiary, not equal, to men. When a woman goes to work at the mine, she is expected to carry her share of the paid work. However, she is also implicitly situated as the locus of affectivity, which places her as responsible for care and control over her male colleagues. One interviewee, 'Antigone', put the uneven weighting of this situation succinctly. She said: "They expect us to mind 'the boys'. They're always going on about women as miners. What about the problem of women as minders?"

It is of interest here to consider how well the practice of normalisation worked for the company. The deployment of ADM's workforce allows some interaction between both quantitative and qualitative forms of analysis: the autonomous, small-group organisation affords comparisons across groups while the relatively small numbers of workers enables a representative spread of in-depth interviews. This

juxtaposition shows two findings worthy of note. The first, outlined immediately below, examines the critical mass factor against expressions of job satisfaction. The second, which I discuss later, indicates that the actual *numbers* of women in a group, rather than the *percentage* component, connects to the likelihood of women's mobilisation.

The concept of "critical mass" uses numbers as a way of assessing the success of equality programs. It has often been used to explain how women are integrated into organisations rather than tokenised. At ADM, factors like a managerial discourse of women's propensity to 'normalise' an all-male workforce and the numerical spread of women across various work areas combine to provide a new slant on the value of "critical mass". Political theorist Drude Dahlerup (1988), who is concerned with how women pursue equalisation objectives on their own behalf, has done some interesting work on the topic. Dahlerup suggests that the concept of "critical mass" is not a sufficient indicator of what is involved in transforming organisations into "woman-friendly" places. In her study of women in political life in Scandinavia, she argues that Rosabeth Kanter's emphasis on the importance of numbers and percentages (1977) lacks an analysis of how women who are numerically dominant also hold minority status. For Dahlerup it is not merely a critical *mass* that dissolves the tokenisation of women,¹⁵ but the critical *acts* that occur both within and around the organisation. Using examples from female politicians in

¹⁵ Kanter (1977) argues that the relative numbers of women within male-dominant work groups is a significant factor in problems like tokenism (a woman being seen as a stand-in for all women). Tokens are likely to suffer heightened performance pressures, social isolation and role entrapment. Kanter sets the levels at which these forms of dominant resistance begin to disappear at around 15% and suggests they are mostly overcome at around 40%. She concludes that the problems women face in such work groups are a result of their lack of numbers, and equates this discrimination with the treatment numerical dominants record against all numerical minorities.

Scandinavia, Dahlerup shows that critical acts include how much support women receive from those in authority positions, as well as how they are able to support each other and recruit further women to mobilise and intervene as a group.

Amongst the ADM workforce we interviewed, there is evidence that worker morale correlates with the percentages of women in work groups. Although women made up 13% of the workforce overall at the time of our study, they were not spread evenly across work areas. When responses from interviewees in the four divisions of the award workforce are analysed there is a direct correlation between the percentage of women in a group and the amount of job satisfaction expressed by both women and men. The higher the percentage the more approval: of conditions, co-workers, bosses, and the ADM philosophy. The work areas where less than 20% of workers were women had the most open conflict between workers, between workers and supervisors, and the highest employee turnover. In the all-male work areas there was most conflict between workers, as well as between men and superintendents; in areas where there were only one or two women (3-8%) conflict was sometimes expressed openly between women and men; but the most evident struggle between the sexes was where the representation of women was between 10 and 20%. When the percentage of women was between 25-40% there was little evidence that conflicts were arising between women and men or workers and bosses. This would seem to bear out the company's policy of normalisation as a technology for keeping worker morale up and industrial conflict down. The more equal the proportion of women to men, the greater job satisfaction expressed.

In the hallowed halls of management, then, affirmative action is said to be a decided advantage in 'man' management. ADM's organisation of mining, however, is constituted by the practices and symbols of male supremacy. Managerial staff are no less subject to that understanding than workers. The former strive to achieve a delicate balance between what they call "softening" an allegedly unruly (male) workforce and demasculinising it.¹⁶ Hence when the discourse of normalisation is transferred from the managerial offices to mineface there is a shift as to which group is deemed to gain from women's employment. Affirmative action is no longer re-produced as a managerial advantage. Rather, the stress is discursively placed on how male employees will benefit.

On this point the men we interviewed were almost unanimous in their support for women's employment. All but one said they preferred to work with women than put up with the problems of an all-male environment. This is perhaps not surprising when it is seen how men were meaningfully positioned as the beneficiaries. With women around, men said, the place was cleaner, women took orders better, there were fewer fights (between men), there was always someone different to talk to, or discuss family problems with. For some it lent a bit of sexual excitement to life, such as 'painted fingernails and a bit of leg'. But such discursive strategies set the ground rules for recognising whose comfort, whose self-image, whose quality of life, whose position of primacy, were most important to management — that of the men. A strategy of "masculinity protection" was at play (Burton, 1991) recuperating affirmative action for

¹⁶ I use the term demasculinising rather than feminising here as the latter has been equated with the meaning given larger proportions of women's participation.

women as one aspect of a New World workplace in which those accorded most advantages are taken-for-granted as men.

Belt Shop Blues

The protection of conventional masculinity, however, was also pursued in more misogynistic forms of differentiation. Space precludes detailing many of the strategies by which men mobilised to define women as subordinately different. For instance, equipment on which women excelled (such as the 824 dozer or the huge trucks) was being recast as "a woman's machine", and some men refused to be trained in the use of that equipment, particularly when women were the trainers. Other practices involved offensive name-calling, sexually explicit stories and less minor violences like "practical jokes" which occasionally had dangerous consequences for women (Eveline, 1994b). For instance, the case of the woman who, as the one and only female mechanical fitter, was not told that a piece of equipment was faulty, because those who knew about it wanted to see whether she would follow the rules and test it before use. The problem, however, was that an unwritten, constitutive rule amongst the male fitters encouraged a disregarding of the regulations in favour of a 'macho' desire for speedy completion of the job. The result, for the woman who was trying to be accepted into that male-dominated environment, was as one of the fitters described it:

She was a really nice lady. But she served her apprenticeship in a place where she was babied along. And she came here and she was carried again. A little bit. But she was good. She knew it in theory. In a little workshop she'd have been fine. But she was out of her depth here.

She was only just out of her apprenticeship. She was having all the same problems that a young man would have just out of his apprenticeship, plus the fact that she didn't have the physical strength, and a young man would not have been babied through his apprenticeship. A young man would have had it made abundantly clear to him by his workmates that he hadn't been pulling his weight. Right? Well she ended up with a shattered cheekbone, which was bloody unfortunate. She was demonstrating how to do a job to a bunch of operators and she did it wrong herself. It was unfortunate circumstances. It was a piece of equipment that hadn't been installed properly. It was a booby trap. It was just sitting there waiting to kill somebody. And she copped it all in the face. And then she went to work for another mob and she had a bad accident there. Lost a couple of fingers. If somebody somewhere down the track had refused her an apprenticeship to make her into a fitter, she might have become a nurse or a typist or whatever, and become a happy little unit in the workforce.

This incident occurred in the early days of the mining enterprise. When we conducted the study three years later, no other woman had been employed as a fitter. In choosing not to 'work to rule', the woman bore the consequences of choosing the constitutive rule about safety. The casualty convinced management that it was dangerous to have women as fitters, and male workers were wholeheartedly compliant with that ruling.

Undoubtedly, the most contentious topic for those we interviewed at ADM was the micropolitics of workplace pinups. The area known as the "belt shop" took centre stage in this dispute. A building where spare parts and tools for equipment maintenance are kept, the belt shop is used most often by the mechanical fitters. Women often had to go to the belt shop for spare parts, and many found it a problem going there, since part of it was lavishly adorned, ceiling and walls, with lewd pinups. For the most

part, the presence of the pinups ensured that the fitters were viewed as in control of the belt shop area.

When management ordered the removal of the pornography, after complaints from some women inspectors from the parent company, a longstanding tradition of antagonism between fitters and management was played out, with the fitters threatening to strike if the pornography was removed. Most of the fitters we interviewed protested that removal of the pinups interfered with their rights as the original occupiers of the workplace. They also pointed out that many managers and superintendents had pinups in their offices, and that managers wanted the belt shop "artwork" removed so the fitters would no longer have a place of their own for "plotting". One of the men, 'Pro-fit' spelt it out this way:

the male behaviour is a result of having women there. You don't tone it down — if anything you make it worse. If the women want to come into our workforce they can bloody well put up with it. And if they don't like it they can bloody leave.

A turning point in this dispute was the treatment accorded a woman referred to earlier, called Clarity, who was the only female shop steward. Clarity was a member of what was called the "Offensive Materials Committee" formed to discuss how, with broad-based negotiated agreement, the pinups might be removed. An article about Clarity appeared in one of the union journals complete with photo. Some of the men made a poster out of the article, superimposed a naked male body over her photo, pasted "dyke" in place of every mention of "woman", and displayed it prolifically on noticeboards around the mine. For the women (and men) who had not so far publicly taken sides on what some called the

"dirty pictures" issue, this form of personalised abuse was going too far. For the managers, too, it was obvious that this particular piece of "offensive artwork" provided strong grounds for a sexual harassment case. Before long the weight of opinion was more easily identified as favouring the removal of the pinups as a whole.

Mobilisation

Such events moved Clarity, and some of the other women, to speak out publicly about the problems of implementation at the mine. For Clarity, as indicated earlier in the paper, it was the mix of expectation and disappointment that led women to articulate their unrest. The woman miner is expected to carry her share of the paid work. But she is also implicitly encoded as the locus of affectivity, which situates her as responsible for care, and control, over her male colleagues.

Some women experience their time at work as almost continual and unwanted sexual surveillance, from aggressive banter and off-colour stories directed at themselves or other women, to the uncertain dangers of practical jokes and the embarrassment of pinups on the walls. For many, however, the attention accorded them as female sexed bodies is not experienced as explicit enough to be classed as sexual harassment. It is more that they feel themselves to be continually on trial, a type of trial in which it is always much easier to 'prove' themselves as inadequate than it is to gain approval. Behind this lies the constitutive understanding that the body normatively suited to mining is *not* that of a woman. In response to the legitimacy accorded a discourse of 'woman as unsuited' women usually

attempt to make themselves as inconspicuous as possible, and this includes not mixing with other women. Hence they find themselves with a lack of unseparated space, shared experiences and discursive strategies by which they can voice and assess their feelings of fragmentation and unease. For Clarity and a few others, the answer was to meet for an off-Site discussion group, during their two weeks off back in Perth. Their earlier suggestions of holding women-only meetings at the mine were denied a meeting space, on the grounds that in excluding men such groups would be non-compliant with equal opportunity principles.

For one interviewee, 'Agave', the reactions of her male colleagues to the belt shop controversy was the catalyst for showing solidarity with her female colleagues. At an earlier period, Agave had been treated with derision by male co-workers and bosses when she had complained about the "blue movies" being shown on the closed circuit TV at the mine. Married to one of the junior managers, she also thought it likely he would be ostracised or reprimanded if she was seen to be supportive of challenges to the pornographic displays and other sexist practices. This combination of retaliation and marital loyalty had silenced Agave for a time, but she was not prepared to let the open ridiculing and harassment of women like Clarity go unchallenged. She said:

I've always been pretty good at saving egos. I've got three older brothers and I know all about that kind of thing. But maybe I'm losing patience with it. It seems to me everything here is geared around the idea of keeping the boys happy. It's time something was done . . .

What Agave did was insist on instigating the first of the women-only meetings held at the mine itself. This was a move which, prior to the

recognition that men's hostility was getting out of hand, would have been deemed impossible. The meetings that followed provided a base for a series of discussions, challenges and claims by the women which lasted for two years.

During the interviews some women expressed relief that their difficulties were gaining some recognition. Others, however, wanted to tell us that the study was "only going to make it worse for women because it was upsetting the men". It was interesting, however, that it was some of this latter groups of women who subsequently became the most outspoken. The interplay between these two groups of women was one of the most fascinating aspects of the study. The division into two camps precluded a united voice against the constitutive advantages of men, but preventing any overall sense of a common identity for women, individual women gained a tenuous toehold of acceptance in their work groups.

Critical Actions

The message to "keep the boys happy" is one to which women as a group have been subject through history and across societies (Pateman, 1989; Hirdman, 1987). Despite most of the women at ADM doing their best not to rock the delicate balance of this constitutive discourse of masculine satisfaction, some of the men were nevertheless showing hostility and varying degrees of violence towards refractory women who spoke out. Women who had been at pains to prevent men venting their anger found that it erupted nevertheless. But they also found they could sometimes survive the fallout. It seemed that the more public the men's antagonism the more ADM management was forced to act openly on

women's behalf. This countermanded a message most women had internalised long before their arrival at Argyle, that if the men became too upset the company could decide that women miners were a mistake.

In this particular space and time some women found they had little to lose in stating their dissatisfactions and demands. Tacitly, they now understood that ADM's plans demanded the employment of at least a highly regulated percentage of women, not simply as a gesture of tenuous managerial goodwill towards affirmative action policy, but because the policy of normalisation was thought to depend on it. Ironically, since only those bodies sexed as 'Woman' were deemed capable of the task of normalising ADM's workplace, women miners found they could not be done without.

For a period sexual politics at ADM worked quite differently. More women were ready to take a stand on certain issues: some insisted that women be recruited onto their teams in place of those who had left; others approached their state's Equal Opportunity Commissioner, who subsequently visited ADM and gave advice about sexual harassment, pinups and sex discrimination. Members of the Commission's bureaucracy also visited, subsequently designing and running programs on sexism and sexual harassment. Although only a small percentage of the workforce attended such sessions, there were signs of a ripple effect: superintendents, managers, men and women were faced with a message that women were not to be classified as "fair game" any longer. The reasons for these shifts are complex, but I want to say a little about what might be identified as

critical acts and how these in turn are connected with certain "lines of fault" the women experienced (Smith, 1978; 1979).¹⁷

Earlier, I suggested that the relationship between critical mass and morale indicated the effectiveness of the company's attempt to gain a malleable workforce. On the other hand, if the question is about how and when women mobilise, and the conflictual relations involved in that, the crucial percentages appear as almost the inverse of the trend shown in that analysis. It was in the work groups with 10-20% women (the areas showing most overt conflict) that women were more likely to collectively contest the sexist practices of male co-workers and supervisors and make demands for managerial support. In other words, the groups with higher *percentages* of women show the least evidence of women contesting gender roles. According to Drude Dahlerup what is most crucial for changing the dominant culture is "*the willingness and ability of the minority to mobilise the resources of the organisation or institution to improve the situation for themselves and the minority group*" (1988:296, emphasis in original). It is important to note that in the stores area and in security (with complements of 25-40% women), where workers generally expressed most satisfaction with their lot, there appeared to be little contestation over women doing 'men's jobs'. We found, in fact, that in those areas women were *not* doing what was still defined as typically 'men's work'. For instance, women in stores were usually doing the book work, filing and ordering, while men were driving the forklifts, doing the

¹⁷ Dorothy Smith (1978, 1979) theorises women's experience of a "line of fault". For Smith it is within this disjuncture — a sense of a mismatch between women's local, situated, embodied experiences and the discursive technologies available to speak and theorise them — that a simultaneous consciousness of oppression and empowerment emerges.

stacking, driving delivery vehicles and personnel carriers. In security division, women were there specifically to 'police' female workers. As in the relationship between male managers and female secretaries, a higher percentage of women in stores and security did little to combat a division of labour into stereotypical roles.

On the other hand where the percentages of women were lower, in the mines and process areas, most tasks and technologies were at the outset defined as typically male.¹⁸ The struggle was over whether these could be renamed, as in the case of the "woman's machine", or whether women could be accorded a subordinate role as "assistants". The conflict occurred when women resisted such moves. The results were various: some women complied, some left, but amongst those who stayed were some determined to stand their ground and demand equality of treatment. Where such women tended to support each other, they swapped notes on how to deal with specific situations, occasionally planning how to make joint appeals to supervisors, co-workers or management about overtly discriminatory practices or unwitting sexism. In relation to this prompting of women's mobilisation, it was the formation of specific *numbers* of women that mattered, not the percentages as such.

Rather than there being any magic in *percentages*, it appears that, in this case, groups of a minimum of four women seem to hold some clue to the "critical acts" of women's mobilisation. In terms of actual numbers, security groups only ever had two women working together, stores usually had three (in percentage terms these numbers represented 30-

¹⁸ A distinction based on tradition, since the work itself required no specific earlier training, undue strength etc.

40%). In the mines division it was rare for there to be more than two women working together in a crew, in the process area the average was four or five, and one group had eight (20%). Most demands for change were coming from the process division and in particular from a group with a female complement of eight, but a proportion of only 20%. There were two mines groups which were also vocal about the problems of sexual politics; each had groups of four women. It was these groups of four-plus women, organising firstly behind the scenes and then openly, who began the task of protesting against a lack of support from bosses and management.

Perhaps if there had been an introduction of 40% women across the board in all work areas, including management, there would be a different story to tell about critical mass. In the micropolitics of Australian male-dominated workplaces, resistance to women's employment makes such an overall percentage of newly introduced women unlikely. This study tends to show that the best strategy for those at the top, be they feminist, manager or governments, who wish to intervene in a sex-segregated workforce may be to concentrate on the "critical act" of putting at least four or five women together, so that they have an opportunity to talk, network, jointly complain, and circumvent the forms of resistance perpetrated by their male co-workers and bosses. It also appears important to organise the work area so men and women are undertaking the same tasks. Increasing the percentages of women in working groups is certainly important, but this cannot be assessed without evaluating the critical acts that promote or inhibit women's mobilisation.

Through innovative planning and a sense of social responsibility — including leadership in affirmative action — Argyle Diamond Mines has developed an organised combination of progressiveness and paternalism. The technologies and structures that exploit women more than men in the enterprise are made possible by, as well as redo, the advantages accorded men. But the expectations of democracy engendered by the theoretical underpinnings of its human resource planning have set certain patterns of response in employees. For some, the rhetoric of participation and skills betterment reinforces a vision they will try to pursue; amongst them are women who took on their jobs believing in the promise of new frontiers of equal work and worth. Working against that, as feminist theories point out, the goal of being treated 'as equal' takes a male standard as its silent referent (MacKinnon, 1989; Bacchi, 1990). Yet there are probably not many women at Argyle who know or care much about feminist theory. What they do sense is that norms and strategies that perpetuate women's subordinate status within their occupations countermand the promise of affirmative action and ignore their hopes. ADM's technologies of mining and gender are indeed reshaping advantages for men. They are also shaping a feminist-inspired consciousness, within and without this mining venture, by which women are laying the groundwork for current and future change. For the women who participate, and also those who watch, this custom-built coupling of promise and double shift can mean the perspective of the "doubled vision", a crack in the lens of a unified view of what constitutes a Woman. For the women who remain at Argyle the question of whether the rewards are worth the effort would do well to remain as open as the mine's excavated mountain.

Afterwords

ADM has won two major awards for excellence in affirmative action in the last few years. The first was for a video on 'diversity' and 'difference', designed by Clarity, and scripted and acted out by members of several of the mine's work groups. The second is for its generally high standard of 'best practice', including the appointment of a single woman manager at the mine and two at the city office. The impact of party politics on the vicissitudes of policy implementation is of note in this regard. Liberal Party policy plans to disband the Affirmative Action Agency and devolve responsibility for implementing the legislation onto the Department for Education, Employment and Training (DEET). The organised women's movement sees this as a retrograde step (WEL National, 1992). Hence, in the 1993 pre-election environment, the Labor Party, which recognised the importance of 'the women's vote' in a tight finish, was careful to reiterate its support for the Agency's role. Prime Minister Paul Keating, in the lead up to that election, acted on several of the strategies proposed in the Lavarch Report (1992) and announced changes to the Affirmative Action Act intended to give this paper tiger more 'teeth'.¹⁹ In line with these changes, the Minister for Administrative Services, Senator Nick Bolkus, announced that his department was instituting a policy of contract compliance. Companies that do not comply with the Act will be ineligible for government contracts and some forms

¹⁹ These include giving the Agency the status of a statutory authority, extending the coverage of the Act to include voluntary bodies with 100 or more employees, giving the Director the power to vary requirements for reporting procedures, and instituting a policy of contract compliance. See *Affirmative Action Agency* (1992a:8).

of government assistance (Affirmative Action Agency, 1992a:3; Bacchi, 1994).

In turn, the Agency is keen to show its worth by indicating how much support the legislation has from the companies under its charter. It announced a 99% compliance rate in 1992 (Affirmative Action Agency, 1992b:1), and the media exposure given ADM's win, as one of the more glamorous of Australia's business organisations, made for healthy pre-election coverage for both the Agency, the legislation and the Labor Party. For women out there in the workforce, this 'policy of persuasion' is often read as more than empty rhetoric. They read it as meaning that practices of discrimination are no longer totally outside their control. In this sense the changes currently being prescribed for the Sex Discrimination Act are an important adjunct to affirmative action. By placing the onus of proof, in sex discrimination charges, on the defendant rather than the complainant, the government gives the message that the complainant, who is more than likely to be a woman, is the one to be trusted in the first instance. This is a radical change from a system which currently supposes the opposite, and a positive aid to the empowerment of women. One sign of this empowerment, indeed, was the woman who had worked at ADM since its inception, conducting herself as a non-complainer. The winning of the latest award prompted her to write to management. She asked why conditions for women, along with relative numbers, were declining rather than improving. Receiving no response she has, after nine years of service, now left ADM.

On this note of empowerment, the Affirmative Action Act could do with some careful clauses that would assist that process for women.

Whether such clauses should carry penalties for non-compliance is another question, for a tightening of any one piece of legislation is not going to carry much weight along the path of social change unless it is verified by a range of other practices, legislative and informal. If, as I have suggested here, the constitutive norms are as important as the regulative in any account of social change, then it is a mistake to view any regulative measure as discretely responsible to outcomes. By this reasoning, moves which would be as likely to aid compliance with affirmative action would be: the withdrawal of current abortion laws (since women are currently forced to be non-compliant, despite constitutive support for autonomy over this decision)²⁰; paid parental leave and occasional leave for all carers; legislation to ensure women's security in an industrial relations system geared towards enterprise bargaining; an escalation of child care provision; and ways of making it easier for women to reject domestic and other forms of men's violence. Like the AA Act, each of these is an equality issue. Government compliance with this feminist "wish list" — although many would see it as a minimal one — would signal formal support for a transfer of normative advantage from men to women, and enhance the constitution of similarly-gearred practices.

It can be seen that I have certain concerns with 'compliance' as terminology and with what this terminology is achieving. Within my own study of affirmative action as institution, this raises questions about

²⁰ When a woman aborts a foetus in Australia today, is she wilfully non-compliant? Or is it that governments are non-compliant with the beliefs and needs of the bulk of the population? Contrasting with the illegality of abortion, a national survey carried out by AGB McNair in March, 1991, found that 81% of Australians believe abortion decisions should be left to the individual woman and her doctor. A May, 1990 survey in Queensland, by the same consultant, showed 66% supported a repeal of the law against abortion (McCormack, 1992:40). Mismatches between popular opinion and legislative measure, as Margaret Levi (1993) suggests, herald a lack of credibility and legitimacy for government, and encourage non-compliance with other regulative measures.

'regulation' and its effects, and with how 'the feminist project' should be cast in relation to such regulation. Coupling the two, however, has allowed me to explore how rules are conceived and acted upon and lead towards an account which refuses to view any one regulative strategy as an isolated and discrete entity. It follows that the messages given by a range of regulatory measures, geared towards a particular overarching aim, should be as important to the production of 'compliance' as attention to the design components of any one measure.

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