

EQUAL EMPLOYMENT POLICY FOR WOMEN

*Strategies for
Implementation in
the United States, Canada,
and Western Europe*

Edited by Ronnie Steinberg Ratner

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To
ALICE H. COOK

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PREFACE

Employment policies affecting women have been a central focus of the Wellesley College Center for Research on Women program since its inception in 1974. The development of research, innovative programs, and publications at the Center have continually been informed by conferences. The Center's focus on employment policies designed to expand opportunities for women began with a conference on occupational segregation. Researchers pointed out the need for studies of employment practices within specific institutions and in relation to the employment structures of regional economies. This was followed by a series of workshops which examined obstacles to equal employment in various occupational categories in New England and a conference on restructuring the world of work which emphasized the relationship between work and family over the woman's life cycle.

With this background we began an empirical research program on both the mobility of women within organizations and the relationship between work and family roles. We began to explore the implementation of equal employment laws for women managers, professionals, and blue collar workers in private corporations, universities, and government; to look at the relationship between volunteer and paid work; to better understand the interaction between work and family timing patterns, child care, community services, and men's changing family roles. As Affirmative Action emerged as a central part of equal employment policy for women we brought together government policy-makers and enforcement officers, corporate personnel officers, and representatives of women's organizations to discuss the strengths and weaknesses of what had become a cumbersome and controversial administrative process.

Through our strategy of research and communication we saw the need to assess more fully the United States' legal and administrative policies and procedures for achieving equal opportunity for women in the workplace. Despite fourteen years of equal employment and equal pay legislation, occupational segregation continued, the wage gap between women and men had widened, and there was evidence of complex implementation problems for both employers and government enforcement agencies. A national family policy had yet to be articulated. We naturally looked to other western, industrialized countries as a source of experience and alternative approaches to expanding employment opportunities for women. The idea

for an international conference on equal pay and equal opportunity therefore was firmly grounded in an evaluation of United States policy from the critical perspectives of research, policy, and action.

When an international advisory committee first came together to plan a conference on Equal Pay and Equal Opportunity for Women, we proposed an agenda focusing on administrative remedies and litigation to eliminate sex discrimination. These are the major routes for bringing about equality in the labor market and settling disputes with employers that are available to women workers in the United States. We thought the U.S. story of success and failure in using these measures could inform other nations now planning equal opportunity policy. In return, we could learn from Europeans and Canadians, particularly in the area of Equal Pay policy, because of the progress in some countries in reducing the wage gap between men and women.

Our European advisers raised doubts about what they perceived to be the litigious orientation of U.S. policy. More useful to them would be an increased emphasis on collective bargaining and trade union activities, for so many more European women are organized. They asked also that we give major attention to the family, which plays a primary constraining role on women's opportunities to work. Because European societies have explicit policies toward family life, these policies often become the embodiment of societal attitudes toward working women. Finally, since the recession pressed everyone and unemployment was a major concern for all leaders dealing with opportunities to work, they urged that we address the economic context of equal opportunity policy.

The discussions which began in this meeting continued over several months of conference planning. With colleagues at Wellesley, we identified an array of institutional mechanisms utilized in different countries to implement equal opportunity for women. We also determined that the conference must discuss frankly the experiences of each country in utilizing its institutions, to see how such problems as employee harassment during litigation or lack of women leaders in collective bargaining might be averted.

The conference enriched us all. Participants from Europe, Canada, and the United States brought many strong but different areas of expertise. Some Europeans left with plans to consult with other European colleagues about details of proposed legislation, while the trade union women made plans to gather and develop strategies for making presentations to a major U.N. conference. As Americans, we came away with an expanded sense of the many levels of equal opportunity policy. European perceptions of how family and labor market policies govern access to jobs provided a context for our longer experience with modes of redressing sex discrimination in the workplace itself. At the same time, many Europeans in coun-

tries just now contemplating legislation developed a new appreciation of how law may augment the other modes already available to them.

Finally, we developed a heightened appreciation of the women's movement in all of the countries. The time, courage, and commitment which so many women have given to formulating, implementing, and fighting for equal pay and equal opportunity policies are the bedrock of the successes that have been achieved. Many of these women attended the conference, and we are grateful to them for their insights.

We are particularly pleased that the knowledge shared and insights gained through the conference are now available to a much wider audience. This volume reflects both the substance and the spirit of the conference which contributes to all our continuing efforts to eliminate sex discrimination in employment and expand work opportunities for women throughout the world.

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INTRODUCTION

Equal employment policy for women stands at an historic juncture in the advanced industrial democracies. In Western Europe, a directive of the European Economic Community, effective August 1978, requires each of its nine member states to develop a policy instrument to further the equal treatment of women in the labor market. In Canada, a federal Human Rights Act went into effect March 1, 1978. It not only established a commission to handle complaints of discrimination but also introduced the principle of equal pay for work of equal value, making possible the adjustment upward of women's wages based on a comparison of the rates of pay for women who work in dissimilar jobs. This represents a radical departure from similar policy in other countries.

In Sweden and the United States, policies instituted in the 1960s to eliminate sex discrimination are undergoing serious attack and reassessment by supporters and opponents alike. The Swedish approach of coordinating selective and general labor market policies with collectively bargained contract rights has received its most serious challenge to date from the small but vocal Liberal party of the majority coalition in Parliament. This party has been the major force behind an anti-discrimination law enacted in early 1979. The law has been sharply criticized by both employers and employees, and receives only modest support from the Social Democratic party. It constitutes the first attempt to reform the labor market through a law opposed by these social partners.

United States policy, long based on legislation and its enforcement through the courts and administrative agencies, also is at a turning point. The 1979 Reorganization Act consolidated the enforcement of equal opportunity and equal pay under the Equal Employment Opportunity Commission. The Commission, moreover, is overhauling its processing of individual complaints through a newly developed rapid-processing system and is activating its powers to initiate complaints against major corporate offenders of the law through targeting what has been called "systemic" discrimination. Despite this move toward greater administrative efficiency, many believe that current and pending court decisions will establish precedents that strictly delimit what can be accomplished under existing legislation.

Equal pay and equal employment opportunity policies thus are high priorities on the political agenda in the United States, Canada, and Western Europe. While the development of policies in these countries is at varying stages, the issue has moved from a concern with *whether* to expand the employment opportunities of women to a preoccupation with *how* best to accomplish this change. As a consequence of this heightened interest in policy implementation, policy-makers and others concerned with women workers are grappling with the difficulties and dilemmas that arise in the selection of specific goals and concrete means for achieving women's labor market equality.

These concerns spurred the Wellesley College Center for Research on Women to convene an international conference in May 1978 to discuss the implementation of equal pay and equal opportunity policy for women. The conference brought together over sixty-five government and corporate policy-makers, lawyers, trade unionists, feminists, and researchers from twelve advanced industrial democracies to assess progress on equal employment policies and to discuss alternative strategies for better implementing them.¹ The conference agenda addressed five related themes: the economic and social context of equal pay and equal opportunity; strategies for implementing equal employment policy; the impact of these policies on employment procedures in work organizations; the role of trade unions and women's organizations in facilitating EEP; and technical issues in implementing these policies.

More than twenty papers on seven countries were commissioned specifically for this conference. They explore equal employment policy in Austria, Canada, the Federal Republic of Germany, France, Sweden, the United Kingdom, and the United States. These papers together constitute a coherent set of analytic case studies and critical essays on the evolution, implementation, and impact of equal employment policy for women. Rather than providing general background material, the papers treat some theme of equal employment policy in one country. These experiences are juxtaposed with those described in papers on other countries to highlight the contrasts or similarities between countries. Moreover, the papers do not dwell on the idiosyncrasies of each country's policies. Rather, they address issues that transcend the more narrow concerns peculiar to any country. The chapters of this book are revised versions of the papers prepared for the Wellesley Conference.

This book comprises the first cross-national discussion of equal pay and equal opportunity policy for women. But the materials it draws together are unique in several other respects as well. First, all of the chapters are original. Several present as yet unpublished data on the effects of equal opportunity or equal pay policy in private firms. Others document

some of the contradictions in policy implementation with information that has been, up until this time, accessible only to policy-makers. Yet others treat for the first time in English a set of equal opportunity and equal pay policies in continental Europe. Second, the authors write from first-hand experience in developing, implementing, or evaluating equal opportunity and equal pay policy. Most, currently or in the recent past, have been in major policy-making positions. Some have received government contracts to evaluate existing programs. In addition, they are also people whose writing experience extends to both academic and lay audiences.

The book addresses four aspects of equal employment policy development and implementation: the strengths and limitations of different strategies for achieving EEP, and the linkage of such strategies to organized political action among women; the impact of equal employment policy in work organizations; the ways in which economic conditions and other public policies constrain or facilitate policy implementation; and equal employment policy goals for the future. (In addition, two topics are taken up in the Appendixes: the range of statistics necessary to monitor equal opportunity policy and the applicability of job evaluation schemes to equal pay policy.)

The opening chapter examines, for the seven countries discussed in this volume, the labor market position of women, the historical development of EEP, and the policy actions actually being undertaken currently in seven countries. It sets the stage for Parts II and III, which explore the conditions under which institutional strategies are likely to be effective in achieving labor market equality for women. Four approaches to equal opportunity and equal pay policy stand out: collective agreements between trade unions and employers; a legal strategy emphasizing litigation; a legal strategy involving administrative enforcement; and general employment and training programs. The activities of women's organizations and of women in trade unions facilitate the achievement of EEP through these means. Policy in most countries encompasses multiple approaches for achieving equal opportunity and equal pay for women. At the same time, one or two institutional means appear to dominate each country's approach.

Part II deals with legislation and collective agreements as means of attaining equal pay and equal employment opportunity. Legislation provides for enforcement through an administrative agency, the courts, or both. Collective agreements are upheld through grievance procedures, conciliation or arbitration, or the courts. Laws and agreements are means by which disputes that arise over an accusation of discriminatory behavior can be resolved. They can establish machinery for identifying "systemic" discrimination—that is, actions by gatekeepers that systematically restrict job opportunities—as well as institute procedures for monitoring the elimi-

nation of this behavior. Consequently, while laws and collective agreements are not necessarily synonymous with one another, the purposes they serve overlap to some extent. The chapters on these strategies explore these and other issues for Sweden, the Federal Republic of Germany (West Germany), France, the United States, and the United Kingdom.

Part III deals with training and organizing women for equal employment. The lack of opportunities for pre-employment and on-the-job training contributes greatly to keeping women in poorly paid, deadened jobs. Training programs, therefore, are an integral part of a coherent equal employment policy. The Labor Market Boards in a number of Western European countries, for example, have developed training programs to provide women with the skills necessary to take advantage of blue-collar and professional jobs traditionally held by men. The 1979 regulations issued to prime sponsors under the Comprehensive Employment and Training Act suggest that the United States is beginning to follow the European lead. Furthermore, in Sweden, training programs are supplemented by other labor market policies designed to stimulate employers to hire these women. Two chapters describe and assess the innovative programs of several Western European countries.

Moreover, policies are enacted and implemented when supported by visible, articulate, and effective interest groups. It is the political actions of women that prompt governments to pass laws and design programs, and trade unions to reach agreements with employers. Furthermore, it is the sustained pressure by women that causes these plans to be put into effect. This is true whether an action takes the form of supporting an individual complaint or grievance, initiating court proceedings, or lobbying. The experience of the Canadian National Action Committee on the issue of equal pay for work of equal value, discussed at length, is an important case in point. Whether action is undertaken by autonomous women's organizations or by women members of trade unions or political parties may be a function of the strength of existing interest groups, especially the extent of unionization. In Sweden, for instance, where most of the labor force is unionized, women work within trade unions to achieve the same goals that the NAC is working for in Canada. In Canada and the United States, on the other hand, few working women belong to unions. In these cases, the first order of priority would be to organize women and to train them to assume positions of leadership. Therefore, women must not only be trained for skilled jobs; they must be trained to participate in trade union and other activities. One such program of worker education is the Trade Union Women's Studies Program at the Cornell School of Labor and Industrial Relations. Its objectives, program, and impact are discussed in the final chapter of Part III. Such training enables women to participate in a plurality of organizations, including trade unions, community groups,

women's organizations, and political parties. It has specific benefits within trade unions in that it broadens the range of responsibilities that women are able to assume within their unions, especially those relating to participation in bargaining.

Part IV focuses on the impact of government policies on personnel procedures and on employment patterns in private companies. Equal pay and equal opportunity policy has been in effect for almost fifteen years in the United States, and almost five years in the United Kingdom. Original data on the effect of these policies on women's positions and on personnel procedures within private firms in these two countries are presented from two large-scale surveys of major corporations. Using aggregated data, one study measures changes in the range of jobs available to women in the United States, and the second study measures changes in the gap in wages between men and women for Great Britain. Both studies are restricted to 1970–1975. Attention must not be limited to change that can be measured with aggregate data, however. Also relevant are many subtle but nonetheless significant modifications that have been introduced in the environment of work organizations as a result of equal opportunity policy. Based on extensive analysis of the process of change within major firms, case material on changes in the perception and treatment of women in private companies is presented and their implications for other change efforts are drawn out.

Part V explores the economic and social context of equal employment policy, particularly the impact of the current recession on women's position in the labor market and the planned coordination of equal employment opportunity policy and family policy. Women's employment is closely tied to the ebb and flow of the national economy in each country. High levels of unemployment appear to constrain severely programs to expand the employment opportunities of women. The effects of the recession and of other macroeconomic conditions are explored for the United States and West Germany. Important differences between these two countries exist in how the state of the economy curtails the employment options of women.

The successful implementation of equal employment policy not only requires an expanding economy but also a sensitivity on the part of policy-makers to the dual role of working women. Women have entered the labor market in unprecedented numbers without having yet relinquished their primary responsibility for the family. Obviously, equal employment policy must take into account women's family responsibilities even if only to create incentives that will lead to a more equal division of these responsibilities between women and men. It is all the more startling, then, to note the considerable variation among countries in the degree to which policies that affect the family are made consistent with the goals implicit in equal employment policy. Nowhere are these differences more apparent than in

Great Britain and Sweden, for which the case material presented in two chapters is rich in detail.

Part VI looks at future directions in equal employment policy. The evolution of equal pay and equal opportunity policy reflects a continuing reassessment both of the sources of inequality between men and women in the labor market and of the realities of practical politics in a recessionary economy. The early experience of enforcing legislation providing equal pay for equal work exposed to policy-makers and activists the link between occupational segregation and the wage gap. They responded to these insights in the 1970s by redirecting their energies from equal pay policy to equal opportunity laws and agreements. The resistance to implementing equal opportunity in a period of high unemployment is amply documented in many of the papers included in this volume. As a consequence of this and other difficulties in policy implementation, attention is again returning to equal pay. The goal, however, has been broadened considerably from equal pay for identical or similar work to equal pay for work of comparable worth. Conventional job evaluation techniques are being used to compare jobs traditionally held by men with jobs traditionally held by women. Discrepancies in the rate of pay for male jobs and female jobs judged as equivalent must then be justified. A comparable worth study carried out in the United States (state of Washington) is described. The similarities between its findings and in the political reactions to it and those of a similar study undertaken in West Germany (described in Appendix B) are striking.

A final chapter draws on but moves beyond the case material from the preceding chapters to arrive at some general conclusions about several themes and issues in equal employment policy for women. It then identifies a number of unresolved issues and offers specific suggestions for the future development of these policies in three areas: changing women's family responsibilities as an integral part of equal employment policy; increasing the role of organized interest groups in the policy-implementation process, and broadening the goals of equal employment policy to encompass both affirmative action and equal pay for work of comparable worth.

NOTES

1. A list of participants and other information on the conference is included in Ronnie Steinberg Ratner, *Report on Wellesley Conference on Equal Pay and Equal Opportunity Policy in the United States, Canada, and Western Europe* (Wellesley, Mass.: Wellesley College Center for Research on Women, 1979).