

HIGHLIGHTS

Horoscopes with
Madame Satyr

Mums' work on the
market

Warning for
employers on age
targeting

The good news about
older workers

Post-grad qualified
women falling into
gender-pay abyss

US military urged to
repeal 'Don't ask
don't tell'

What does the CTU
offer EEO?

Employers on the
MSD Disability
summit

Breastfeeding: from
exposure to action

The EEO Unit in the
Human Rights
Commission will
shortly have a senior
vacancy. If you would
like to be advised
when the position is
advertised, please
contact:

humanresources@hrc.co.nz



Small but beautiful?

Small to medium-sized enterprises (SMEs) are "tired of being seen as 'baddies' and not good employers" according to SME advocate Alison Quesnel.

Despite UK research showing very low EEO compliance among SMEs, Ms Quesnel believes most SMEs in New Zealand are putting EEO principles into practice. They are doing so with or without paperwork "because a happy workplace is a productive workplace. SMEs are happy to listen and have information about EEO issues, but they do not want these to be regulated in employment law. Compliance is a huge issue for them already."

Ms Quesnel, a member of New Zealand's Small Business Advisory Council and of the [EEO Trust Board](#), focused on the flexible approach to working adopted by small businesses. "SMEs are much more adaptable and familial in their approach. An absolute truth is that an SME's desire for informality, flexibility and autonomy drives their business, and in my view is what makes them successful."



Alison Quesnel: "a happy workplace is a productive workplace"



"Who are you calling a baddie?"

[Associate-Professor Claire Massey](#) of Massey University's Department of Management and Enterprise Development agreed up to a point. "A group of small firms don't need to be told about equality practices, they don't need to be told to be kind to their employees."

But Massey, an SME expert, also noted from her own research that "there is a lot of ignorance among SMEs about *any* compliance, compliance in general. EEO principles are important principles we should all know about. So I certainly support any initiative that helps [SMEs] deal with them in

[SMEs in the UK are behind on nearly every gender-equality count](#), says research:

- 36% of the SME respondents said they would not hire a woman who was pregnant
- 44% would alter their interview questions depending on the gender of the candidate
- 51% did not have a written harassment policy or procedure
- 21% did not make it clear that harassment could result in dismissal
- 10% allowed the childbearing age of a female candidate to affect their selection decision
- 18% took active steps to redress gender imbalance in their workforce
- 71% of SMEs offered flexible working.

EEO principles enable SMEs to:

- Beat the skills shortage by recruiting on the basis of merit
- Create versatile workplaces which enable people to balance their lives
- Achieve business success through maximising the diverse talent pool.

- EEO Trust

a supportive, rather than punitive, way.”

Why might SMEs feel unsupported and overtaxed on EEO policies? SMEs do not have a significant voice in major forums that deal with EEO policy.

According to [Statistics New Zealand’s Business Demographics](#):

- **65%** of private enterprises are individual or family entrepreneurs with no employees
- **80%** of all enterprises in New Zealand employ five people or fewer.

Meanwhile, small businesses are under-represented in Chambers of Commerce, and only 10.4% of the members of the [EEO Trust Employers Group](#) have five or fewer employees: 38 out of 364 members. This raises the question of whether policy-makers and law-makers are adequately reaching SMEs in both communicating and consulting on policy.

Mums’ work on the market

[“Marketisation” of home production tasks is necessary](#) if New Zealand aims to draw more mothers into the paid labour force, a US-based economist recently said.

Professor Shelly Lundberg, University of Washington, opened the Treasury’s [Workshop on Labour Force Participation and Economic Growth](#) by suggesting that if women with children are the main new source of labour in the paid workforce, then their household production work will need to be replaced by market substitutes. Chores such as cooking, caring for dependents including animals, community work, and shopping need to be “marketised” to make up for the loss of women’s unpaid contributions to running households, neighbourhoods, and communities.

The US leads the way on the marketisation of household goods and services: paying for dog-walking, ready-made food or childcare services can be common in some families. But what is lost in the quality of these household services has not been usefully measured, Lundberg said. For example: What is the cost to the health system for what she called the “Big Mac effect”, where a significant portion of a child’s diet is fast food? What are the measurable implications for a child’s well being when we replace home care by the mother with market-based care by paid caregivers?



Time saved: what’s lost?

Is your organisation a great place to work? If so, there's still time to enter the EEO Trust [Work and Life Awards](#) before the deadline of Thursday 26 May. There are five categories: Large Organisation, Small to Medium Organisation, First Steps, Manaaki Tangata Innovation, and Walk the Talk.

The tension between business and human rights will be explored by Her Excellency Mary Robinson when she speaks at a Human Rights Commission function on 11 May. The former President of Ireland and past United Nations Human Rights Commissioner is an authority on globalisation and ethical issues for business. The event is co-sponsored by law firm, Bell Gully.

"Red-blooded male" John Tamihere will be the first presenter at [The Men's Summit](#) in West Auckland this Friday, 6 May. The one-day summit will look at the full spectrum of challenges facing men and men's policy and research after three decades of social change. Dr Paul Callister will present the Men and Work session at 1:00 pm.

Lundberg also said that standard national accounts are flawed, and an "incomplete measure of welfare" as they do not include the value of home production. Once a task or product is paid for in the market however, it moves into the national accounts register as a service or product. Part of the increase in Gross Domestic Product (GDP) that results from increased employment of mothers, she argues, is illusory, as the measured positive impact on GDP does not factor in the losses to family and personal wellbeing.



Employers given age-targeting warning

Employers and employment agencies supportive of older workers have been warned to check their Internet advertising and promotional material to ensure they are not discriminating on the grounds of age.

EEO Commissioner Dr Judy McGregor says the greying of the labour market has provided a niche market opportunity for agencies that want to promote the interests of mature job-seekers. But Internet advertising and promotional material must not discriminate on the grounds of age – whether against younger or older people.

"I strongly support efforts to ensure older people have the same opportunities as everyone else to enter employment, to be promoted, and chosen for training," said Dr McGregor. "There is clear evidence that older workers suffer from negative stereotypes in some workplaces. However, this does not provide a licence for employers or employment agencies to limit equal employment opportunities by age."

Advertising that indicates that only people over 40 years of age might apply or enrol in an employment agency potentially breaches the Human Rights Act 1993, which includes age as a prohibited ground of discrimination.

An employment agency that colludes with an employer to supply potential job applicants over a certain age only is also liable. "Our advice is to stick with promoting the competencies for the job rather than the age of the applicant in information and advertising" said Dr McGregor.



Ozzy: 'Don't ask how old I am, just let me rock on.'

The European Commission has released a draft report on how to [increase gender equality in science](#).

Recommendations include increasing the number of female scientists, empowering women in decision-making processes, making professions more family-friendly, making evaluation more gender-neutral, and strengthening gender research.

Sleep-in vouchers, fruit bowls in tearooms, cheap gym memberships, and retirement parties for aged guide-dogs are all ways to make life in the public service more bearable. These are some of the case-study tips in a comprehensive free [Work-Life Balance resource](#) just launched by the State Services Commission (SSC). Its ideas can also be applied to the private sector.

In 1981 the number of men and women in New Zealand aged 30-34 was equal. By 2001, there were [11% more women](#) in this age group. Dr Paul Callister and Professor Richard Bedford have just started examining the reasons for this trend, and the possible consequences for fertility and labour force participation. It will be the first major look at gender and migration in New Zealand.

Good news about the ageing workforce

Number-crunching shows that a maturing workforce is bringing its own [increases in productivity](#), according to Professor Ross Guest from Griffith University, Queensland.

Using modelling techniques, Professor Guest postulated that “the size of the effect of an older workforce on labour productivity could be positive and of substantial magnitude.” Professor Guest’s paper suggests that the productivity gains from a more mature workforce could substantially offset the problem of fewer people working.

The paper points out that even when productivity is adjusted for age, workers of different ages cannot be “substituted” for each other perfectly in calculations, as they bring different skills and strengths to the job. Professor Guest says the ideal balance of different working age-groups is coming closer as the workforce matures.

The ageing workforce and lowering birth rate in Western countries has had policy-makers scrambling to increase labour force participation among previously excluded groups. Could this give them all a bit of breathing space? Professor Guest urged the recent [Workshop on Labour Force Participation and Economic Growth](#) to support empirical studies to confirm these projections.

Graduate women falling into pay inequity abyss

The gap between the average salary of men and women with postgraduate degrees has widened to nearly \$20,000. This \$7,000 inequity increase from 2001 was uncovered by the Graduate Destinations Report recently released by the [NZ Vice-Chancellors’ Committee](#).



MCom graduate: why *is* she smiling?

Postgraduate-qualified men in Commerce and Business earned *over \$31,000 more than women* within the same field, with the same postgraduate level of qualifications, the same status of being in full-time work, and the same average age.

Rod Bryant, the report’s editor, was quick to point out that men’s response to the survey was smaller than usual, which could have distorted results in the small pool of respondents with postgraduate qualifications. However, he noted that the Commerce and Business

A [UK bullying case](#) is setting precedents as it ascends through the legal system. The Court of Appeal last month held that employers be held vicariously liable if one employee bullied another, as long as the harassment was closely connected with the bully's ordinary work duties.

The Chair of the UK Equal Opportunities Commission has called for [paternity leave](#) to be on the election issue table, and accused politicians of being 'out of touch' with the needs of families. Business leaders in the UK are against extending paternity leave and pay.

A major UK EOC investigation has slammed the [workplace segregation](#) of women and men in the trades. This echoes the New Zealand Human Rights Commission's concerns about gender inequities in the [New Zealand Modern Apprenticeship](#) scheme.

The UK Trade Union Congress found that despite political progress, there are still [fewer career-advancement opportunities for qualified black workers](#) across the board, even though many were more qualified than their white colleagues.

result was the most statistically sound comparison, as it had a large number of responses and less variation in the kinds of qualifications surveyed. 380 postgraduate-qualified men responded to the survey out of a possible 1119 (34%) compared with 619 women out of a possible 1351 (46%).

The policy of pretending

When it comes to gays, lesbians and bisexuals in uniform "the policy of pretending" doesn't work, according to New Zealand diversity consultant Eugene Moore.

In the midst of a major war effort, bipartisan political support is growing in the US for an openly gay-friendly military through the [repeal of the 'Don't Ask Don't Tell' policy](#).

Mr Moore agrees the war-footing timing of the US drive is no coincidence, saying that the drive to purge gay people from the military decreases markedly "when there is a *need* for gay people."

Since it began in the Clinton era, 'Don't Ask Don't Tell' has resulted in the discharge of nearly 10,000 gay men and women from the US military, at a cost of over \$200 million. The Military Readiness Enhancement Act before the House of Representatives aims to repeal the ban on lesbian, gay and bisexual personnel. It has gained the support of 73 Members of Congress, including three Republicans.

There has also been [further in-house lobbying](#) within the US House Armed Services Committee to review the military ban on openly lesbian, gay, and bisexual personnel.

"In the New Zealand military we've gone way past that", says Mr Moore. In 2001 the Royal New Zealand Navy won a Manaaki Tangata Work-Life Balance Award from the EEO Trust for work on [creating a gay-friendly environment](#). Mr Moore's consultancy firm [Full Spectrum](#) was instrumental in this process. As well as helping with reforms in the Royal New Zealand Navy, Full Spectrum has provided major anti-homophobia learning tools for the Royal Australian Navy, and is currently in discussions with the UK Navy.

"New Zealand has a lot to be proud of," according to Mr Moore. "We have absolutely fantastic leadership... in the top brass normally there's not a clear understanding. For example, when the UK was forced to drop their ban on gay personnel due to the Human Rights



(From 'On the Town' by Leonard Bernstein)

Which way do you swing?

[A female imam](#) led a mixed-gender congregation in prayer in New York without incident, having earlier received a bomb threat. There were mixed reactions from Islam's highest authorities: Sheikh Sayed Tantawi of Cairo's Al-Azhar University said female imams could not preach to a mixed-gender congregation, while Egypt's Grand Mufti Sheikh Ali Guma said it was permitted if the congregation agreed.

The UK is moving to [improve working conditions for care-workers](#), and [Carers New Zealand](#) is calling for similar movement. They estimate that unpaid New Zealand carers contribute \$9 billion minimum in labour annually. Carers NZ intends to pilot workplace based carer support services in Auckland and Wellington. Meanwhile, the [Fair Share for Aged Care](#) campaign kicked off last month calling for major increases in government funding.

African Americans have only [57% the economic status of White Americans](#), and the equality gap is increasing in unemployment figures, according to the National Urban League's annual report, *The State of Black America*.

ruling in Belgium, the brass thought 'we have to write rules on where people are allowed to have gay sex!' They thought it was about sex. It's not, it's about people being able to tell the truth."

Unions tackle factory floor & wage floor

What does continuing advocacy on the [minimum wage](#) mean for Equal Employment Opportunities? Carol Beaumont, Secretary of the New Zealand Council of Trade Unions answers NEON's questions.

NEON: What marginalised groups and what kinds of workers/industries stand to gain the most from increases in the minimum wage?

CB: At least 45,000 workers are directly affected by the minimum wage. That group are likely to be women, and [there is] a large ethnic dimension - Māori women and Pacific women are the women who have on average the lowest rates of pay.

The other group would be young people. Youth rates are not illegal so you can have some pretty low rates of pay. The other dimension would be particular industries: service industries, people undertaking caring responsibilities, cleaners, retail, hospitality. Within these industries again, you get large numbers of women workers, and a lot of younger workers.

The gap between high and low income earners actually widened in the 1990s so [the minimum wage campaign] is about changing that respective share to get more in the pockets of working people. The other quite conscious part of our strategy is about lifting wage expectations. The economy is doing very well overall. Unemployment is low, profitability is high, productivity has been improving. The time is right for workers to get a better share.

NEON: Aside from the big [pay equity](#) push recently, what is the union record like on under-represented groups?

CB: In New Zealand the majority of union members are women. That's obviously not been the case historically. Just over 50% are women, although women make up only 46% of the paid workforce. This is probably because we are far more unionised in the public sector than the private sector.



Opponents of youth rates on the May Day procession last weekend.

After dissolving the Aboriginal and Torres Strait Islander Commission, the Australian government has appropriated ATSIC's indigenously-held assets, and transferred all indigenous-specific programmes to mainstream government departments. Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma said that the changes could [either improve government performance or undermine human rights](#) of Indigenous peoples.

American clothing chain [Abercrombie & Fitch](#) has been ordered to pay \$40 million compensation to ethnic minority and female employees and job applicants. The claimants had been discriminated against in pre-employment, and if employed, kept in back rooms so as not to damage the company's 'All-American' image.

Like many countries in the West with ageing populations, [South Korea is waking up to its labour-market double bind](#). Women and older workers are still facing employment discrimination, although these groups will become vital to the labour market in the long-term as the birth-rate decreases.

Our ethnic statistics within the unions overall aren't too good. Anecdotal, we'd think that young workers are under-represented in unions, and we have no real measure of lesbian, gay and transgender workers in unions. But certainly the union movement has recognised that all of those groups faced particular needs and issues in the workplace, and within unions as well. One of our strategies is to have clear policy to counter discrimination, and target all those groups with educational programmes. We have been increasingly aware of the need to do that really targeted work.

How is the CTU engaging the diverse workforce?

- Women's Council, Runanga, Komiti Pasefika, Youth Union Movement and an [Out@Work](#) Council for queer union members
- actively involved in issues important to these union members e.g. Hui Taumata; the repeal of the Disabled Persons Employment Promotion Act; pay equity; and opposing youth wage rates
- translating union literature into different Pacific languages, and running an employment rights talk-back show on Pacific radio
- youth-targeted education
- established 13 CTU industry groups, enabling better understanding of issues faced by specific groups of workers in any industry e.g. the high proportion of Māori within the meat and seafood industries.



Disabilities on the road

Imagine setting out for work each morning and having to worry about whether:

- the taxi will turn up on time or at all
- the bus on your route is accessible
- whether the bus will stop long enough for you to read the destination.

These barriers are part of a daily commuting pattern for many hundreds of New Zealanders with disabilities who travel to employment by public transport. Increasing the accessibility of public land transport in New Zealand allows for greater social inclusion, including increased participation in the labour market, of people with disabilities who do not use private transport.

For Chris Peters, Public Affairs Manager for the Hearing Association, the major difficulty he faces in his daily train travel is information not mobility. "Information about times, variations in the schedule, information that is usually presented over public address systems," he said.

The US state of Maine has [outlawed discrimination on the basis of sexual orientation and gender identity](#). It is the sixteenth state to ban anti-gay discrimination, although the different states' laws on gender-identity vary.

Boeing in Australia has been [granted permission to discriminate](#) against employees on the basis of nationality. The NSW anti-discrimination board agreed in February to allow Boeing to hire only people of approved nationalities to work with US technology at its Western Sydney plant. This brings NSW into line with legal discrimination in Queensland and Victoria.

Politics and sport are still mixing in [South African Rugby](#), where black referees are threatening to strike after what they see as a discriminatory lack of opportunities for them on the job.

Workers over 40 in the US have been given extra protection from employment discrimination in a [Supreme Court ruling](#). It was found that harm experienced by complainants doesn't have to be the result of intentional age-discrimination.

"For bus travellers, the issues are about routes, information about fares and information about whether the stop I get off at will get me to the destination I want. For people who cannot use the telephone, but who use taxis to get to work the issue is more fundamental - actually ordering the taxi."



Chris Peters: 'invisible' disabilities still hamper commuting

Mr Peters, a 53-year-old manager with a severe hearing loss, lives in Lower Hutt and travels to and from work in Wellington each day by train. He is one of many people with disabilities who have additional employment-transport issues who have submitted to the [Accessible Public Land Transport Inquiry](#) being conducted by the Human Rights Commission. "Our disability is not one of mobility but is just as fundamental, and often harder to deal with because of its invisibility."

Chris requests:

**Face me
Speak clearly
Speak slowly
Don't shout
Write it down**

Requirements to improve accessibility for the hearing impaired include:

- better visual displays at bus stops and train terminals
- better visual displays on vehicles themselves
- training for transport sector workers to expect requests for written information from the hearing-impaired.



No complaints here

It is very difficult to prove racial discrimination has occurred in pre-employment, said Jenny Wang, Director of the Chinese New Settlers Services Trust. Moreover, though many migrants have experienced employment discrimination "it is difficult for new people here to make complaints because of the cultural and language barriers, difficult for them to have enough confidence to deal with their own situation when new to an environment. A lot of new migrants don't know how to complain. They lack knowledge of the process and their own rights."

The report [Race Relations in 2004](#), featuring a round-up of research and complaints to the Human Rights Commission, shows that migrants and refugees are not complaining at the level that matches the discrimination they may be experiencing. Recent research shows that migrants, refugees, and (as reported in NEON issue 1) people with [non-English names](#) are on the receiving-end of unfair barriers to employment.

The European Commission unveils plans for a [Fundamental Rights Agency](#) this month. It will police European Union institutions and national governments for signs of racism, sexism and other forms of discrimination. National governments fear it will 'name and shame' them for failing to ensure equal opportunities for minorities and social groups.

The Calcutta Telegraph fears that a [new Indian law allowing women to work the night-shift](#) may lead to employers exploiting female workers, rather than increase substantive gender-equality. The opinion leader worried that the lack of equality in the home would increase the double-burden on women.

The Norwegian government wants private corporations to have at least [40% female boardrooms by 2007 or face possible closure](#). The government sees no excuse for the stagnant percentage of 11% women in the private boardroom, as state-run companies have already complied with the 40% goal. Norway's Cabinet itself is 40% women, and its Parliament is 37% women.

Easing into the disability pool: Employers speak

Employers wanted practical small steps into the disability talent pool from the Ministry of Social Development's (MSD) recent Employers' Summit on Disability. Did the summit deliver?

Paul Trass, General Manager, Industry Training for Carter Holt Harvey, found the session an eye-opener. "It certainly opens up another avenue of recruitment, particularly where we do have some future major skill shortages." With its large workforce, Carter Holt Harvey has already been focusing on diversity. For Mr Trass, "I hadn't thought of disabilities as being part of that diversity, but certainly after listening to those sessions, they have huge amounts to offer."

With regard to the supports that MSD is developing to encourage employers to hire people with disabilities, Mr Trass believes "employers are less worried about the financial subsidies and support they can get – they're more focused that someone can actually do a job."



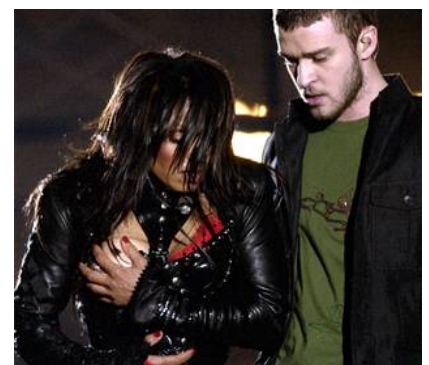
Attune business to disability issues with 'easy wins' first, says Dave Stewart

Dave Stewart, General Manager of Manpower Specialist Brands, noted that the summit was good for gaining "a greater understanding of what [disability sector] groups were there, but not necessarily for gaining a cohesive view of how employers can tap into that." With this in mind, he was supportive of MSD's plans to compile a quick reference guide to the disability talent pool.

Mr Stewart also underlined the need to ease employers into the disability labour pool by inspiring them to "grab the easy wins and build from there. What employers need is bite-sized chunks, how to get those first small steps."

Breastfeeding: from exposure to action

Staff at New Zealand's Parliament have been allocated space to breastfeed onsite for the first time. Prior to the opening of a permanent breastfeeding-room later in the year, staff have been given permission to use the Spouses' Room for breastfeeding and expressing milk.



David Phillips/AP

'Stop staring and just hand me the baby'

An adherent of the [Church of Body Modification](#) in the US lost her religious discrimination claim against her employer, who had demanded she remove her eyebrow piercing. Her claim was dismissed by the Equal Opportunity Commission due mostly to her uneven approach to compromise, not the validity of her religion.

Malaysia is embarking on large-scale [childcare provision for low-income mothers](#). The Women, Family and Community Ministry is working with unions to set up childcare centres in as many housing estates as possible, as a part of a long-term plan to eradicate poverty.

Breastfeeding is also in the spotlight as policymakers, NGOs and the Human Rights Commission (HRC) grapple with rights issues at a forum in Wellington this week. US expert [Professor George Kent](#) will speak to the HRC-sponsored forum that aims to hammer out [ideas for action](#) to strengthen the right to breastfeed. The HRC publication [The Right to Breastfeed](#) is available on the HRC website.

International battle against nurse shortage

A new [OECD report](#) raises the alarm on an OECD-wide nursing shortage crisis. The report is circumspect about solutions, but [New Zealand Nurses Organisation](#) CEO Geoff Annals stresses both pay and conditions. He points to the [Victorian system](#) – which, after introducing a 5:20 nurse/patient ratio, quickly became the only state in Australia which did not have a nursing shortage.

The OECD report warns of the imminent international long-range nursing shortage. Across Western countries they found:

- fewer young people entering the workforce
- a diversification of the female labour force away from traditional occupations such as nursing, but without a comparable inflow from men
- an increase in demand for nurses due to an ageing population and advances in medicine which have extended lives
- inadequate pay to attract nursing students.

Special Feature: Madame Satyr on your EEO stars

<p>♈ Aries Unremarkable planetary alignment augurs a month for getting your bottom slapped in the office, as usual.</p>	<p>♉ Taurus Your workplace will help ease you into retirement after the passing of your birthday this month by ignoring you and calling you 'gramps'.</p>	<p>♊ Gemini Sometime this month, it will be humorously brought to your attention that you are not white. You may or may not laugh.</p>	<p>♋ Cancer You will use work as an excuse to not visit your elderly mother more often. She will understand.</p>
<p>♌ Leo For Leos in HR roles, either love or sexual harassment is in the air. You may find it difficult to distinguish between the two.</p>	<p>♍ Virgo You will use your elderly mother as an excuse to not go to work more often. Your boss may not understand.</p>	<p>♎ Libra Look out for that mysterious special someone of the opposite sex who is either getting paid more than you for less work or vice versa.</p>	<p>♏ Scorpio After removing everything from your CV that you suspect is prejudicing employers, all that is left is your shoe-size. You may not have real feet, but they don't know that.</p>
<p>♐ Sagittarius You may achieve perfect balance between work and home-life by eliminating sleep.</p>	<p>♑ Capricorn Your strengths in innovation, efficiency and problem-solving are not being valued as highly as aggressive salesmanship. Train your guide dog to attack.</p>	<p>♒ Aquarius Your hard work will be rewarded with more hard work.</p>	<p>♓ Pisces An excellent month for fertility, and by association, getting fired.</p>



The newsletter is produced by the EEO Unit of the Human Rights Commission. The views expressed in this newsletter are not necessarily those of the supporters of the National Equal Opportunities Network.

Send feedback to NEON. Let us know about your new research and story ideas.



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