Chapter summary

In response to moral and pragmatic arguments, activist pressures and global conventions that urge the redress of discrimination, a number of nations have implemented legislation to facilitate the elimination of workplace discrimination. We note that some organisational leaders are beginning to recognise that the ‘effective management’ of diversity makes good business sense in an environment characterised by globalisation and related demographic changes in the labour market and customer base. Equal Employment Opportunity (EEO), Affirmative Action (AA) and the more recently favoured Diversity Management (DM) are explained in this chapter. These approaches offer philosophical and practical grounds for eliminating discrimination within the employment context. Embedded in these approaches are a number of practical organisational responses to demonstrable prejudices and can help avoid expensive litigation and compensation claims. Yet outcomes of employment remain very disparate. We review the organisational, structural and philosophical explanations as to why such disparate employment outcomes continue even where EEO legislation and employment policies have been in force for decades. We conclude that under the conditions of intensifying neoliberalism, rather than addressing fundamental human rights and social justice, the predominant practices advocated for merely shift responsibility for achieving fair employment outcomes to the individual person – a predictable but in-actionable location of responsibility in the neoliberal constellation of entities that combine to populate their genesis story. Thus in philosophy and in practice, the offered solutions appear to provide a neoliberal solution to a fundamentally neoliberal problem. The neoliberal view of the world is reinforced despite critical concern that it is this view of the world that may be generating the significant issues facing people and planet. In this chapter, we question again the proposition that ‘through work we shall be set free’ by examining more closely the proffered remedies for observable unequal outcomes of paid employment made increasingly necessary for the sustenance of life.

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6.1 A UN Declaration to ponder – how far have we got (to go)?

Article 2 of the United Nations Declaration of Human Rights (UNDHR) states:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.¹

How far have we got with this ideal?

- **A Black Man in the White House, Gays in Army, Women priests in the Church! What next?**
  In 2012 the United Nations Human Rights Office released a new 60-page booklet on sexual orientation and gender identity in international human rights law. ‘Born Free and Equal’ sets out the source and scope of State obligations under international human rights law to protect the human rights of lesbian, gay, bisexual, transgender and intersex people. It focuses on five core areas where State action is urged to protect people from homophobic violence, to prevent torture, to decriminalise homosexuality, to prohibit discrimination, and to safeguard freedom of expression, association and peaceful assembly. Published initially in English only, additional language versions (Spanish, French, Arabic, Russian and Chinese) will be made available in the coming weeks.

- **Police forces the world over are pressing for increased diversity in all ranks.**
  Will justice be served if there are more black cops to shoot black kids?

- **Gender is the most visible focus of Diversity efforts.**
  What if Women Ruled The World? Will justice be served if there are more women driving the neoliberal agenda?
  http://www.bbc.co.uk/mediacentre/latestnews/2013/what-if-women.html
  http://www.bbc.co.uk/news/world-21661744

- **Some African law makers will not have a bar of this liberal idealism.**
  Anything but plain straight heterosexual relationships are unnatural and therefore made illegal.

6.2 Equality, equity and diversity management – some stories to think about

6.2.1 Women on board: EEO and the governance game

New Zealand is the location for the class exercise that supports this chapter. It is also a country in which, during the period of rapid economic liberalisation in the 1990s, a number of the top jobs were held by women. Does this mean New Zealand is a reliable case study for the emancipation of women? Research the general distribution of jobs and incomes for women in New Zealand; for women in your country; for any of the people who, in your country are classified as ‘other’ (e.g. unqualified youth, people of a specific ethnic group, gay people, the elderly, those with known physical or mental health challenges and so on). What are the explanations for their marginalisation? What are the remedies on offer? Would greater inclusion of members of such categories on the boards or executives of governments or corporations make a difference to the outcomes for most people?

6.2.2 Maids for export

Article 24 of the UNDHR (1948) stipulates that “Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay”. An interesting example to research on the internet is how this notion plays out in Singapore where the employment of house-maids is an intrinsic part of the fabric of social, economic and family life. For many expat families, the idea of ‘house staff’ to care for children and to do domestic chores is very attractive – so attractive in fact, that there is a shortage of such maids in many areas of the world where expats are needed. What kinds of relationships support such employees? Domestic support is vital in families where all adults may need or want to be in employment – and particularly so where such employment entails frequent travel, where extended families are disrupted, where employers need the full commitment, concentration, flexibility and mobility of their staff. Reflect on this story about ‘maids to order’ in the context of a supply and demand market logic. What kinds of ‘beings’ are ‘the maids’ in this story? This is a good story to check out to see how your understanding of ‘ontology’ is maturing. A maid is made……

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Employing a maid in Singapore

Sunday, 23 January 2011: Pay hike as supply of maids dries up

More agencies say they plan to increase salaries of new Indonesian domestic helpers

By Teh Joo Lin, Neo Wen Tong and Lim Yi Han.

A week after news that 17 major maid agencies have banded together to raise the salaries of new Indonesian maids from $380 to $450, more agencies say they will follow suit. If the drive gains traction, the pay hike – said to be the highest one-time increment for the Indonesians – could well set a new benchmark for Indonesian maids’ salaries here. Maid agencies say they have no choice: Supply of maids to Singapore has been drying up as more of them look to places that offer better pay like Hong Kong and Taiwan. Singapore’s stringent requirements – a minimum age requirement of 23 and an English entry test – have also not gone down well with potential maids. Last week, news broke that 17 agencies – said to be major players – would be hiking the pay for Indonesian maids to ease the supply
crunch. Of the 30 maid agencies The Sunday Times interviewed, 18 said they would raise salaries of Indonesian maids. Eight said they were taking the wait-and-see approach, and four were not in favour. These agencies said they were either pulling out of the Indonesian maid market or still discussing with their Indonesian labour suppliers before deciding. Those who have jumped on the bandwagon include Comfort Employment director Benny Liew, who said seven in ten customers want Indonesian maids. “It's market forces. If there is someone who can offer a higher price and we don't match it, we will lose out,” he said. Those agencies interviewed said they have already begun to supply maids on the higher pay or are in the process of informing prospective employers. So far, employers have been willing to shell out the extra amount because the demand for Indonesian maids far outweighs the supply, they said.

Maids from Indonesia and the Philippines are the most sought after by employers, making up the majority of the estimated 196,000 maids here. But other agencies and employers are suspicious of the move by the 17 agencies. They doubt a $70 raise can reverse a long-running trend of declining supply and question if the move benefits the middlemen more than the maids – even though Mr Desmond Chin, group director of Nation Employment, one of the 17 agencies, has stated otherwise. An agency operator, who declined to be named, wondered if the pay rise was a ploy to maintain profit margins ahead of the revised Employment Agencies Act to be implemented in April. The new law puts the cap on the fee payable by the worker to the agency, to one month's salary per year of approved contract. Opponents also suggested that the move was tantamount to price-fixing, given that the salary of the maid should be a private arrangement between her and her employer based on current market forces. This is why the Association of Employment Agencies, as a trade body, cannot endorse the move, “lest it be interpreted as an anti-competitive act”, said president Shirley Ng.

When contacted, the Competition Commission of Singapore said it cannot say if any specific behaviour is anti-competitive without a thorough investigation. The spokesman did not say if an investigation was under way. Mr Chin has rebutted the allegation of price-fixing. He said yesterday: “Even among the 17, not all of us agreed on $450. Each of us has our own agreements with the suppliers”. “The move did not imply that all Indonesian maids must have the same salary, which should be commensurate with their experience, abilities and qualifications”, he added. He also maintained that the move does not increase the profits of maid agencies, saying: “It's for the good of the maids and the employers in the long term.”

Indonesian maids first became popular in the 1990s; they were an alternative source after the Philippines banned the deployment of maids in March 1995 over the hanging of Filipino maid Flor Contemplacion, who was convicted for the murders of her fellow maid and her four-year-old charge. Supply has dwindled over the years as more families here look to domestic help, while other countries compete with Singapore for maids. Employers in Hong Kong pay maids $650, while the Taiwanese pay them $800. In Singapore, their pay has gone from just $230 to $380 after more than a decade. Recent developments have worsened the supply crunch. A recent tightening of Philippine laws on citizens working abroad led to a plunge in the number of new maids from the Philippines, and forced some employers to switch to Indonesians. Maids from countries such as Myanmar and Sri Lanka remain relatively unpopular, compounding the problem. Speculation that the Indonesian government will lift a freeze on the supply of maids to Malaysia, imposed following several maid abuse cases, may also account for the latest pay hike. When contacted, the Indonesian Embassy's labour attache Isnarti Hafan supported the move. The higher pay will shorten the time the maids need to clear their placement fees, she said.
Mr Rusjdi Basalam, secretary-general of the Indonesian Labour Exporters Association, said the move will attract higher interest and bolster supply. “This would help turn around the currently declining interest of people wanting to work overseas. Media coverage on abuse on Indonesian migrant workers have scared them away,” he told The Sunday Times. But the agencies themselves conceded that the new pay was still a long way from overseas salary levels, while the entry test and age requirement remained bottlenecks. Maid agent Ronnie Toh, who said the pay increase might boost supply by 20 per cent, remarked: “It'll be helpful, but I don't think it's enough.”

Association of Employment Agencies, Ms Ng said this latest move is a ‘signal’ that new maid sources such as Cambodia, Vietnam and Laos need to be considered. She said: “We cannot be relying on two main sources – Indonesia and the Philippines. Once these two countries turn off the tap, our economy will immediately suffer.” Agency owners say the pay hike may lead to maids from other countries asking for higher pay and existing Indonesian maids threatening to terminate their contracts unless their employers top up their salaries. Employers interviewed appear resigned to the prospect of paying more. Business manager Joycelyn Ong, 30, who hired her Indonesian maid a month ago, said: “If she really wants to leave, then I will have to give in and pay that extra $100, because finding a new maid is a lot of trouble and I have to pay the same amount anyway.” But Indonesian maids interviewed said that money is not their sole concern. Ms Sumarni, 39, who like many Indonesians, goes by just one name, earns $360 a month after a 12-year career but she is not complaining because she gets days off and enjoys a good relationship with her employer. “It is still better to work for my employer again, because it's been so many years, and I won't know if my new employer will be good or not,” she said.

The legitimate and illegitimate transport of women to serve in the homes and factories of wealthier families is fraught with ethical and pragmatic issues for all parties to the trade. It is sometimes argued that the lives of expat women, whether they are employed or not, are subsidised by the desperate needs of poor women – women who will leave their children to look after the children of others.

- Why is this discussion about maids so often framed as an issue for women?
- Where are the men in this story?
- While this example demonstrates the extreme case of outsourcing of domestic work to, at times, constrained labour, how does this dynamic play out in your own community? What is the gender and racial constitution of the childcare industry in your region? Does it vary across the population?
- What other ways are the employment opportunities for some underwritten by the opportunities or hardships of others?
- To what extent can ‘market forces’ be held account for the well-being of people and planet?

Read: Global Woman: Nannies, Maids, and Sex Workers in the New Economy.
http://www.arlindo-correia.com/161203.html
6.2.3 Diversity! How far is too far?

Managing diverse people is a pretty big challenge. Managing expression of diverse values and diverse ways of presenting them can be a dangerous matter! Currently we are seeing a major shift in the tolerance of civil rights of homosexual people. In the USA it has only recently become acceptable to be openly gay in the military services. In parts of Africa however, it is a crime and the punishments are severe. Where are your boundaries of tolerance for those who are different from you? How do you support or undermine those who seek to change public opinion and the law on matters of personal identity? Think about the courageous people who took a stand on some issue or other at some personal risk and achieved outcomes we now take much for granted: women voters, gay staff in the military services and so on. What was their part in human emancipation? How do you benefit from their courage? How might we honour their legacy? There are lots of ways gay, straight, male, female, youth and elderly are still selectively discriminated against – but even if we all were equally free to compete for available jobs, is employment as we know it ‘emancipating’?

6.2.4 Pussies in the Cathedral! A step too far?

Moscow, Thu 21 Feb 2013 – 7:53am EST (Reuters)
Russian police detained two women who emulated Pussy Riot activists by donning balaclavas in Moscow’s main Orthodox cathedral on Thursday, the first anniversary of the feminist group’s protest in the same church. Security guards seized the two middle-aged women as they placed flowers at the altar of the Christ the Saviour Church and then pulled off their masks. The women were then handed over to police officers, who led them away. Video footage posted on the internet showed the women explaining their sympathy with Pussy Riot, two of whose members have been jailed over the band’s impromptu performance of a ‘punk prayer’ in the cathedral on 21 February 2012.

- http://www.reuters.com/article/2013/02/21/us-russia-pussyriot-idUSBRE91K0LE20130221

6.3 People to meet, [web]places to visit, actions to take

**People to meet**

- **Nick Vujicic**: Man with no limbs.
  [http://www.youtube.com/watch?v=zOzsjEmjjHs](http://www.youtube.com/watch?v=zOzsjEmjjHs)
- **Rosa Parks**: Freedom rider.
- **Marilyn Waring**: Making women’s work count
- **Women’s Rights Activists**: Lots of them!
- **Nina Simone**: Civil rights, black liberation identity.
  [http://www.youtube.com/watch?v=4BTNjeKqpEk&list=RDGUcXIz2BIU0Q](http://www.youtube.com/watch?v=4BTNjeKqpEk&list=RDGUcXIz2BIU0Q)
[Web]places to visit

  World demographic trends and their implication for employment.
  Diversity and employment.
  Understanding transgender.
  Countering ageism in employment.

Actions to take

- *Craft and broadcast your own song, film, short story that shows what it is to be you.*  
  As an example see:  
- *Celebrate Graffiti Art(ists)!* Become one!
- *Critique the ILO’s Gender Audit from a more radical perspective*  

6.4 Could you? Would you? Should you?

Approach a manager and ask them to remove offensive material from their premises, their advertising, their training programmes, their everyday choice of words and so on?

6.5 Reflection
A woman’s mouth as urinal in a public restaurant? Really?²