COMPORTAMENTO ORGANIZACIONAL E GESTÃO, 2003, VOL. 9, N.º 2, 107-123

Equity, equality and diversity: A cross-country comparison

Elisabeth M. Wilson
Institute for Development Policy and Management, University of Manchester

Abstract. Differences in the workplace, also known as workforce diversity, evoke varied approaches in different countries. These include equity, equal opportunities, affirmative action and managing diversity. This paper compares methods in the US, Canada, UK, India, and South Africa. The system in each country is described and compared using several parameters. These are: the emphasis on sameness or difference; focus on individuals versus groups, classes or categories; voluntary action versus compulsory requirements; and remedies available. All are examined within the context of the national background and culture. The paper concludes that each system has both benefits and drawbacks, and gives lie to the assumption that there is any perfect legislative or voluntary approach to workplace diversity.
Key words: Equal opportunity, diversity, US, Canada, UK, India, South Africa.

Introduction

This paper examines different approaches to what is known as equal opportunities, employment equity or managing diversity, using a cross-country comparison. As will be discussed, there are differences as well as similarities between these concepts. Policies in this area generally focus on women, people from different racial or ethnic groups, and people with disabilities, although some countries and organizations have also added other groups as well, for instance religious or political beliefs. Whereas employment equity and equal opportunities tend to be government imposed, managing diversity is characterised as a voluntary movement espoused primarily by the private sector.

Address: Institute for Development Policy and Management, Manchester University, Crawford House, Precinct Centre, Oxford Road, Manchester M13 9GH, United Kingdom.

Although workforce diversity occurs in almost every country, there is no agreement about the best ways of dealing with it, and much writing approaches the topic from an ethnocentric basis. Two assumptions are prevalent. First, there is often an assumption that the system used to combat discrimination and ensure equal opportunities in the author's own country is the only type of system. For instance many countries in sub-Saharan Africa are adopting affirmative action. On the other hand, awareness of the shortcomings of legislation in their own countries makes some authors assume that other countries, such as the US, have a completely successful system. As will be discussed, neither of these assumptions can be fully supported.

Equal opportunities and managing diversity: different meanings

This section starts by defining some terms. '*Equal opportunity*' or '*equal opportunities*' (EO) tends to imply that everyone has an equal chance, to be recruited, trained, paid, and promoted, the assumption being that the individual will take advantage of these opportunities. This has been described as the 'assimilation' model (Hollister et al., 1993). '*Employment equity*' puts more emphasis on the organization concerned ensuring that opportunities to be recruited, trained, paid, and promoted are made available in a fair manner. Another way of distinguishing between these two approaches is to describe them respectively as concerned with procedural justice or distributive justice. *Procedural justice* implies that an organization makes sure that its rules, regulations, policies and practices are correct; the assumption is that that should give everybody an equal chance of success. Manifestly this assumption is not always borne out as exemplified by the concept of *distributive justice*, which looks at actual outcomes (Homans, 1974).

EO approaches (which will be used as a generic term) include those in Figure 1, and to some extent reflect a chronological or intensity order. However not all countries have started with the first approach, and most have not adopted the last one, the concept of managing diversity. (Discussion of those countries whose legislatures have done absolutely nothing in this area will be omitted.)

Declaration/exhortation
Anti-discrimination measures
Positive action/targets
Positive discrimination/affirmative action
Valuing/managing diversity

Figure 1. Equal Opportunity approaches

At one extreme there are countries where there is an act requiring employers to ensure EO, but without providing any method of enforcement, and also without having any government body which encourages or enforces compliance. It is suggested that this approach is *declaration/exhortation*. Until very recently this was the position in Japan, which passed the Equal Employment Opportunity Law in 1986. Although the Law prohibits discrimination in relation to vocational education, dismissal, retirement, and fringe benefits, it merely exhorts employers to ensure equal treatment for men and women in relation to important areas such as recruitment. Surprisingly the legislation did have some influence both on employers' hiring practices and some women's career aspirations, so it cannot be regarded as completely ineffective (Nabeshima, 2001). Clearly there are serious shortcomings on relying on exhortation.

The second type of approach tends to focus on *anti-discrimination measures*, that is, preventing wrongdoing, or putting right things have gone wrong. This of course relies on someone pointing out that something has gone wrong. This is the approach within the UK, as discussed further below. The prime criticism that can be made is that it relies on a reactive response, rather than proactive action.

The third method that can be used is known as *positive action*. This is where members of a particular group identified as suffering disproportionate discrimination within the workforce are offered specific compensatory help, usually in the form of education or training. Positive action may also be associated with *targets*, where for instance an employer states that by the year 2005 it hopes to have 5% of managerial posts occupied by people with disabilities. Targets, which are voluntary, should be distinguished from *quotas*, which are mandatory. Positive action puts people in a position where they can compete with others on an equitable basis. However disadvantaged candidates may be treated similarly to others at the point of selection. The problem with positive action is that it can be piecemeal and time-limited, assuming that limited catch-up action can lead to equality of opportunity.

Positive action should be distinguished from *positive discrimination*, which is more commonly known as *affirmative action*. Positive discrimination implies that someone at least minimally qualified for a position and from a disadvantaged category is selected for that position in preference to someone from the more advantaged group, who may be equally or more qualified or experienced. Affirmative action has been used both in relation to minority groups, such as ethnic minorities as in the US, and also in relation to majority groups, such as women and the majority ethnic populations in South Africa and Namibia. There is a documented general backlash to positive discrimination starting in the 1980s and continuing in the 1990s (Faludi, 1992).

As opposed to the last three approaches, all of which have the force of law according to the country concerned, *managing diversity* (MD), sometimes known as *valuing diversity*, is a human resource strategy that organizations may choose whether or not to follow. Its premise is that having a diverse workforce is helpful to the organization in various ways (Thomas, 1990), an instrumental argument, relying on what is known as the 'business case'. First, there is a human capital argument that recruiting, selecting and promoting from a wider range will ensure better quality employees (Kandola & Fullerton, 1998). Second, there are arguments about understanding a wider range of

markets, for instance minority ethnic segments (Kandola & Fullerton, 1998). Third, there are assertions that are less well substantiated that creativity and teamwork benefit. MD has an individualised, developmental focus, and is concerned with outcomes, not just numbers (Kandola & Fullerton, 1998). Although originated in the private sector, MD has also spread to the public sector; recognition of the diversity of public service users have prompted moves towards MD in Canada (Dorais, 1994) and the UK (Wilson, 1995). MD started off as a voluntary movement, indeed as a response to what were seen as the shortcomings of affirmative action in particular. Although it was first evident in the US, it quickly spread to Anglophone countries such as Canada, the UK, Australia, and New Zealand, and then further afield. The phrases 'managing diversity' and 'valuing diversity' are now used widely.

MD has attracted a lot of criticism, including linguistic, evidential, moral/political, and paradigmatic. Attention has been drawn to the *language* of diversity. Kandola and Fullerton (1998) report cynicism about MD, referring to the 'rapturous quality' of words used in relation to the concept. Prasad and Mills (1997) draw attention to the colourful metaphors such as the 'melting pot' or the 'cultural mosaic', and the many exemplars, accounts from different organizations of their diversity successes. Wilson and Iles (1999) suggest that MD may be merely a repackaging of equal opportunities. In relation to the *evidence* for its success Kandola and Fullerton (1998) point out that some of the supporting evidence for claims benefits is shaky, or simply not there. Prasad and Mills (1997) state that most organizations are still mono-cultural. Wilson and Iles (1999) suggest problems in relying on the 'business case' argument. First, if it does not help the organization achieve savings, then the managing diversity paradigm may be rejected. Second, it ignores *moral, ethical and political* reasons for pursuing equal opportunities in the workplace, particularly power issues (Cockburn, 1989). It may also water down the effectiveness of some initiatives aimed at particular groups. Prasad and Mills (1997) are critical of optimistic naiveté, ignoring persistent problems, such as continuing dissatisfaction of disadvantaged groups, and institutional resistance to people who are different. Last Prasad and Mills (1997) charge MD *paradigmatically* as commodification, a consumer item or fad. This may lead to tokenism, the appointment of visible minorities to key posts as an emblem of commitment.

Parameters of approaches

This section looks at different features of EO and MD approaches, which are summarised in Figure 2. The first parameter, *sameness and difference*, has been thoroughly explored by Liff and Wajcman (1996). They point out that on the one hand women ask to be treated the same as men in some respects, for instance in access to jobs. On the other hand, women also ask for account to be taken of their differences, such as childbearing and domestic responsibilities. However, whether thinking in terms of sameness or difference they suggest the comparison is with a man. The norm or comparator in the UK is probably a white, able-bodied man (Collinson & Hearn, 1994). In India it could be a Brahmin (a high caste Hindu), Hindi speaking, university educated man. In either case

Sameness versus difference
Individuals versus groups, classes or categories
Voluntary versus compulsory
Remedies available
National background and culture

Figure 2. Parameters of approaches

the disadvantaged group is cast as Other (Said, 1995). Dividing everyone into two categories, a binary division, not only exaggerates differences, but also hides some of the heterogeneity within groups (Liff & Wajcman, 1996).

The second parameter is the *focus of legislation or policy*, which may be in terms of individuals, or groups, classes or categories. Most countries list certain categories, most commonly women, people from minority ethnic groups, and people with disabilities. However the legislation may be framed in ways which look at individual or group discrimination or advancement.

The third parameter is whether the approach is *voluntary or compulsory*. If it is a legal requirement, then of course it is compulsory. Many organizations, however, choose to have policies and practices that go beyond the legal minimum. For instance some multinational companies insist on the same policies in different countries, even if there is no EO legislation in the country concerned. For instance, Shell and other multinational oil and gas companies in Pakistan have implemented policies relating to sexual harassment, which is not a legal requirement (personal communication). Allied to this consideration is the sector – public, private, and non-governmental organisations – to which legislation may apply. In some countries, as reported in the case of India below, there are comprehensive rules for the public sector that do not apply in other parts of the economy.

The fourth parameter has indirectly been raised already in the discussion above about Japan: whether there is an *available remedy*. This might take the form of a Labour Court, employment tribunal, independent commission, or Ministry. Remedies offered can include a company being ordered to give an individual promotion for instance, or a group of people being given financial recompense for lost wages. In those countries where organizations have to produce statistics or reports for the relevant statutory body, there may also be a need for legislation to ensure they comply with this every year.

To conclude this discussion: these particular parameters have been chosen because they illuminate important aspects of EO approaches. Sameness versus difference is built upon notions of the self and Other. Too much emphasis on sameness can ignore salient differences, for instance women's reproductive functions. It can induce a behavioural conformity which can be stifling (Marshall, 1994) and damaging to the individual. Too much emphasis on difference feeds concep-

tions of Otherness, where the other is always seems lesser or deficient (Said, 1995). Paradoxically the Other may be viewed erroneously as homogenous. A focus on groups as opposed to individuals may be built upon notions of Otherness, and lead to unhelpful stereotyping, where someone is assigned to a group, and then assumed to have common characteristics. On the other hand it does recognise that large segments of society may have been disadvantaged, which a focus on individuals may ignore. The degree of compulsion, and groups to which legislation or other policies may apply, indicates the degree of commitment on the part of legislators and organizations. The extent to which infringements of legislation can be remedied underscores this. Where remedies are open only or primarily to individuals, this may act as a disincentive. On the other hand where classes or groups can take action there is likely to more acknowledgement of the systemic nature of disadvantaged and discrimination.

All these parameters will be discussed within the context of the *national or societal culture*. Nations are not of course synonymous with cultures, as different cultures can coexist within one nation, for instance Indonesia, and some cultures extend over more than one country, for example Hausa people in West Africa. Organizations also have their own cultures (Schein, 1992), but that will not be under discussion in this paper.

Comparing national EO/MD systems

This typology will now be applied to explore systems in different countries. The investigation will start with the UK, because it is (arguably) one of the weaker legislative systems, having a very individual focus. The last country to be considered is South Africa, which has one of the most comprehensive approaches. The other countries, the US, India and Canada, can be seen as lying in between these two extremes. These particular countries have been chosen as representative of particular approaches.

Equal Opportunities (The UK)

Although Britain had successive waves of invaders and other immigrants from Europe, it remained a predominantly white population until after the Second World War. From the fifties onwards successive waves of immigration, principally from the Commonwealth countries, changed the ethnic composition of the country, and there are now seven percent visible ethnic minorities overall, rising to 25% in London.

The UK had some limited legislation in relation to race in the mid-1960s, but it was only in the 1970s that equal opportunities really started to be taken seriously. In 1970 there was an Equal Pay Act, followed by the 1975 Sex Discrimination Act, and the 1976 Race Relations Act. All of these have had various amendments, but the basic approach has stayed broadly the same. The Equal Pay Act is concerned about equal pay between men and women, for the same or similar work. The two Discrimination Acts deal with both direct and indirect discrimination. *Direct dis-*

crimination would occur if for instance there were an advertisement for a female receptionist. *Indirect discrimination* happens when a condition is applied that would be very difficult for members of one group to meet, and which is not necessary for job performance. For instance, many police forces in Britain have amended the height requirements for new recruits, as they found it was discriminating against people with Asian ancestry. *Victimisation* is another offence, and occurs when an employer treats someone detrimentally or unjustly after he or she has made a complaint about discrimination. Legislation in relation to people with disabilities lagged behind, and it was only in 1995 that the Disability Discrimination Act was passed, broadly similar to the other Acts, but also requiring employers to make 'reasonable adjustments' to working practices and workplaces as necessary, in order to accommodate people with disabilities.

Discrimination can be lawful under two very strictly defined circumstances. The first of these is where employers can show that being male or female, or a member of one or other ethnic group, is a 'genuine occupational qualification', for example, where an Irish pub decides to employ only Irish bar staff. The second situation is where a personal service is offered, for instance a female may be recruited to be the warden of a hostel for teenage girls.

There are three separate bodies, which have responsibility for supporting individual cases, reviewing the law, and investigating organizations: the Equal Opportunity Commission, the Commission for Racial Equality, and the Disability Rights Commission. Under the legislation positive action training is permitted, as are targets, but quotas are banned. What this means is that an organization may state that it would like to have 10% of its employees drawn from ethnic minority groups, but it cannot appoint somebody from one of those groups in preference to someone else who is better qualified, in order to meet this target. There is very limited provision for positive action, usually training for identified groups. In extreme cases, rarely used, the Commissions have the power to force organizations to change their practices.

The main problem in the UK is that each complaint has to be taken on an individual basis. Even when many people have suffered from the same problem in the same organization, each must take their own case to an employment tribunal. Many people find this stressful, and so are less inclined to pursue their case. There is concern that two aspects of workplace discrimination are lawful, in relation to religion and age. Following the notorious murder of a young black teenager, Stephen Lawrence, in London, which was not properly investigated by the police, there has been a recognition that a number of public bodies within Britain are 'institutionally racist'. This means that they do not deal fairly or equitably with people from minority races, so they do not receive the same employment opportunities, or public service, to which they are entitled. On the plus side it should be noted that many large organizations in all sectors have policies that exceed the minimum requirement, for instance including age and sexual orientation. In addition, the UK is home to Opportunity Now, the voluntary MD approach to improving the representation and position of women in the workplace, which has been significantly successful.

To conclude:

There are elements of both sameness and difference in the UK legislation. On one hand

there is the right to be treated equitably in employment matters, and on the other hand there is recognition of differences related to having disabilities, or being a woman (or man).

Although the legislation identifies categories or groups, this does not extend to focusing on initiatives for groups. Discrimination or victimisation is seen as an individual concern for an individual person.

The law applies to all organizations, except those that are very small. There was a successful legal case taken by a man who wanted to stand as a Labour parliamentary candidate in the 2001 election, and who argued that the Labour Party policy of all-women shortlists was discriminatory.

Remedies can include both actions to put things right, for instance promotion to the higher grade, and also financial awards, which can include elements for the distress suffered.

The British approach is basically anti-discriminatory, with some elements of positive action. The UK has generally taken a cautious approach in this area.

Affirmative Action (US)

The United States was not empty of people when the first white settlers arrived, as American Indians were already there. Their story is too complicated to go into here, but briefly as a result of both prejudicial attitudes and superior weapons, they are now a small minority group within the country. To these two groups were added black and mixed race people whose ancestors were brought to the country as slaves, and more recent immigrants from Europe, Asia and Latin America. Immigration continues and a recent survey found that 20 percent of Americans do not speak English in their home (CNN, 2001).

The United States has a number of federal laws which prohibit job discrimination, starting with the Civil Rights Act of 1964, through to the Civil Rights Act of 1991. These and other laws prohibit employment discrimination based on race, colour, religion, sex, national origin, individuals with disabilities, and individuals who are 40 years of age and older (US Equal Employment Commission, 2001). As well as prohibiting discrimination in any aspect of recruitment, selection, promotion, training or redundancy, there is specific mention of harassment, retaliation (similar to victimisation in the UK) and the use of stereotypes in relation to individuals. Both intentional and unintentional discrimination are covered, and unlike the UK employers are required to accommodate the religious beliefs of employees within reason. In relation to employees or potential employees with disabilities, there is a requirement to adapt existing facilities, jobs and schedules, and provide necessary equipment. Private employers, state and local governments, and educational institutions that employ 15 or more individuals are covered (US Equal Employment Commission, 2001). Some states have also legislated to extend protection to further groups. The US has a poor record in relation to maternity leave.

Any organization in receipt of government contracts or grants is required to report data on workforce composition (Agocs & Burr, 1996). Where the current workforce does not match the local population, they are required to set out a programme indicating the action planned to remedy this, including goals and timetables, a system known as ‘contract compliance’. Criticisms include

the assertion that this has not dealt with integration, and has led to white male backlash (Agocs & Burr, 1996).

The Equal Employment Opportunities Commission (EEOC) is an independent federal agency that disseminates information and helps individuals and groups. If an individual believes that he or she has suffered discrimination or some form of detriment in employment, they may file a charge with the EEOC (US Equal Employment Commission, 2001). Unlike the UK, an individual or organization can file a charge on behalf of someone, and 'class' actions are also possible, when a group of people, who all feel that they have all been discriminated against, take a case collectively. For instance there was a class action in 2001 taken against Microsoft by ethnic minority employees, who complained that they were much more likely to be on temporary contracts than white employees.

Affirmative action programmes take place when there is a serious mismatch between the demographic characteristics of the organization and the community. This can apply to all sectors. For instance the US Department of Justice has what they describe as an affirmative employment programme (Office of Justice Programmes, 2001). On the one hand they have identified certain occupations within the agency for affirmative action efforts, which for instance in relation to women and ethnic minority groups include monitoring their hiring, promotion, and training; and examining any barriers to these activities. They also have Special Emphasis Programs, where they focus just on one group, for instance an Asian/Native American Program.

There are two linked problems in relation to the US legislative framework. First there are perceptions of unfairness, as it is possible in certain circumstances for a suitable but less qualified candidate from an identified disadvantaged group to be recruited or promoted over the head of a more qualified candidate. Although the person who is appointed or promoted must be capable of doing the job, nevertheless there tend to be perceptions that the person lacks competence. The second problem is backlash; there have been a number of political and legal decisions that have curtailed or limited affirmative action programmes, particularly in higher education.

To conclude:

There is a strong presumption of sameness, that everyone, given the right opportunity, has the chance to make it.

Although there is scope for individual remedies, the broad thrust of policies in the US is in relation to groups of people.

As in the UK, legislation is compulsory for all organizations over a certain size. In addition there is contract compliance for organizations doing business or receiving funds from the government.

Remedies available range from those concerning an individual, through class actions that seek to put matters right, to affirmative action at organization-wide level.

Although there are some anti-discrimination measures that relate to individuals, there is a strong perception that US legislation is primarily concerned with positive discrimination or affir-

mative action, which relates to groups. The US has a strongly individualist culture, which has arguably led to the backlash described above.

Reservation (India)[1]

The principal social, and hence workforce, difference that distinguishes India from other countries is the caste system. Caste is a hierarchical social system, determined by birth, and distinguished principally by marriage within one's one caste, and rules about physical and social contact with other castes (Dube, 1996). The categorisation of groups by themselves and others often differs (Unnithan, 1994), and it is said that all one can state with certainty is that Brahmins are at the top of the system and Dalits, formerly known as untouchables, are at the bottom (Shah, 1996). In the past, and more persistently in rural areas, caste determined occupation. Increasing urbanisation has weakened this link considerably (Shah, 1996), as have government policies. The caste system is buttressed by the major religion, Hinduism, which is followed by 83% of the population (Ghosh & Roy, 1997). India also has a number of tribes recognised as suffering significant disadvantages (Unnithan, 1994). Class used to be an outcome of caste, but has become increasingly differentiated from it as a response to education, industrialisation and urbanisation. However the most obvious source of diversity in the workforce is gender, with women considerably disadvantaged. Despite progress, a gender gap remains in relation to female education, employment, and per capita income (Hindu, 2000).

The constitution of India guarantees equality of opportunity to all citizens (Ghosh & Roy, 1997). Nevertheless the Government of India acknowledges that some groups require special consideration, using a form of affirmative action known as reservation, rigidly enforced by quotas. This applies to most jobs within government and state service. Scheduled castes and scheduled tribes are defined by the constitution of India and subsequent legislative acts as disadvantaged groups, and are deemed to constitute 22.5% of the population of India (Monappa, 1997). Because of concern that this left out a large proportion of the population who suffered from similar disadvantages, a further reserved category of Other Backward Classes was created, increasing the proportion of reserved places from 22.5% to 49.5% (Upadhyaya, 1998). Individual states can also set their own quotas.

A major problem has been the lack of clarity as to whether primary considerations are social, educational or economic (Radhakrishnan, 1996). There have been serious criticisms of the methods used to identify castes (Radhakrishnan, 1996; Shah, 1996a), and the concept of 'backward class' is ambiguous, excluding Muslims and Christians (Sivaramayya, 1996). Reservation has therefore been persistently criticised, with calls for the abolition of caste and tribe as markers, and

[1] Note that parts of this section will appear in Wilson: Managing Diversity: Caste and Gender in Organizations in India, chapter 9 of Davidson and Fielden: Individual Diversity in Organizations, Chichester, Wiley, forthcoming.

their replacement with economic criteria (Hindu, 1999a). There are also claims that the more economically advanced segments of scheduled categories have hijacked the system (Hindu, 1999b), leading to concern about the 'creamy layers', families and groups who have benefited substantially already as a prior outcome of reservation policy (Sivaramayya, 1996). An immediate concern is the fact that 'socially advanced', economically privileged, lower caste families avail themselves of quota opportunities, thus taking up places that might otherwise be available to the truly underprivileged lower castes. Another serious consequence is the mindset that the reservation system has encouraged; this is that problems of social and economic disadvantage need not be resolved by changing minds or behaviour but by the rigid application of quotas.

However, perhaps one of the worst outcomes of the system is that it satisfies no one. Disadvantaged groups continue to be dissatisfied (Times of India, 1998), as the state has not delivered equality (Radhakrishnan, 1996). The vast majority of the Indian population, predominantly the lower castes, are impoverished and illiterate (Raman, 1999). As in the US, there are concerns about the effect on efficiency, because similarly assumptions are made that people appointed as a result of reservation are not capable of doing the job, despite being required to meet the minimum requirements for the post.

Reservation has inevitably been the chosen tool to enable equal employment opportunity in India for other groups, such as people with disabilities, and ex-servicemen, but it does not apply to arguably the most disadvantaged group, women. Although equal opportunity for women is guaranteed by the Constitution of India, as mentioned above, there is no consistent enforcement. A number of legislative measures have been taken to ensure women's rights at work. These include the Equal Remuneration Act 1976, which applies to both men and women in respect of pay, recruitment, training, transfers, and promotion. There are also a number of protective measures preventing work underground and hazardous factory processes (Ministry of Labour at a glance, 2001), as well as the provision of maternity leave for women employed in the organised sector (Ghosh & Roy, 1997). There is a National Commission for Women, set up in 1992, which among other concerns can intervene in specific instances of sexual harassment in the workplace (Initiative Towards Women Empowerment, 2001). Guidelines as to how to deal with sexual harassment were laid down by the Supreme Court judgement in 1992 (Ministry of Labour at a glance, 2001).

India has set up four other commissions that deal with different aspects of employment rights: the Human Rights Commission, Scheduled Castes and Scheduled Tribes Commission, Backward Classes Commission, and Minorities Commission. These have certain judicial powers, and individuals may also seek remedies through the system of Labour courts (Ratnam & Chandra, 1996).

To conclude:

Indian legislation is very strongly focused on difference, and indeed there have been criticisms that it exaggerates and perpetuates these differences, particularly in relation to caste.

The focus of initiatives is firmly on groups of people. Disadvantaged categories are identified and all individuals within that category have a right to special treatment.

Reservation is compulsory only within the public sector, and bodies in receipt of public funds such as universities.

Remedies are available, but most of the special privileges available to disadvantaged groups are delivered by bureaucratic mechanisms.

The reservation system, which is built on positive discrimination, was designed to counter in particular the rigidity of caste distinctions. As discussed above, there is concern that it has in fact intensified these.

Employment Equity (Canada)

Although Canada is the near neighbour of United States, it has a distinctly different history, with a history of hostility and distrust between the English-speaking majority and French-speaking minority. Therefore the push towards assimilation was more problematic in Canada. Matters have been resolved by recognising the right of the Francophone population to their own language and culture, and by officially adopting bilingualism (Prasad & Mills, 1997). Another group that was oppressed for a long time is what is now known as Aboriginal peoples, whose ancestors were in Canada before settlers came. There are four designated groups identified by the Employment Equity Act: women, Aboriginal peoples, persons with disabilities, and visible minorities (principally minority ethnics) (Government of Canada, 2000).

From the mid-80s onwards, all employers have been required to report data on workforce composition (Agocs & Burr, 1996). The key document is the Employment System Review which should identify actual and potential barriers to the identified groups (Government of Canada, 2000). Where there is under-representation in relation any occupation, the employer has to review its employment systems, policies and practices in relation to: recruitment and selection; development and training; promotion and retention; and the ending of employment. They also have to consider how they may reasonably accommodate the special needs of members of designated groups (Government of Canada, 2000). Quotas are not required, but organizations have to consult their employees, and unions where appropriate.

The Canadian Employment Equity approach is interesting because it was specifically intended as an organizational change strategy, to avoid the controversy of affirmative action (Agocs & Burr, 1996). Instead of initiatives being forcibly added to human resource activities in organisations, the intention is for organisations to change internally. This argument has similarities to the managing diversity approach discussed above.

The Canadian Human Rights Commission has a compliance and enforcement role (Agocs & Burr, 1996). Demonstrated results include small increases in the representation of women and racial minorities in some types of job, fairer policies and practices, and generally greater awareness (Agocs & Burr, 1996). The government makes special efforts to recruit Aboriginal people into the Federal Public Service because of their serious under-representation (Employment Equity Division, 2001).

To conclude:

Despite the fact that there are identified disadvantaged groups, there is more acceptance of difference, and less push to expect everybody to be the same.

The focus of initiatives in Canada is on four designated groups who have suffered disadvantage.

Legislation applies to all employers over a minimum size. Although there is a requirement on employers to produce Employment Equity reports, there is a sense in which Canada is trying to avoid the compulsion that seemed to lead to backlash in the US.

Remedies are available to individuals, and there is also provision for compliance and enforcement.

In the case of Canada, effectively they are trying to use legislation to change organizational cultures. This somewhat voluntaristic approach is probably linked to the bilingual culture.

Some of Everything (S. Africa)

South Africa was for many years under an apartheid regime, where blacks and other ethnic groups were lawfully discriminated against in all aspects of employment. With the peaceful transition to majority rule, South Africa now has one of the most comprehensive laws in relation to both preventing discrimination and promoting affirmative action, the Employment Equity Act of 1998 (Government of South Africa, 2001).

There are three principal requirements under this Act. First, there is the prohibition against unfair discrimination, both direct and indirect, in any employment policy or practice (Government of South Africa, 2001). The Act specifies a long list of grounds on which people might be discriminated against, even then not exhaustive. It includes: race, gender, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth (Government of South Africa, 2001). This part of the Act could be seen as an EO approach.

Second, there are affirmative action measures applied specifically to designated groups; these are black people, women, and people with disabilities. Both preferential treatment and numerical goals are lawful, to ensure equitable representation. Designated employers, generally those employing 50 or more, are required to implement affirmative action measures for designated groups (Government of South Africa, 2001). In this respect there are similarities with the affirmative action approach in the US.

However, requirements go further, and the third plank of the Act is to require designated employers to prepare employment equity plans. In content these are quite similar to those discussed above in relation to Canada, with the addition of the identification of persons, including senior managers, to monitor and implement the plan (Government of South Africa, 2001). There is a Directorate for Equal Opportunities, and also a role for the Labour Inspectorate and the Commission for Conciliation, Mediation and Arbitration.

The mixed approach is exemplified by a speech made by the Minister of Labour in 2001.

First, the case is made for action in political and moral terms, and second the Minister subscribes to the human capital argument of the 'business case'.

> «Apartheid was a crime against humanity… The objective of the system was clear: to subordinate black people to economic and political whims of white people in order to guarantee the accumulation and maintenance to real wealth…
> Our liberation struggle was a struggle against a system of oppression and not against whites. Our goal is the creation of a united, non-racial, non-sexist and democratic society.…
> International experience has shown time and time again that underpinning economic growth and sustainable development is the development of human capital» (Mdladlana, 2001).

We can see that the Employment Equity Act of South Africa is breathtaking in its breadth. As the Act was only passed in 1998, it was too early in 2002, when this paper was written, to judge its effectiveness.

To conclude:

South Africa is concerned with both sameness and difference. On the one hand the anti-discrimination measures require that everyone treated as the same, but on the other hand the affirmative action policies identify specific groups recognised as different because of their disadvantage.

There are two foci of initiatives. First, in relation to discrimination there is the long list of identified characteristics. Second, in relation to affirmative action, there are specific identified groups.

The three different types of measure, ending discrimination, affirmative action, and Employment Equity Reports, are compulsory for all designated employers.

A number of remedies, enforcement and compliance measures relate to the various legislative requirements.

The South African legislation is born directly out of the apartheid legacy, and the political thrust towards creating a multiracial society, where there are still large economic differences between groups.

Conclusion

There are many different approaches to tackling problems of inequality and discrimination within employment, and this paper has illustrated these with reference to selected countries. It is interesting that two countries with different cultures, India and the US, have both adopted systems based on affirmative action. The emphasis on a group approach appears to sit easily with the reported collectivism of Indian culture (Hofstede, 1992), but appears to have reified existing differences. Affirmative action approaches in the US appear counter-cultural by challenging the individualistic myth of success, and interfering with competence-based hiring and firing. In both coun-

tries these methods have evoked backlash. However the cautious and individually based approach in the UK has restricted the advancement of disadvantaged groups. The legal provisions have however been supplemented by the acknowledgement of institutional racism, a moral perspective, and a number of organisations in different sectors have adopted MD for instrumental reasons. The most comprehensive and ambitious law is in South Africa, but it is too early to know how effective their legislation will be. The previous legislative regime was predicated upon Otherness, and the challenge is to remedy rather than invert that state of affairs. Of all those examined, the Canadian legislation seems most able to sustain simultaneously concepts of both sameness and difference, and is built upon a systemic understanding of the nature of disadvantage. The challenge for legislatures adopting or amending legislation is to look closely at the advantages and disadvantages, and successes and failures, of other countries.

References

Agocs, C., & Burr, C. (1996). Employment equity, affirmative action and managing diversity: assessing the differences. *International Journal of Manpower, 17* (4/5), 30-45.

CNN (2001). News bulletin 12/09/01.

Cockburn, C. (1989). Equal opportunities: the short and long agenda. *Industrial Relations Journal, 20* (3), 213-225.

Collinson, D., & Hearn, J. (1994). Naming Men as Men, Implications for Work, Organization and Management. *Gender, Work and Organization, 1* (1), 2-22.

Dorais, A. (1994). Management of cultural diversity and the public service in Canada. *Optimum, 24* (4), 49.

Dube, L. (1996). Caste and Women. In M. N. Srinivas (ed.), *Caste: its twentieth century avatar* (pp. 1-27). New Delhi: Penguin Books India.

Employment Equity Division (2001). *Recruiting Aboriginal Persons to the Federal Public Service* www.tbs-sct.gc.ca/ee/emglish/policies-public.tools/awpi/recruitment.html accessed 08/10/01.

Faludi, S. (1992). *Backlash: The Undeclared War Against Women*. London: Vintage.

Ghosh R. N., & Roy, K. C. (1997). The changing status of women in India. Impact of urbanization and development. *International Journal of Social Economics, 24* (7-9), 902-917.

Government of Canada (2000). *Data Elements of an Employment Systems Review – Guide and Workbook*, Employment Equity Division, Treasury Board of Canada, Secretariat, www.tbs-sct.ge.ca/ee/Index-en.html, accessed 8.10.01.

Government of South Africa (2001). *Summary of the Employment Equity Act*, 55 of 1998, issued in terms of section 25 (1). www.labour.gov.za/docs/legislation/eea/forms/eea3-eng.html, accessed 8/10/01.

Hindu (1999a). India: Abolish caste-based quota, 25 May.

Hindu (1999b). India: Reservation for Muslims: Supreme Court verdict awaited. 8 May.

Hindu (2000). EC concern over rise of caste-based parties. 27 December.

Hofstede, G. (1991). *Cultures and Organizations: Software of the Mind*. London: McGraw-Hill.

Hollister, L. A., Day, N. E., & Jesaitis, P. T. (1993). Diversity programs: Key to Competitiveness or Just Another Fad? *Organizational Development Journal, 11* (4), 49-59.

Homans, G. (1974). *Social Behaviour: its Elementary Form*. New York: Harcourt Brace.

Kandola, R., & Fullerton, J. (1998). *Diversity in Action: Managing the Mosaic* (2nd Ed.). London: Institute of Personnel and Development.

Liff, S., & Wajcman, J. (1996). Sameness and difference revisited: Which way forward for Equal Opportunity initiatives? *Journal of Management Studies, 33* (1), 79-94.

Marshal, J. (1994). Women Managers Moving On. London: Routledge.

Ministry of Labour at a glance in the new Millennium (2001) http://labour.nic.in./glance/molglance.html accessed 17/06/2001.

Mdladlana (2001). *The Launch of the Employment Equity Register*, speech given by the Minister of Labour 23/08/01, South Africa. www.labour.gov.za/docs/sp/2001/aug/23mdladlana.htm accessed 8/10/01.

Monappa, A. (1997). *Managing Human Resources*. New Delhi: McMillan India Ltd.

Nabeshima, Y. (2001). *Career Development and Employment Opportunities for Women in Japan*, unpublished Masters dissertation, University of Manchester.

Office of Justice Programmes Equal Employment Opportunity Office www.ojp.usdoj.gov/eeo/ accessed 8/10/01.

Prasad, P., & Mills, A. J. (1997). From Showcase to Shadow: Understanding the Dilemmas of Managing Workplace Diversity (3-27). In P. Prasad, A. J. Mills, M. Elmes, & A. Prasad (Eds.), *Managing the Organisational Melting Pot: Dilemmas of Workplace Diversity*. Thousand Oaks, London, and New Delhi: Sage.

Radhakrishnan, P. (1996). Mandal Commission Report: A Sociological Critique. In M. N. Srinivas (Ed.), *Caste: its twentieth century avatar* (pp. 203-220). New Delhi: Penguin Books India.

Raman, S. M. (1999). Caste in stone. *Harvard International Review*, Fall.

Ratnam, C. S. V., & Chandra, V. (1996). Sources of diversity and the challenge before human resource management in India. *International Journal of Manpower, 17* (4/5), 76-108.

Said, E. (1995). *Orientalism*. Harmondsworth: Penguin.

Schein, E. (1992). *Organizational Culture and Leadership* (2nd Ed.). San Francisco: Jossey-Bass.

Shah, A. N. (1996). The Judicial and Sociological View of Other Backward Classes. In M. N. Srinivas (Ed.), *Caste: its twentieth century avatar* (pp. 174-194). New Delhi: Penguin Books India.

Sivaramayya, B. (1996). The Mandal Judgement. A Brief Description and Critique. In M. N. Srinivas (Ed.), *Caste: its twentieth century avatar* (pp. 221-243). New Delhi: Penguin Books India.

Thomas, R. (1990). From Affirmative Action to Affirming Diversity. *Harvard Business Review, Mar/Apr.*, 107-117.

Times of India (1998). Forum decries government's attitude towards the physically handicapped. 20 July, 4.

Upadhyaya, K. K. (1998). The political economy of reservations in public jobs in India. *International Journal of Social Economics, 25* (6-8), 1049-1061.

Unnithan, M. (1994). Girasias and the politics of difference in Rajasthan: caste, kinship and gender in a marginalised society. *The Sociological Review, 42*, 92-121.

US Equal Employment Opportunity Commission (2001). Federal laws prohibiting job discrimination questions and answers. www.eeoc.gov/facts/qand.html accessed 8/10/01.

Wilson, E. (1995). Managing Diversity and Human Resource Development (158-179). In J. McGoldrick, & J. Stewart (Eds.), *Human Resource Development: Perspectives, Strategies and Practice* (pp. 158-179). London: Pitman.

Wilson, E. M., & Iles, P. A. (1999). Managing Diversity: an employment and service delivery challenge. *International Journal of Public Sector Management, 12* (1), 27-48.

Resumo. As diferenças em ambiente de trabalho, também conhecidas por diversidade laboral, evocam várias designações em países diferentes. Estas incluem equidade, igualdade de oportunidades, acção afirmativa, e gestão da diversidade. Este artigo compara os métodos usados nos EUA, Canada, Reino Unido, Índia e África do Sul. O artigo descreve e compara o sistema em cada país, utilizando vários parâmetros. Estes incluem: ênfase na semelhança ou diferença; foco em indivíduos *versus* grupos, classes ou categorias; acção voluntária versus requisitos obrigatórios; e soluções existentes. Todos estes aspectos são examinados no contexto nacional e cultural de cada país. O artigo conclui que cada sistema tem benefícios e desvantagens, e nega o pressuposto de que existe uma forma ideal legislativa ou voluntária para estudar a diversidade laboral.
Palavras-chave: Igualdade de oportunidades, diversidade, EUA, Canadá, Reino Unido, Índia, África do Sul.