Gender equality bargaining: Developing theory and practice

Sue Williamson
University of New South Wales, Canberra, Australia

Marian Baird
University of Sydney Business School, Australia

Abstract
It has long been recognised that collective bargaining is at the heart of industrial relations. Research on collective bargaining was largely gender blind; however, since the late 1980s, researchers have begun to examine how collective bargaining can progress gender equality in the workplace. The practice of negotiating for terms and conditions of employment to advance workplace gender equality is known as ‘gender equality bargaining’. This article provides an overview of the development and debates around gender equality bargaining over the last 25 years. It shows how definitions and concepts have broadened so that ‘gender equality bargaining’ is now effectively a subset of a wider ‘equality bargaining’ project being implemented by some unions. Just as the concept of equality bargaining has expanded, so too has the range of gender equality bargaining items, reflecting the gendered needs of both male and female employees. This prompts the authors to question whether gender equality bargaining is becoming mainstreamed within collective bargaining and to consider possible attendant implications. This article concludes by framing the following articles in this special edition, highlighting the diverse subject areas which are being negotiated, the multiple approaches being used and the theoretical interdisciplinary approaches being applied to advance both the practice and scholarship of gender equality bargaining.

Keywords
Collective bargaining, gender equality, women and work, working conditions

Corresponding author:
Sue Williamson, University of New South Wales, Canberra, PO Box 7916, Canberra BC, ACT 2610, Australia.
Email: s.williamson@adfa.edu.au
Introduction
This special edition of the Journal of Industrial Relations arose out of an international symposium held at the University of Sydney, Australia, in March 2012, which brought together leading researchers to discuss their research on ‘equality bargaining’, a term we elaborate further below. In addition, a number of written contributions were received from researchers unable to attend the symposium. The best of these presentations and papers form the basis of this special edition.

The symposium had two aims. The first was to develop the concept of equality bargaining, by building on the work of pioneering researchers in the area (Briskin, 2006; Colling and Dickens, 1998; Heery, 2006a). Second, the symposium aimed to compare and contrast research relevant to equality bargaining. This article summarises the discussions held at the symposium and frames the following articles in this special edition. The article commences with an examination of the context for equality bargaining, highlighting why collective bargaining for gender equality is still necessary in workplaces across the world. The literature to date on equality bargaining is briefly reviewed, and the definitions of equality bargaining and related concepts developed prior to the symposium and this special edition are discussed. This review not only shows the depth and breadth of equality bargaining research which has been conducted thus far, but also highlights the gaps in the research and areas where concepts could be further developed. The articles contained in this special edition are then overviewed, showcasing the unique contributions made by the respective authors and highlighting how they advance the concepts of equality bargaining in their respective countries.

The context for equality bargaining
It has long been recognised that collective bargaining is at the heart of industrial relations (see e.g. Clegg, 1960; Dunlop, cited in Kelly, 2004: 8; Kochan and von Nordenflycht, 2003; Walton and McKersie, 1965; Webb and Webb, 1897). More recently, however, the lack of gender analysis of collective bargaining, and in industrial relations scholarship more broadly, has gained some attention. Researchers have examined the theoretical underpinnings of the discipline and concluded that this lack of gender analysis reflects a historical gender blindness in industrial relations practice (Baird, 2003; Healy et al., 2006; Pocock, 1997).

Industrial relations and unionism developed as a discipline around notions of the male breadwinner, based on the historical reality that men needed to earn enough to support a family. The theoretical underpinnings of the discipline, however, were slow to change to accommodate women’s increased entry into the labour market, a process which gathered pace rapidly from the 1970s. The ideology that wages and working conditions need to meet the requirements of a male breadwinner supporting a family continues to be pervasive. In Australia (as elsewhere), this dichotomy tended to be perpetuated by industrial and legal institutions, in the operation of workplaces, and in the way that industrial relations is conceived.
and researched (Baird, 2003; Pocock, 1997). Traditional bargaining theories which are implicitly based on the male breadwinner ideology therefore have a limited capacity to aid understanding of negotiating gender or equality issues and are themselves gendered.

An understanding of the relationship between collective bargaining and gender, and how collective bargaining impacts on women’s working lives, is essential if gender equality in the workplace is to be progressed. Despite declining union density across the Organisation for Economic Co-operation and Development (OECD) countries, in 2000, collective bargaining still determined the terms and conditions of many employees, with collectively negotiated agreements covering over 90% of employees in some countries (OECD, 2004: 145).

During the same period, women’s participation in the labour market increased dramatically, although the timing of increasing numbers of women into the labour market varied by country (OECD, 2011: 30–31). As at 2011, 70% of working age women were employed across the OECD, compared with over 85% for men (OECD, 2011: 34). Women still experience disadvantage in the labour market, with the gender pay gap persisting at 16% across the OECD and women still only constituting 10% of board members (OECD, 2012: 5). As women have increasingly entered the labour market, so too have more women joined unions, with the numbers of female trade union members in Australia currently almost equalling the number of male union members (Australian Bureau of Statistics, 2012). Women, however, continue to remain under-represented in the senior levels of union leadership, both in Australia and internationally (Cooper, 2012: 131–146; Kirton and Healy, 2013). Additionally, in the private sphere, women continue to undertake the bulk of caring and domestic duties, even though the most common household type is formed around a dual-earner couple (OECD, 2011: 38, 2012: 5).

The increasing rate of female employment and unionisation and women’s continuing responsibility for caring duties continue to make workplace gender equality of paramount importance. Collective bargaining remains an important instrument which regulates employees’ pay and working conditions, and the need to advance gender equality through collective bargaining remains. Researchers (see e.g. Briskin, 2006; Dickens, 1998; Kravaritou, 1997) have theorised the links between collective bargaining and gender equality and in the realm of practice, some unions are incorporating gender equality items in their bargaining claims and are subsequently successfully negotiating these into collective agreements. These theoretical and practical developments are discussed below.

**Equality bargaining – definitions and literature**

The term ‘equality bargaining’ first appeared in the late 1980s, developed by Dickens (referred to in Dickens, 1998), although the term is not used by all those who research how collective bargaining can contribute to gender equality. Researchers (Colling and Dickens, 1998; Dickens, 1998; Kravaritou, 1997) have
tended to use the term ‘equality bargaining’ and ‘bargaining for equal opportunities’ somewhat interchangeably. Briskin (2006) distinguishes between the terms ‘equity bargaining’ and ‘bargaining equity’. ‘Equity bargaining’ refers to incorporating equity into the bargaining process; ‘bargaining equity’ refers to increasing equity issues on the bargaining agenda (2006: 12). Briskin prefers the term ‘equity bargaining’ over ‘equality bargaining’ as she equates equity with substantive equality, whereas ‘equality’ only refers to formal equality (2006: 13).

Others such as Kirton and Greene (2006), Bercusson and Dickens (1996) and Alemany (1997) have mostly used the term ‘bargaining for equal opportunities’; Blackett and Sheppard (2003) and Colling (1997) use ‘bargaining for equality’; Heery (2006a) uses ‘bargaining for sex equality’. Yet still others have framed the arguments more traditionally. Weyer (2003) refers to bargaining for ‘women’s issues’.

The largest body of research on equality bargaining emerged in Europe in the mid to late 1990s, with findings synthesised in a report by Dickens (1998). This report was the culmination of a research project undertaken by the European Foundation for the Improvement of Living and Working Conditions (EFILWC), which oversaw a major project on collective bargaining and equal opportunities for women. Different researchers in 15 European countries conducted one case study per country and reported their findings. The summary report (Dickens, 1998) containing these findings included an examination of issues around equality and collective bargaining, and also identified the regulatory levels which impacted on equality bargaining. These levels and associated factors are discussed later in this article.

An article arising from the research by Colling and Dickens provides an encompassing definition of equality bargaining which incorporates three important elements. They state that ‘equality bargaining’:

- encompasses the collective negotiation of provisions that are of particular interest or benefit to women and/or are likely to facilitate gender equality (‘special measures’);
- equality awareness on the part of negotiators in handling commonplace bargaining agenda items such as pay and pay opportunities (‘gender-proofing’), and the injection of an equality dimension (specifically, addressing gender disadvantage) to the negotiation of change, for example reforming a grading structure. (1998: 390)

This is a complex definition but is widely used, including by the authors in this special edition. The notion of ‘special measures’ is derived from sex discrimination legislation and includes negotiating a provision or provisions to benefit female employees, who are seen to have different needs from male employees. The second part, ‘gender-proofing’, reveals a deeper level of understanding of the causes of gender inequality, rather than negotiators basing gender equality bargaining on obvious – and potentially stereotypical – gender differences. Gender-proofing refers to equality bargaining requiring an equality awareness on the part of negotiators in handling commonplace bargaining agenda items such as wages,
and therefore requires an understanding of not only direct sex discrimination, but also the operation of indirect discrimination. Equality awareness can assist in ‘mainstreaming’ equal opportunities so that all bargaining has an equality dimension and any differential impacts in the bargaining processes or outcomes on both women and men are identified and can be addressed (European Industrial Relations On-line (EIROnline), 2000). Dickens stressed that equality bargaining is more than ‘adding women in’ to bargaining agendas, as this limited action can lead to women’s issues being ‘compartmentalised’ within the negotiating process and resulting agreement, so that effectively, the negotiations are still gender blind (2000a: 200). The third part of the definition – addressing gender disadvantage to result in change – is also significant. This element targets indirect and systemic discrimination perpetuated by collective bargaining, impacting on actual structures and systems of work, going well beyond the negotiations (Bercusson and Dickens, 1996: 30). Examples of this would include understanding how a change in pay scales may affect women more than men, or how performance measures may reflect elements of work more associated with men’s than women’s jobs.

While Colling and Dickens’ definition has been influential, other researchers adopted a parallel research agenda and considered the relationship between collective bargaining and equal opportunities. However, they did not specifically explore concepts and practices around equality bargaining (Briskin, 2002; Budd and Mumford, 2004; Colgan and Ledwith, 2002; Gerstel and Clawson, 2001; Hart, 2002; Kumar and Murray, 2002). Much of this research examined union involvement in progressing equal opportunities for female employees and, while important, reveals a theoretical gap by not adopting an equality bargaining framework.

Colling and Dickens’ definition and Dickens’ summary report continued to influence researchers throughout the 1990s, and in 2000, a European peak trade union organisation published a journal devoted almost entirely to women and collective bargaining. Much of this research reiterated and progressed the arguments used in the EFILWC reports. One of Dickens’ articles in this compendium is particularly important because she sounded a note of caution. She stated that even when collective bargaining does incorporate equality items, this can serve to entrench discrimination by focusing only on ‘women’s issues’ rather than gender considerations being incorporated into all bargaining issues (2000b: 38). Additionally, ‘women’s issues’ can be restricted to work and family issues, which can further limit progress on achieving gender equality by reinforcing gendered roles. Therefore, the aim of bargaining for equal opportunities is to produce a ‘good’ collective agreement which will contribute to eliminating structural inequalities which impede female employees’ full participation in the workplace and labour market, rather than merely enabling women to balance work and family commitments.

Further development in equality bargaining research occurred through the research undertaken by Heery, also in the UK. Heery conducted research in 2002 (published in 2006) into whether, and how, union negotiators engaged in equality bargaining. This research built on Dickens’, and Colling and Dickens’
earlier work. However, it differed from those studies in that Heery used survey data, rather than case studies, to examine the extent and constitution of equality bargaining in the UK (2006a: 523). Heery’s research also contained less consideration of the nature of gender equality and how this played out in collective bargaining, and instead considered the role of union negotiators in bargaining for equality items.

Heery defined equality bargaining as ‘bending the bargaining agenda to serve the needs of women workers’ (2006a: 522). He used this definition of equality bargaining in research examining 15 aspects of pay equity in the UK, based on survey data of nineteen unions. Heery’s definition is narrower than that of Colling and Dickens, restricting equality bargaining to items on the bargaining agenda which benefit female employees.

Heery (2006a) examined the characteristics of union officials negotiating pay equity clauses and concluded that the experience – not the gender – of the negotiator was a stronger determinant of who was most likely to negotiate for pay equity. While female union officials were slightly more likely to negotiate pay equity clauses than were their male counterparts, experienced union officials were more likely to be involved in equality bargaining than were less experienced union officers. Heery also found that union negotiators leveraged bargaining priorities on existing state regulation and were ‘pragmatic and opportunist, in the sense that they respond to openings for influence that originate in changing public policy’ (2006a: 539). While of immense importance, Heery’s research is empirically focused and does not include a discussion of the scope or theoretical underpinnings of equality bargaining, which may also have contributed to his definition being utilitarian rather than theoretically developed.

In 2006, Briskin published a comprehensive report on ‘equity bargaining’, focusing on Canadian developments and issues. This report contains a thematic discussion of a range of issues relevant to equity/equality bargaining, including an examination of the relationship between equity bargaining and equal opportunity and human rights legislation, challenges to the male breadwinner norm, challenges for increasing women’s participation in collective bargaining and strategies to increase the incidence of equity bargaining, including through alliance building. Similar to Colling and Dickens (1998), Briskin also advances a definition – or ‘strategy’ – of equity bargaining, incorporating a staged approach. She states that equity bargaining involves three initiatives:

- first, the introduction of increasingly complex ‘no-discrimination’ clauses in collective agreements; second, the identification of specific platforms of concerns which address the needs of each equity-seeking group; and third, the recognition of the equity implications in the entire range of traditional collective agreement provisions, what could be called equity mainstreaming. (2006: 32)

The first element, non-discrimination clauses, requires that collective agreements include anti-discrimination and equal opportunity clauses for a range of
population groups, not just female employees. The second element requires that a range of actions be developed for each of the population groups, which include indigenous, transgender, gay and lesbians; employees from culturally and linguistically diverse backgrounds; and employees with disabilities. The equal opportunity actions can also target different groups of women, ranging from those who need family provisions to those requiring protection from disciplinary procedures for women who need leave as a result of domestic violence (2006: 33). The third element of Briskin’s definition is mainstreaming equity, which, like Colling and Dickens’ (1998) definition, requires that all bargaining issues are subject to an equity analysis, but again goes beyond gender, so that issues would be examined for a differential impact on ‘race, ethnicity, age, citizenship, sexuality and ability’ (2006: 35). Briskin’s definition/strategy for equity bargaining is much broader than Colling and Dickens’, which focuses on gender equality.

While equality bargaining encompasses bargaining for a range of equality measures, research on gender equality bargaining predominates. Equality bargaining which examines how collective bargaining can progress gender equality therefore needs to be more specific and is termed ‘gender equality bargaining’, a term which Gregory and Milner (2009) have used and which is also used in this article. These changes and refinements in terminology reveal that equality bargaining definitions and concepts are becoming more sophisticated. The original concept of ‘equality bargaining’ referred implicitly to gender equality and drew attention intentionally to the effects of collective bargaining on women. This term has since broadened to include other groups, necessitating the use of the distinguishing term ‘gender equality bargaining’. While necessary, this terminology may serve to realise Dickens’ earlier warning and result in marginalising women, by again relegating gender equality to a subset of equality bargaining.

To date, research on gender equality bargaining has examined the bargaining processes and outcomes, identifying the inhibitors and facilitators which lead to successful equality bargaining. Researchers (other than Heery) have shown that including women in the bargaining process leads to improved outcomes for female employees (Dickens, 1998: 34, 2000; Gerstel and Clawson, 2001: 289; Karamessini, 1997: 22; Williamson, 2009, 2012). The involvement of women in collective bargaining has resulted in the widening of bargaining agendas to secure improved entitlements and provisions that reflect the needs of female workers.

In Australia, provisions have included such matters as paid maternity leave; paid carers’ leave; and most recently, domestic violence leave clauses. In other countries, it has included pay equity bargaining and processes for ensuring the mainstreaming of gender equity in workplaces.

Gender equality bargaining is enhanced and progressed by various factors at different regulatory levels. As mentioned earlier, the research findings of case studies undertaken in 15 European countries was summarised and theorised by Dickens (1998), who developed a framework of regulatory levels to explain the factors which progress or impede gender equality bargaining. The supranational level includes multi-country organisations, such as the European Union (EU),
issuing directives on employment conditions. Supranational factors can also include the actions of social partners at the EU level working together to establish equality legislation and a framework which promotes equality bargaining. The national level may be influenced by the supranational level, but also has its own distinctive features. Dickens has identified national level factors which can impact on equality bargaining to be ‘the economic context; the labour market; the legislative framework and other political/state intervention’ (1998: xi). The industry or sectoral level encompasses factors which include the actions of peak employer or union bodies lobbying and advocating for working conditions. Labour market conditions can also form part of the industry level, with, for example, labour shortages within an industry leading to employers offering family provisions to attract employees (Dickens, 1998: 19). This level then influences the organisational level, as managers seek to attract and retain staff. The initial phase of gender equality bargaining research was therefore more descriptive than overtly theoretical.

Combining traditional bargaining theories with equality bargaining

Dickens found that a partnership approach between employers and unions, an element of ‘integrative bargaining’ as defined by Walton and McKersie in their influential yet gender-blind work on collective bargaining, can assist in bargaining for equal opportunities (2000a: 202). Similarly, Briskin also considered that ‘consensual’ bargaining between the bargaining parties may be the most effective for female employees and those in the caring occupations (2006: 17). This is based on the premise (earlier espoused by Cutcher-Gershenfeld, 2003: 143–144) that wage bargaining is adversarial in nature, and bargaining for conditions, such as family provisions, is more effective through integrative bargaining.

Researchers subsequent to Briskin have considered the relationship between traditional forms of bargaining and bargaining for equal opportunities more fully. Gregory and Milner (2009) considered using a ‘mutual gains strategy’ in their examination of UK unions’ involvement in progressing work–life balance initiatives. A ‘mutual gains strategy’ is not defined by Gregory and Milner, but it can be inferred that this is similar to integrative bargaining, which adopts a ‘win/win’ approach to collective bargaining. Gregory and Milner’s cross-country comparative study showed that mutual gains bargaining has been successfully used by UK unions to negotiate increased family provisions, although these researchers do not detail the bargaining processes which lead to this outcome (2009: 142).

Similarly, Rigby and O’Brien-Smith (2010), also writing in the UK, drew on elements of traditional bargaining theories to explain union involvement in progressing work–life balance issues. These authors concluded that successful mutual gains bargaining was dependent on the industry and occupation (2010: 216) and recommended a more nuanced approach be used when combining research on traditional bargaining theories with research examining union interventions in work and family issues. Labour market characteristics and ‘structural
variables’ – which included the amount of bargaining power held by unions and the level of flexible working arrangements in different industries – impacted on the effectiveness of union campaigning and bargaining in the two case study industries (Rigby and O’Brien-Smith, 2010: 206). In conclusion, these researchers urged a more nuanced approach when combining research on traditional bargaining theories with research examining union interventions in work and family issues, to take into account industrial and occupational differences (Rigby and O’Brien-Smith, 2010: 206).

These findings on integrative/mutual gains bargaining and bargaining for equal opportunities appear to represent the only area of overlap between traditional bargaining and research on bargaining for equal opportunities. The potential for combining traditional bargaining theories and equality bargaining is further discussed in the overview of the articles provided later in this article.

**Developing equality bargaining concepts**

Within gender equality bargaining, researchers have focused on how collective bargaining can result in improved working conditions to enable employees (primarily female) to meet work and family responsibilities. Bargaining for work and family provisions is a crucial aspect of collective bargaining for equality, as an aim of equality bargaining is to break away from the assumptions of the male breadwinner model and equalise gender relations within the workplace and the home. By extension, equality bargaining research can also consider the impact of traditional, gendered ways of working on male employees and how their needs may now be changing. While legislation in many countries aims to increase men’s involvement in caring (Thevenon, 2011), gender equality bargaining can also be a regulatory vehicle to meet the needs of male employees, such as bargaining for flexible working arrangements.

Some unions are bargaining for flexible hours of work and leave arrangements; however, unions may not be framing flexible working as a ‘women’s’ issue – or even an ‘equality’ bargaining item. Improved working time flexibility can, however, contribute to reducing structural inequalities in the workplace and improved gender equality. Whether such bargaining claims are a precursor to a more gendered agenda or are being included only in response to the demands of their members is not clear. Furthermore, if unions are not explicitly tailoring bargaining agendas to the needs of women, this may reflect a move towards broader equality bargaining, beyond ‘women’s issues’. In effect, gender issues may be being mainstreamed within negotiations as flexible working becomes part of the mainstream lexicon in particular countries and industries. As a corollary, however, gender equality issues may be becoming non-gendered and disappearing in negotiations. These issues require further research to uncover bargaining practices, the terminology used and the underlying aims and assumptions of equality bargaining.

Unions, typically as initiators of change in bargaining agendas (rather than employers), undertake equality bargaining (even though they may not use this
term) to secure improved work and family provisions and pay equity for their members, as this reflects the needs of a contemporary workplace and modern dual-earner/caregiver families. Consideration of bargaining agendas demonstrates that collective bargaining agendas have indeed changed as workforces have changed. While unions continue to have an overriding interest in negotiating pay rises, there is some evidence that bargaining agendas have matured and broadened in response to the needs of employees. As the articles in this special issue show, unions are bargaining for a wide range of gender equality provisions than in the past, including flexible working arrangements, sexual harassment clauses, pay equity and domestic violence leave.

Recognising that equality bargaining reflects the needs of not only unions and female employees but also a contemporary workforce increases the relevance of equality bargaining. This, in turn, overcomes the shortcomings of relying on a business case to promote equality bargaining. As Colling (1997) has explained, union reliance on the business case to convince employers to introduce equality provisions can result in these conditions being traded off in an economic downturn as unions seek to maintain wages. The business case does not adequately embed gender equality into collective agreements. Reframing equality bargaining as collective bargaining to meet the needs of a modern workforce can therefore overcome the potentially impermanent nature of gaining equality issues through collective bargaining.

Some unions in Australia and elsewhere recognise that gains made through collective bargaining are vulnerable to changes in employer behaviour and the economic context, and therefore seek to achieve gains in equality through a range of regulatory avenues. Dickens and others (Berg et al., 2013; Heery, 2006b: 52; Karamessini, 1997: 22) have examined the role of legislation and public policy, finding that labour law and gender equality legislation can act as a ‘lever’ for equality bargaining. Unions have extended their activities, from collective bargaining to influencing public policy debates and legislative agendas, and in Australia at least, are also beginning to work with coalitions to progress gender equality. Collective bargaining is at the heart of union activity, but associated campaigning and lobbying activities for gender equality shows that the impacts of equality bargaining extend beyond collective bargaining itself.

The development of a paid parental leave scheme in Australia demonstrates this. From a relatively low incidence of bargaining for paid parental leave a few years ago (Baird et al., 2009), equality bargaining has increased the incidence in collectively bargained agreements. However, lobbying and education campaigns conducted by unions and other organisations increased awareness that single employer collective bargaining was unable to provide this entitlement to all employees. Just as labour law can act as a lever for unions to negotiate gender equality items, collective bargaining can also set the benchmark for other forms of regulation and foster wider regulatory activity. With unions and employees being active participants in determining their terms and conditions of employment, collective bargaining as a form of responsive regulation has a wide potential to progress workplace gender equality.
Overview of the current edition

The articles contained in this special edition expand the boundaries of equality bargaining research, both theoretically and empirically. The articles frame equality bargaining as ‘gender equality’ bargaining within diverse and modern workplaces and social contexts, underpinned by sophisticated theories which go beyond identifying the factors which facilitate or inhibit equality bargaining.

The articles show that the content and scope of gender equality bargaining is expanding. While Berg and Piszczek discuss the limitations of equality bargaining in the USA, Baird, McFerran and Wright showcase a progressive development in gender equality bargaining, with clauses providing domestic violence leave being negotiated. Not only does this new form of leave provide an important entitlement for employees who are affected by domestic violence, but it also breaks down the work–family interface, an important function of gender equality bargaining.

As well as breaking down assumptions associated with the male breadwinner model, the equality bargaining agenda is also being expanded from being focused on work and family provisions to flexible working arrangements which can be used by both male and female employees. Berg and Piszczek, in their article exploring the lack of gender equality bargaining in the USA, found that where equality provisions were being negotiated into collective agreements, they tended to focus on flexible working arrangements, which unions considered were ‘family’ issues rather than ‘women’s issues’. The negotiation of flexible working arrangements can therefore be seen to fulfil Dickens’ (1998: 39) definition of a ‘good’ collective agreement by enabling men as well as women to combine work and family responsibilities and thereby reduce structural inequalities in the workplace. The authors, while not specifically acknowledging Dickens’ definition, also sound a note of caution. Berg and Piszczek argue that while the negotiation of flexible working arrangements broadens the equality bargaining agenda and serves to mainstream issues previously seen as women’s issues, this can also marginalise issues which are of particular importance to women.

One way of increasing the awareness of, and need for, gender equality bargaining is through the use of coalitions, which is an emergent theme throughout many of the articles in this special issue. Baird, McFerran and Wright highlight the importance of a coalition of researchers, activists and policy makers in ensuring that a domestic violence clause was negotiated into a collective enterprise agreement. Briskin clearly shows the need for coalitions to progress equality bargaining. Rather than coalitions being composed of actors within and external to unions, Briskin examines coalitions which form the basis of cross-constituency organising, with activity located in unions and within workplaces. Such organising can bring together a wide range of identity groups, mobilising participation within collective bargaining. Berg and Piszczek, however, note that in the North American context, unions have stated that coalitions are more likely to be effective in progressing policy and legislative equality initiatives, rather than being used in collective bargaining.
As well as the content and practice of equality bargaining being expanded, the articles contained in this special issue also expand the conceptual boundaries of equality bargaining by using different models and applying different theories to collective bargaining for gender equality. Baird, McFerran and Wright use Dickens’ (1998) model which identifies four factors for equality bargaining, these being environmental factors, namely, the economic context, the collective bargaining relationship between the parties, the characteristics of the negotiators and organisational characteristics. Berg and Piszczek use different models – one based on equality bargaining and the other based on traditional collective bargaining theories. Berg and Piszczek use the equality bargaining continuum developed by Williamson (2011), whereby union activity on equality bargaining can be classified from ‘narrow’ to ‘transformational’ where a range of equality issues are negotiated for a range of identity groups.

Berg and Piszczek also use a model of traditional collective bargaining developed by Kochan and Katz (1998) to explain the collective bargaining process and incorporate negotiating for gender equality items in this model. Other authors in this special issue also incorporate traditional collective bargaining theories with gender equality bargaining theories, notably Oliver, Stewart and Tomlinson. These authors, in their examination of bargaining for pay equity in the UK local government sector, integrate Walton and McKersie’s concepts of ‘intraorganisational bargaining’, where negotiators negotiate with members of their constituency throughout the negotiations, and ‘attitudinal structuring’, the processes which shape the attitudes of the negotiators. Oliver et al. demonstrate that these concepts can be broadly applied within an equality framework, so that intraorganisational bargaining can include the relationship between unions and lawyers, and attitudinal structuring can be effected by unions using the possibility of litigation to influence employers during bargaining. Briskin, too, notes the potential importance of intraorganisational bargaining, in that it can be applied to cross-constituency bargaining. Briskin also considers the nature of women’s representation, applying political science theories to examining whether increased numbers of women in organisations necessarily means that women’s interests will be represented and result in improved gender equality outcomes.

In addition to theorising the processes of collective bargaining, articles in this special issue also theorise the external environments by examining the nature of regulation. Based on a comparison of bargaining in the UK and in France, Milner and Gregory examine collective bargaining as a regulatory vehicle for gender equality, considering whether collective bargaining is a ‘hollow shell’, where it is not possible to make substantive gains for gender equality through collective bargaining. An examination of the intersections of legislation and collective bargaining in both countries highlights the fragile nature of equality bargaining, dependent on the support of gender equality legislation, which itself is vulnerable to austerity measures.
Conclusion

The articles in this special issue of the *Journal of Industrial Relations* build on the important research conducted across Europe and Canada throughout the 1990s and 2000s. The authors herein provide an update on equality bargaining in France, the UK, Australia, Canada and the USA, providing new case studies of equality bargaining, further developing equality bargaining theories, and more fully analysing the relationship between gender equality bargaining and other forms of regulation. The articles highlight that while unions are at the forefront of gender equality bargaining, union activities are also expanding to increase the impact of gender equality bargaining, strengthening the links between various forms of regulation and activism. The articles also highlight, however, that progress is uneven and dependent on a range of factors, including union structure and commitment to gender equality, the economy and the legislative environment. Yet, overall, the potential for collective bargaining to increase gender equality in workplaces is evident. It now remains for unions, their leaders and their members, employers and their representatives to implement the strategies outlined in this special edition for gender equality to be further progressed.

References


**Biographical notes**

**Sue Williamson** is a lecturer in Human Resource Management at the University of NSW, Canberra.

**Marian Baird** is Professor of Employment Relations and Director of the Women and Work Research Group in the University of Sydney Business School.