

Abstract

The gender pay gap of higher paid women working in traditionally male-dominated sectors has received less analysis in equal pay research than low paid, female-dominated and undervalued women's work. This article explores equal pay from the perspectives of female engineers, well paid women working in a STEM (Science, Technology, Engineering and Mathematics) sector in New Zealand, who perform work of the same or like nature to male engineers but who are paid less for doing so. It explores the gender pay gap against the complex intersections of labour market de-regulation, family demands, work and the 'cost of being female' that women in engineering must constantly navigate. The research uses quantitative pay data in the sector disaggregated by gender, and new qualitative data from focus groups and interviews with 22 female engineers. It finds a surprising lack of transparency around pay and remuneration in the sector at the individual level which negatively impacts on women. The article concludes by recommending new public policy initiatives for equal pay in sectors like engineering, where individualised negotiation and bargaining is embedded in neo-liberalism.

Keywords: Equal pay, female engineers, neo-liberalism, transparency, public policy.

Equal pay and pay equity have been policy issues in New Zealand (Corner, 1988) and in most developed countries since the Second World War (Rubery, Grimshaw and Figueiredo, 2005; World Economic Forum, 2014). Of all the significant unresolved gender equality issues, equal pay is one of the most vulnerable to the ebbs and flows of political will (McGregor, 2014). Paradoxically, given New Zealand's reputation as a gender equality leader, the enthusiastic embrace of labour market de-regulation particularly disadvantaged working women (Hammond and Harbridge, 1995; New Zealand Council of Trade Unions, 2013) as it did elsewhere (Preston and Crockett, 1999.) In their comparative trans-Tasman history of women and work Frances and Nolan (2008)

state that de-regulation moved faster and more emphatically in New Zealand with the 1991 Employment Contracts Act removing trade union registration, compulsory union membership and the award system. As Hill (2013) notes union membership plummeted 45 percent in two years, especially female members in small and harder to organise workplaces. This was coupled with under-resourcing of State feminism (McBride and Mazur, 2010; Hyman, 2010) and a change to what has been described as market feminism (Kantola and Squires, 2012). The repeal of pay equity-promoting legislation, followed by the dismantling of equal pay mechanisms and the discontinuation of public service pay equity reviews (McGregor, 2014) are direct expressions of the State's retreat. They were also a consequence of the rapid change in economic policy following New Zealand's sharp and swift embrace of neo-liberalism (Kelsey, 2015).

Orthodox economic arguments prevail in New Zealand with political and policy acceptance of limited interventions only to address market determined outcomes (Hyman, 2015). These arguments presumed that women's increased educational achievements (they are 1.4 times as likely as men to participate in tertiary education) combined with improved occupational choice and access to previously male dominated work in addition to sector encouragement will eventually close the gaps (New Zealand Institute of Economic Research, 2013). Several traditionally male dominated sectors such as engineering, for example, have committed to equal opportunities approaches to improve women's participation and representation and redress gender inequality (Institution of

Professional Engineers IPENZ 2011; New Zealand Human Rights Commission, 2012). In this neoliberal world view the remaining gender gaps are assumed to be the result of individual and household choices, rather than the *structures* of opportunities and choices (Crompton and Lyonette, 2008). However, despite equal employment opportunities approaches which have undoubtedly benefitted women's educational and occupational access to employment, systemic pay differences between men and women remain a significant and enduring gap in equalising outcomes.

The focus of this article is on the gender pay gap of a higher paid group of workers, female engineers. First, it outlines equal pay in the context of economic human rights. Then it briefly discusses the applicability of the choice versus constraint literature which has been a recurring theme in the women's work literature since Catherine Hakim (2000; 2004; 2011) promoted individual preferences as the primary determinant of women's labour market behaviour. The article next explores the general status of women in engineering in New Zealand with reference to international and domestic scholarship. It draws on current industry remuneration data to contextualise the gender pay gap and uses new qualitative data from a set of interviews with female engineers examining their experiences around equal pay to examine both economic and cultural factors. The paper finishes by discussing public policy options available to progress equal pay, and argues for statutory enforcement of the 'right to ask' as an intervention to progress the implementation of equal pay and pay equity.

Equal pay as a woman's economic human right

A motivation for this article comes from the increasingly directive recommendations from United Nations human rights treaty bodies urging greater progress on equal pay by New Zealand (McGregor, 2014). New Zealand has a strong self-regard as a human rights compliant nation (McGregor, Wilson and Bell, 2015) based heavily on its collective memory of being the first nation-state to grant women's suffrage in 1893. Despite this self-image, which has become the dominant political narrative domestically and internationally, fault lines are appearing in gender equality, especially equal pay. International treaty bodies have suggested New Zealand regressed with its repeal of the Employment Equity Act 1991 by an incoming conservative government only nine months after its introduction (Hill, 2013). The Act provided a means of delivering equal pay for women compared to work of equal value performed mainly by men (Shields, 1990) and was intended to complement the Equal Pay Act 1972. After five years of operation, the Pay and Employment Equity Office in the Department of Labour was dis-established in 2009 by a new National-led government on the grounds of unaffordability. It had spent five years undertaking pay reviews for 39 public service departments, 21 district health boards, state schools and some tertiary institutions and had found gender pay gaps in all of them ranging from three to 35 percent. These withdrawals of legislative and policy mechanisms to address equal pay were widely criticized (McGregor, 2014) and the

Government was accused of stopping its best efforts at responding to pay inequities (Hill, 2013).

As a consequence, equal pay has not featured as a political priority for economic resourcing as in the European Union, for example, where it has moved up the policy agenda (Rubery et al., 2005). The relevant domestic legislation, the Equal Pay Act 1972, which purported to implement New Zealand's international human rights treaty obligations failed to promote significant attitudinal change or legal compliance. Reliance on anti-discrimination legislation, the Human Rights Act 1993, to cure sex discrimination has failed to address the systemic gender pay gap, although it provided individual redress in specific cases. As Hyman (2015) notes there is no clear overall trend towards the disappearance of the gender pay gap, which remains stubbornly persistent at between 13-15 percent, with considerable negative variability by ethnicity and age.

Transparency of pay, promoted as part of a multi-faceted approach to address the gender pay gap overseas (Rubery et al., 2005), has not been a feature of New Zealand's de-regulated employment landscape, despite increased individualisation. The Equality and Human Rights Commission in the United Kingdom (2010), states that openness about pay is one of the factors known to be associated with a narrowing of the gender pay gap and that pay secrecy can mask discrimination. While gender disaggregated data for public service departments is available at an organisational level demonstrating gender pay gaps of between two and 39 per cent, (State Services Commission, 2015) gender pay

differentials in the private sector are generally invisible unless sector groups publish remuneration surveys comparing male and female pay. Even then, information is available at sector and organisational levels but not at an individual level.

Efforts recently to revive public debate about mandated transparency of pay have stimulated public debate but have not mobilised political action. The New Zealand Human Rights Commission with its statutory mandate to promote equal employment drew up and publicised a Pay Equality Bill aimed at transparency. It said:

It is time for a new approach. Rather than persist with the traditional model of relying on the notion of discrimination alone to remedy an inequality, this draft bill asserts the right to equality of pay (New Zealand Human Rights Commission, 2011).

In effect, the bill proposed a ‘right to ask’ by an individual employee seeking assurance that she/he received equal pay and mandated a positive onus on employers around the provision of equal pay similar to legislation in several other developed countries. The bill specified that every employment agreement, individual and collective, included an equality clause that in effect provided for equal pay. It also proposed that individual workers had the right to ask employers for evidence that they received equal pay (employers must record any differences) with recourse to a state employed labour inspector if the information was withheld or the employee had reason to doubt it. The bill also included employer education with the development of codes of practice and outlined remedies for breaches.

Recently New Zealand faced the first significant test for 35 years of its equal pay legislation in union-led litigation involving pay equity and aged care workers, a traditionally marginalised, low paid group of workers. The litigation followed a New Zealand Human Rights Commission statutory inquiry into employment in the sector which culminated in the high profile *Caring Counts* report (New Zealand Human Rights Commission, 2012). The litigation led to other legal claims from midwives, educational support workers and clerical workers. After a three year stance by the Government that the courts needed to determine the issue sector by sector, it decided in response to mounting public and political pressure in 2015, to ask the unions to hold off on any legal action while two joint working groups of employers, unions and government agencies agreed on the principles of pay equity that could be applied to all sectors of the economy. Women's civil society groups working on equal pay were denied representation on the major working group (Dame Patsy Reddy, 2016, personal communication). A women's coalition group said it does not "fully trust government and the employers to act fairly on the working party-instituted mainly because of fear the courts would award more than government wants to pay" (Hyman, 2016, p.3). The principles were described as a "missed opportunity" by the Pay Equity Coalition Auckland (MacLennan, Mee and McGregor, 2016).

Against this background, it is useful to test the orthodox market economy claims that if women made different occupational choices and entered male dominated sectors, they

would receive equal pay. Whether women's working behaviour is a result of constraints or choice has been contested since Catherine Hakim's (2000; 2004; 2011) suggestion that women's labour market behaviour can be solely explained by individual attitudes and preferences, due to a series of societal changes which have provided a qualitatively different set of opportunities for women. The heterogeneity inherent in preference theory, its sponsorship of the individualisation thesis, and its promotion of different 'types' of women, have been challenged by researchers who argue that social structures play a significant and essential role in shaping women's labour market behavior (Crompton and Lyonette, 2008). Still other researchers suggest that a more complex inter-relationship between individual preferences (for example, 'choosing' to work part time for family reasons), and social structures (for example, motherhood) better explain women's labour market behaviour, (Yerkes, 2013).

The focus of this article is on the 'cost of being female' (Reskin and Padavic, 1994) for higher paid women in a traditionally male dominated sector, engineering, and the policy interventions likely to make a difference to the gender pay gap in that sector. The next section of the article refers to the similarities in overseas research findings with the relatively scant local literature, mainly sector-originated, about women engineers.

Female engineers in New Zealand

Engineering, like equal pay, has proved remarkably resistant to seismic gender change globally. Faulkner (2009) states that three decades of literature on women in engineering

has tended to be framed in deficit terms. New Zealand is no exception. Only 13 per cent of professional engineers in New Zealand are women, according to the professional body, the Institution of Professional Engineers (IPENZ), and less than a quarter of graduating engineering students are female (23 per cent) (IPENZ, 2013). Their retention is low, despite state policies aimed at investment in engineering as a driver of economic growth.

Female engineers continue to face numerous barriers to career progression identified in the considerable international research (Silim and Crosse, 2014; Hatmaker, 2013; Kanga, 2010; Faulkner, 2009; Watts, 2009) and in the emerging domestic debate (Kivell, 1999; Ayre, 2011). In 2013, the New Zealand Government indicated it would provide funding for 1,000 more engineering places at universities and institutes of technologies (Joyce, 2013). As a beneficiary, the engineering profession publicly committed to increasing the diversity of the profession as one characteristic of a sustainable workforce. In 2010, IPENZ launched the Women in Engineering Task Force to support and encourage women to enter, remain and advance in the profession. In 2011, the programme moved to encourage diversity and sustainability in engineering, after noting that by comparison with other professions such as accountancy, law and medicine, the level of female representation was low (IPENZ, 2011).

Research investigating barriers to women in engineering outlined a workplace culture of harassment, discrimination and disadvantage; long work hours and difficulty in balancing family commitments; lack of support from management; lack of networks and

visible role models; lack of pay, gender gaps in pay or lack of transparency about pay; isolation and lack of transparency regarding career paths (Ayre, 2011). The issues identified domestically relating to the numbers, barriers, visibility and ‘gendering’ are similar to those being reported internationally (Hatmaker, 2013; Kanga, 2010; Faulkner, 2009; Watts, 2009; Fox, 2006).

Ministry of Women’s Affairs research found that twice as many men as women were earning between \$90,000 and \$120,000 a year and three times as many women earned between \$30,000 and \$60,000 (MWA, 2012). Although the report concluded by saying women did not perceive their gender as a barrier, interviewees described experiences of male colleagues being uncomfortable with them and perceiving them to be less capable of doing their jobs (MWA, 2012). Women reported that if they had children and returned to work part-time, they were unable to retain or move into management roles as these were reserved for full-time workers. They described companies where male managers actively worked to limit women’s career progression, in the belief that women would always leave the workplace to have babies and therefore there was no point in supporting them (MWA, 2012). All women said having children impacted upon their career progression, while no males reported having experienced barriers when they became fathers.

The gender pay gap in engineering

Despite comparatively high pay rates, female engineers in New Zealand still make less money than male engineers. Since 2010, the profession has surveyed members and broken remuneration data down by gender demonstrating a 'conclusive salary difference between males and females across all career states' (IPENZ Remuneration Survey, 2014, p.15). Although the percentage of female engineers progressed each year from 11 percent in 2012 to 12 percent in 2013 and 13 percent in 2014, 'the gender pay gap starts to increase around the mid to late 30s with the largest gap evident in the 45-49 year age bracket, demonstrating a \$32,500 difference' (IPENZ Remuneration Survey, 2014, p. 15). While the data also shows male and female engineers almost reaching pay parity later in their careers this relates to fulltime employees only (IPENZ, 2015). Hyman (2015) states that removing part time workers from gender pay gap calculations could be misleading and inappropriate.

Worryingly, there is also evidence that the salary differential may not be closing. Overall, in 2013, women engineers were earning 96 per cent of their male colleagues' base salary, decreasing to 95 per cent in 2014 data. The overall median by gender shows that women in the lower quartile of the remuneration survey earn \$58,000 compared with \$70,000 for men; the female median is \$70,000 compared with the male median of \$94,000 and women in the upper quartile earn \$90,000 compared with \$123,000 for men. Even at the start of their careers, women graduates in the lower quartile earn \$2000 less than their male counterparts, \$3000 less at the median and \$6000 less in the upper quartile.

Table 1: IPENZ Remuneration Survey Data 2014

Qualitative methods

A qualitative descriptive methodology from the post positivist paradigm, incorporating a focus group and individual semi-structured interviews, was used to explore the experiences of women who were qualified as engineers. Participants were recruited through an article in the IPENZ newsletter, inviting interested female engineers to be involved in the study. Women from within the Auckland region were invited to be part of the initial focus group, a total of nine attendees. Of these, five women were also interviewed and combined with 16 women who volunteered from both rural and urban areas of the North and South Islands (Rangiora, Christchurch, Nelson, Hamilton, Queenstown and Wellington). This sample was complemented by an interview with a pioneering woman engineer in Dunedin who was the first to gain a leadership role in the sector, making 22 interviews altogether. The interviews were conducted in 2014-2015. University ethical approval was obtained for the study, participants signed consent forms, verified the transcripts of focus groups and interviews, and were assured of confidentiality. They could withdraw from the study at any stage and all participants received a copy of the findings.

The women comprised 19 European/Pakeha, one Chinese and one other New Zealander. There was a spread of ages among the women with six women between 20-

29, eight between 30-39, four between 40-49 and three 50 or over. Twelve of the women had graduated in Civil Engineering, with two women graduates of Process Engineering and three of Environmental Engineering. The women had completed their studies between 1974 and 2012, with 14 women obtaining a Bachelor of Engineering and nine having completed or currently undertaking postgraduate study. Fourteen of the women were married or in a civil union, five were in a relationship and three were single; 12 of the women had children. Fourteen of the women earned an annual income of between NZ\$50,000 and NZ\$99,999, with only two women earning less than this. Eleven of the women stated that they worked between 40 and 50 hours per week, with five women working less than 25 hours per week.

Several questions about pay were included in a larger study benchmarking gender equality in engineering. Equal pay was an area of the focus group questions relating to engineering as a vocational choice for women; equal life chances and promotion; women's equal participation; workplace culture; child care and family friendly practices. The focus group pay questions were: *Is there a gender pay gap in the sector? How would male and female engineers know whether they are receiving equal pay in their workplaces?* The questions were framed in the focus group so individual women were not exposed to disclosing personal pay differentials in front of other participants.

The semi-structured interviews also included questions relating to career development, promotion prospects, advantages and disadvantages of being female.

Questions relating to pay in the interviews included: *Do you receive equal pay?* and *Have you received equal pay throughout your career?* Where participants said they were receiving equal pay, a follow-up question probed how they knew. In both the focus group and interviews participants were asked to nominate one change that would make a difference for women working in engineering and those that identified pay issues and transparency of pay in their responses are reported here.

Perceptions and experiences of female engineers

The qualitative data generated from the initial focus group and semi-structured interviews were analysed inductively using a conventional content analysis method gaining direct information from participants without imposing preconceived positions (Hsieh and Shannon, 2005). Codes were defined during data analysis by researchers and several emergent aggregated themes around pay and rewards were identified. In particular, in response to the question '*Do you receive equal pay?*' there were five broad categories of answers: *yes* (five respondents); *I do not know* (six respondents); *I think I am* (five respondents); *I think I am not* (two respondents) and *no* (four respondents).

A low number of the 22 participants, five respondents reported they knew with certainty that they were paid equally to men in the same position. The respondents are identified here by field of engineering and experience and given a unique number identifier. An asset performance engineer with 4 years experience (1) said that as soon as the IPENZ Remuneration Survey was released she had a full conversation with her

manager about it. She said the human resources staff at this large company employing more than 300 engineers were open about pay and she definitely knew she was receiving equal pay. A female mechanical engineer with 18 months experience (2) said she knew with certainty that all graduates went into the workplace at the same pay rate. A civil engineer with two years experience (3) said at application time the pay rates were disclosed before the gender of applicants was known, which guaranteed equal pay.

More than half, 13 of the 22 respondents either did not know whether they received equal pay (six respondents) or were uncertain; they either thought they might be (five respondents) or they thought they might not be (two respondents). A lack of transparency about pay and general unwillingness to tackle employers about remuneration were evident themes that were not characterised by either age, experience or geography.

Several of those who said they thought they were being paid equally did so based on trust rather than on factual evidence. A dam engineer with seven and a half years experience (4) said:

I think I do. The problem is I've not talked to anybody else about their pay, but I'm on a pay where I'm comfortable...

A civil engineer with three years in the profession (5) said:

Whether I get paid the same as my male counterparts, I don't know. I never really question it. I always sort of take it on trust. It's possibly a bit naïve of me.

A roading engineer of eight years experience (6) said as far as she knew she was on the same pay level as others. Sometimes she had made an educated guess.

Many other respondents said they simply did not know:

A civil engineer with seven years experience (7) said:

It's impossible to know. There's no way of knowing, short of me demanding people give me a copy of their contracts.

Another who had been project managing for five years (8) said:

I don't know what other people are earning...We asked our HR people if they could provide us pay equity data and they didn't, they couldn't, they didn't want to.

A storm water engineer in the public sector with 12 years experience including time out of work for family reasons (9) said, 'I haven't a clue. We don't have transparency on what everybody else gets.' The lack of transparency occurred despite the local government organisation she worked for using pay bands that were publicly available.

A systems engineer with four years experience (10) said:

They have pay scales and I used to go up the pay scales, but I did not know where everyone else was on it, and I realised I had no idea whether I was getting equal pay or not.

Still others suspected they were not being paid equally: A resource engineering consultant with over 10 years experience (11) said:

Hard to know, my scepticism would say possibly not.

Those that stated categorically that they knew they had not been paid equally used male/female comparisons as evidence. One woman (12) related a struggle for equal pay that had been ongoing for more than ten years:

I was working with several other young men who had slightly less experience than me... one of them basically took me aside and told me his salary and he had yet to graduate. He'd been working for about a year less than me and was earning about \$10,000 more. He told me because he thought I was getting ripped off, which I was obviously... I have suspected since then that in probably every role I've had within the organisation, I probably started off on less in that role than an equivalent man. But every time I've had to fight for pay I've had to justify it, despite the fact I am essentially justifying getting the same pay, not justifying more pay.

A woman manager who trained as a civil engineer and is younger than other male managers in her firm (13) said:

I know for a fact that I was getting paid less than males doing the same work as me, because in the last two years I've had a \$10,000 pay rise each year. I know that's because they've been doing a lot more studies around equality in pay, especially in engineering,

and my boss realised. So the last two years have been a really interesting signal to me that he obviously decided I was underpaid.

In several cases, gender pay gaps were revealed because the female engineers concerned were married or partnered with male engineers and had applied for the same job or worked in the same company. In one case, a couple who were structural engineers with different surnames were returning to New Zealand from working in Australia and their experience was reported by a structural engineer (14) who has been working in New Zealand since 2012

A husband and wife applied to the company I work for in structural engineering. She was actually a manager-higher graded than her husband- and they offered him a higher salary, even though her skill sets were of manager level. When the company was confronted with the differential they told the female applicant... we'll pay you more. Just to fix it. She was offered \$10,000 less when she should have been offered \$10,000 more. That gap, wow!

A geotechnical engineer with more than seven years experience with a family (15) talked of the comparison with her husband.

My husband and I both graduated from the same university with the same degree. We're employed by the same firm and started a week apart. We've now had two kids and a third on the way. Both times I've taken a year out and then I've gone back part time but my husband has also reduced to part time in those years. So it's quite a neat comparison as to

how our careers have progressed because we started off on the same pay rate.... There's definitely been a divergence, and that's even with my husband going down to part time for the in-between years. He's ahead in seniority and in pay as well.

Constraints or choice or both?

Reduced hours and time out of engineering for family reasons was a common element for about half of the participants with children. But there was no evidence from these participants that they had different work orientations in terms of commitment, ambition, expertise or skills. Two participants said they accepted that time out of the workplace had impacted on job-specific currency and keeping up with pay band increases. However, one female engineer whose husband had shared family responsibilities and had also worked part time, was paid more despite the pair starting together, working in the same company and engineering speciality. Gender pay discrimination embedded in social norms appears to be at play here. It appears from the emergent data with female engineers that both normative and structural constraints shape their decisions relating to family demands and work and that individual 'choice' and 'preference' to the extent that it is exercised, must be contextualized (Crompton and Lyonette, 2005).

While several female engineers raised their own lack of assertiveness compared to men, expressed as an absence of "pushiness" or of confidence, a fair larger number of participants including those who mentioned they were not "pushy" wanted greater transparency of pay in the engineering sector. The absence of pay transparency led

several female engineers to use individual strategies such as regularly communicating with male colleagues to compare and contrast pay. Others relied on sector remuneration survey data to provide broad-brush pay information.

A civil engineer participant (5) said while the remuneration survey was a great method of presenting general data disaggregated by gender it did not help at an organisational level.

...It's hard to tell in the company you work at. I wish I could compare my salary to people I work with, because some companies do pay less than others all around. The company I work for, I think, pays a little bit less than average. But I can't compare myself to people in the company.

A structural engineer with seven years experience working in the public sector said (16):

Transparency, I think, would have made a big difference. I don't actually know what my colleagues were earning. But I think that if it is clear what everybody's on then it's harder for people to hide those sorts of things (unequal pay).

Involvement in the research project had a particular consciousness-raising effect on this participant. During the interview she responded that she presumed she was being paid the same as her male colleagues:

... it's quite a good situation because three of us were recruited about the same time last year, two guys and me, so I think we should be on the same salary. So I probably would ask about that now...it's just that time of year where they sort out the increases.

However, several weeks later she emailed to say she had been motivated by her involvement in the research and had moved from assumption of equal treatment to anger at her pay differential.

In November, I asked the question (am I receiving equal pay) and found that my colleagues earn more than me. I was outraged! I asked for a salary review, but it hasn't happened yet. It seems negotiating skills and assertiveness, not performance, create the difference.

So are the gender pay differences of these women in engineering due primarily to substantively different work orientations and career choices amongst men and women, as Hakim (2011) claims? By their occupational choice alone the participants defied the stereotype that “few women aspire to be engineers” (Hakim, 2011, p 12). There is no evidence to suggest that pay differentials *per se* were the result of voluntary choice. None of the women interviewed *wanted* to be paid less than men for the same work, even if their failure to negotiate tends to support Babcock and Laschever's (2003) research that women do not ask. But the failure to ask points as much to the absence of institutional arrangements around the “right to ask” and de-regulated pay policies as it does to some perceived deficiencies in female characteristics and behaviour.

Policy options

Given the findings, what policy frameworks would advance equal pay for groups such as female engineers in the prevailing individualized employment environment?

International appeals to New Zealand to restore a human rights based approach to the implementation of equal pay and pay equity have been largely ignored (McGregor, 2014). The Committee on the Elimination of Discrimination Against Women urged the New Zealand Government to improve equal pay legislation; identify timeframes to redress pay inequality in different sectors; review the accountabilities of public service chief executives for pay policies; address horizontal and occupational segregation and establish a monitoring mechanism (Committee on the Elimination of Discrimination Against Women, 2012).

None of the recommendations have been specifically addressed, and the jury is out on whether the Government-sponsored Joint Working Group on Pay Equity Principles, prompted by rising public pressure and litigation, will deliver on its terms of reference and help to close the gender pay gap.

Given the embedded nature of labour market de-regulation, sometimes referred to as the New Zealand experiment (Kelsey, 1995), it is unlikely that there will be a counter-vailing macro socio-economic and employment movement prompting a return to collective bargaining in the short term. This is despite heightened trade union activism, including the Living Wage campaign, aimed at countering the market-led industrial relations frameworks and improving pay outcomes for women.

Connell and Pearse (2014), state there is extensive debate about the impact of neo-liberal changes on gender relations and gender norms. However, little consensus has been reached, partly because its effects are varied. It is argued here that minor, weak interventions on equal pay and the orthodox market-led approach, have failed high paid women in New Zealand such as engineers. It has, too, emphatically penalised low paid women in under-valued but critical jobs such as age care. Calls for more active interventions (Hyman, 2015) to address structural discrimination in pay differentials requires a renewed political determination, particularly given the central role of the State in equal pay outcomes. There is no evidence, though, of an enhanced commitment to an enabling employment strategy around the gender pay gap.

An alternative approach, one of moral pragmatism premised on transparency and empowerment, may be appropriate to consider until there is fundamental economic re-organisation and labour market transformation (Kelsey, 2015). Seigfried (1996) notes that feminism and pragmatism share the aim of dismantling discriminatory structures and of developing better alternatives. A statutorily-based 'right to ask' is a morally pragmatic way of allowing women to know whether or not they are receiving equal pay. It could help make transparent any discrimination based on pay differentials, given that the invisibility of pay equality was a barrier identified by female engineers in the research. The legislation proposed by the New Zealand Human Rights Commission could encourage and permit women to talk to co-workers and employers about their pay.

Additionally, information-sharing between, for example, rival engineering companies could further encourage sector benchmarking. This would mean pay secrecy clauses would be unenforceable. Such a degree of transparency would go beyond the provisions of the legislation like the UK Equality Act 2010 which currently limits the use of secrecy clauses, but does not prohibit them.

As a policy lever, the ‘right to ask’ has a precedent in the current neo-liberal employment environment. Donnelly, Proctor-Thomson and Plimmer (2012) note flexible work arrangements have traditionally been framed in terms of individual *choice*. Workers in New Zealand have the existing right to request flexible work where they have caring responsibilities under Part 6AA of the Employment Relations (Flexible Work Arrangements) Amendment Act 2007. The legislation which has been extended to all employees for any purpose or reason advanced in good faith, imposes on employers a duty to consider seriously any requests. The ‘right to ask’ about pay, unfettered by secrecy provisions, is in keeping with prevailing orthodox employment conventions.

Conclusions

Faulkner (2009) talks of ‘genders in engineering’ which implies that homogenous qualities cannot be presumed for all women. This point is acknowledged, particularly in light of the sample size of this study and the fact that the 22 participants may have higher interest in gender equality issues by virtue of their response to an invitation to participate via a professional sector newsletter. However, the data collected with female engineers

on remuneration also evidenced some emergent common themes around equal pay which could be further tested with a larger sample. First, the findings point to a somewhat surprising lack of certain factual knowledge about whether they were receiving equal pay. Female engineers are occupationally de-segregated by choosing to work in a traditionally male-dominated occupation. They have also survived the masculinist culture of engineering schools (Kivell, 1999). It could therefore be wrongly assumed that they would demonstrate self-reliance and an ability to take 'voice' about remuneration. However, the literature shows that women are more reluctant than men to negotiate for higher compensation (Small, Gelfand, Babcock and Gettman, 2007). Negotiating for higher compensation can be socially costly for women because it violates prescriptive gender stereotypes derived from the division of labour between men and women (Bowles and Babcock, 2012).

It is not suggested here that the 'right to ask' will magically fix equal pay, of course. But it could help alleviate the 'women don't ask' problem (Babcock and Laschever, 2003) by legitimising through statutory recognition the provision of pay data in the same way that women have learnt to use mandated rights to request flexible work. The 'right to ask' could also stimulate increased employer recognition of the need to reduce earning differentials in engineering and could complement pay equity audits as a means of assessing whether male and female employees are being paid the same for the same work (IPENZ, 2015).

It is acknowledged that the 'right to ask' is a softer and more limited policy intervention in the implementation of equal pay and pay equity overall. For example, it would do little for aged care workers earning the minimum wage of \$NZ 15.25 cents and hour, to know that that others are also earning the minimum wage. However, it could be useful for women in professions like engineering where they have closed gaps in education, occupational choice, and experience and where there are still unexplained pay differentials which accumulate over a working life time. It would be a practical intervention identified by research participants as potentially useful for personal use and to stimulate organizational change.

This research shows that the participants who did not receive or did not think they received equal pay believed the gender pay gap to be unfair, despite Hakim's (2011 p 44) suggestion that "the pay gap in particular has outlived its purpose as an indicator of equality". Rubery et al (2005) and others have noted most of the research on equal pay has focused primarily on gender gaps and in particular women's deficiencies relative to the attributes of men, which have not been good guides to policy.

Despite the small sample size of this study, it reinforces the systemic nature of the gender pay gap and its ubiquity in the New Zealand employment landscape. This will require a multi-faceted approach to fix. The approach could include some or all of the following elements: a principled acknowledgment of equal pay and pay equity as women's human rights; governmental commitment to implementation with

benchmarking, monitoring and time frames; strengthening of employment and equalities legislation; gender mainstreaming of pay policies and practices (Rubery et al., 2005); and reviews of wage structures within occupations and organisations even at contractual levels to identify and remove gendered pay differentials. Social and economic change will be elusive, however, unless outdated notions of the value of women’s work are comprehensively addressed, both for low paid women traditionally the subject of equal pay research, and for groups like female engineers who have broken out of occupational segregation.

Table 1: IPENZ Remuneration Survey Data 2014		Male			Female		
Career Stage	Sample size	Lower Quartile	Median	Upper Quartile	Lower Quartile	Median	Upper Quartile
Graduate	753	\$55,000	\$60,000	\$70,000	\$53,000	\$57,000	\$64,500
Independent Practitioner	923	\$74,000	\$87,000	\$103,000	\$70,000	\$80,000	\$92,000
Team Leader	665	\$100,000	\$117,000	\$134,000	\$92,000	\$101,500	\$123,500
Technical Manager	393	\$121,500	\$150,000	\$180,000	\$105,000	\$132,500	\$152,000
General Manager	223	\$155,000	\$195,000	\$250,000	\$155,000	\$160,000	\$225,000
Overall Median by Gender		\$72,000	\$100,000	\$134,000	\$58,000	\$74,500	\$95,000
Total Sample Size	2,957	2,556			384		

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