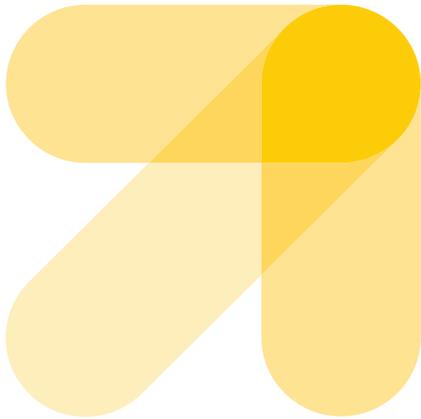
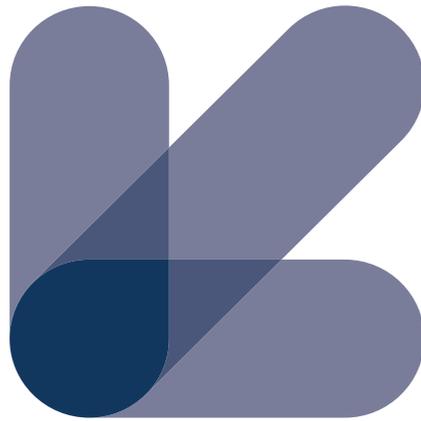
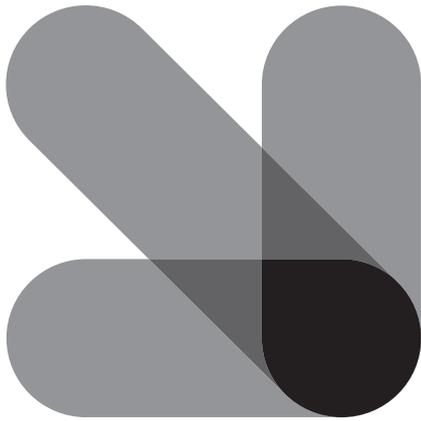




# Gender and Negotiation in the Workplace

July 2018



# Summary

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Negotiation is a part of everyday life. Individuals engage in negotiation in the workplace, in the marketplace and in their daily lives.

Engagement in salary negotiation and the ability to navigate these situations skilfully has long-term impacts on salary differentials. Research concludes that gender inequalities during negotiation in the workplace may contribute to the gender pay gap. There is also evidence to suggest that negotiation is a contributing factor towards the lack of women in senior leadership positions and the slower rate of career progression that women experience in comparison to men.<sup>1</sup>

Within the workplace, employees also negotiate their working conditions, on projects and with clients. While there are a number of studies investigating the role of negotiation in setting pay, research also suggests that men may face particular backlash when it comes to negotiating their working conditions, such as flexible working arrangements.<sup>2</sup>

## Key findings

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- Industries that have higher instances of negotiation for wage setting tend to be more highly remunerated in general, however men are benefitting more than women from negotiation
- Industries with higher gender pay gaps also tend to have a higher share of employees engaging in negotiation
- Negotiation is a tool to secure improved working conditions, including pay and flexible working conditions
- Organisations have an important role in facilitating a fair environment for negotiation
- Negotiation is a skill that can be practiced and developed

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# Negotiation & Wage Setting

In the Australian workplace, negotiation is an important pay setting method. While 59% of the Australian workforce are on award rates or collective agreements, 37% of employees have individual agreements and are reliant on negotiations with their employers to set their wages.<sup>3</sup>

Both women and men regularly negotiate their pay in the workplace and there is evidence to suggest that negotiation is a contributing factor when it comes to the gender pay gap. Employees that are on individual agreements tend to earn more than employees on award or collective agreements (see Table 1). There is also evidence to suggest that gendered barriers during negotiation are contributing to the gender pay gap and preventing men from achieving equitable working conditions.

The way women and men engage in negotiation is considered an important contributing factor to the persistence of the gender pay gap. Historically, research on gender and negotiation has indicated that women are not comfortable asking for a pay rise and therefore are not receiving the same salaries as men. However, more recent research indicates that women are asking for more but are not receiving what they ask for.<sup>4</sup>

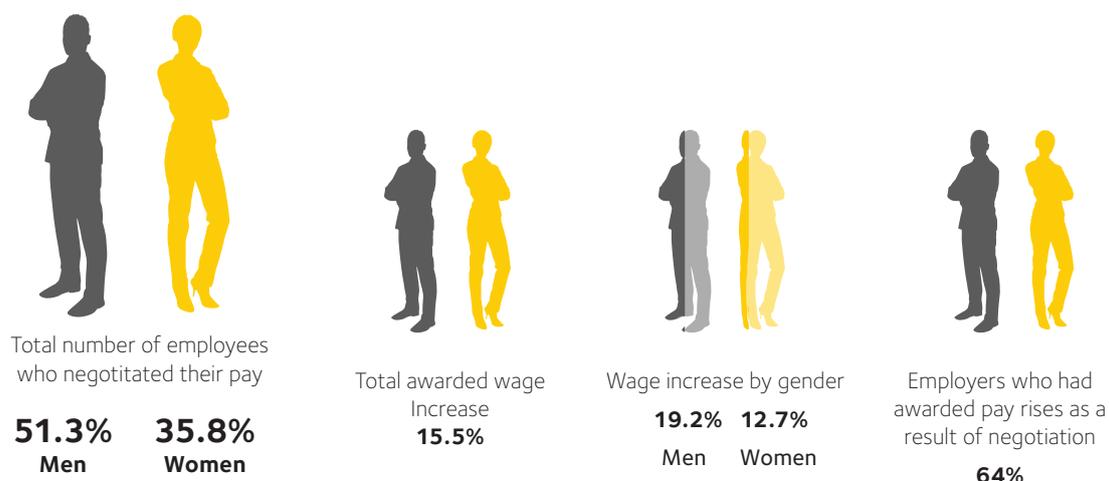
## Negotiation in the Australian Context

In 2013–2014, the Fair Work Commission conducted a large-scale survey of the Australian workforce called the Australian Workplace Relations Survey (AWRS).<sup>1</sup> The AWRS surveyed 2,050 employers and 7,800 employees to form a representative sample of the Australian labour force.

The Fair Work Commission AWRS report found:

- 42.6% of employees had negotiated their pay rate with their employers – this included 35.8% of women and 51.3% of men.
- Of these, 15.5% of all employees successfully attained a wage increase through negotiation with their manager/employer.
- 19.2% of men surveyed reported that they had successfully negotiated their salary while only 12.7% of women indicated the same.
- 64% of employers included in the sample indicated that they had implemented increases in salary because of employee-initiated negotiations.<sup>5</sup>

Figure 1. Instances of negotiation and outcomes in the workplace by gender.



<sup>1</sup> You can access the AWRS data centre from the Fair Work Commission's website: <https://www.fwc.gov.au/resources/research/australian-workplace-relations-study/awrs-data-centre>

# Negotiation & The Gender Pay Gap

The gender pay gap is not static across industries. Although there is a gender pay gap within every Australian industry, the gap is affected by a number of factors, including wage-setting methods. Calculations by the WGEA using ABS data also found that the gender pay gap is higher for employees on individual salary arrangements as opposed to those on award rates or with collective agreements (see Table 1).<sup>6</sup>

**Table 1**

**Average weekly total cash earnings (full-time) by gender and gender pay gap by method of setting pay (2016)**

Methods of pay setting	Women	Men	Gender Pay Gap (%)
Award or collective agreement	\$1,436.00	\$1,653.10	13.1
Individual arrangement	\$1,475.20	\$1,822.80	19.1
<b>Overall</b>	<b>\$1,456.90</b>	<b>\$1,727.40</b>	<b>15.7</b>

Data source: ABS (2017), *Employee Earnings and Hours, Australia, May 2016*, cat. no. 6306.0, viewed 23 February 2017, <<http://www.abs.gov.au/AUSSTATS/abs@.nsf/mf/6306.0>>

All industries have a gender pay gap in favour of men however; the method of setting pay differs. Table 2 reveals that in industries such as retail and hospitality the method of setting pay is through awards. High-wage industries, such as Information, Media and Telecommunications, Rental Services and Mining tend to have a higher proportion of individual agreements.<sup>7</sup>

The AWRS and WGEA data in Table 2 (below) indicates that:

- Higher instances of negotiation seem to correlate to higher total remuneration for both women and men. However, men tend to benefit more than women when pay is negotiated (see Figure 2).
- The five industries with the highest gender pay gaps are also industries with over 50% employee engagement in negotiation.
- Industries where a higher percentage of employees are engaging in negotiation (over 50%) are male dominated, except for Financial and Insurance Services, which is a mixed industry however it is the industry with the highest gender pay gap.
- The five most highly remunerated industries also have negotiation rates over 50%, except for Electricity, Gas, Water and Waste Services, which is 49.2%.<sup>i</sup>
- The five industries with the highest female participation were also industries with instances of negotiation under 50%, except for Financial and Insurance Services (52.4%).

i. Based on full-time average weekly total cash earnings and inclusive of ordinary and overtime earnings.

ii. Agriculture, Forestry & Fishing was not included in these calculations because industry data was not included in the AWRS.

**Table 2:**

Breakdown of negotiation engagement, average female and male remuneration, gender pay gap and female representation by industry.<sup>i</sup>

Industry	Engagement in Negotiation for wage setting (% of respondents ) 2013-14	Male total (\$)	Female total (\$)	Gender Pay Gap	Female epresentation within industry	Rank of GPG (1+ largest)	Rank of Female Remuneration (\$) (1=largest)	Rank of Female Representation (1=largest)
Information, Media and	60.2%	132,595	102,506	22.7%	37.6%	6	5	12
Professional, scientific and technical services	59.9%	135,491	101,028	25.4%	42.5%	5	6	11
Wholesale Trade	58.3%	97,890	88,251	9.8%	30.1%	19	9	14
Construction	57.2%	127,748	92,780	27.4%	11.7%	3	8	19
Rental, hiring and real estate services	57.0%	142,666	97,834	31.4%	47.6%	2	7	8
Administrative and support services	55.3%	83,851	70,555	15.9%	48.9%	11	17	7
Mining	53.9%	165,102	140,902	14.7%	13.7%	14	1	18
Manufacturing	53.2%	102,441	88,248	13.9%	27.3%	15	10	15
Financial and insurance services	52.4%	159,973	108,898	31.9%	55.0%	1	3	3
Electricity, gas, water and waste services	49.2%	135,235	109,914	18.7%	22.4%	9	2	16
Transport, postal and warehousing	46.2%	112,368	87,833	21.8%	21.7%	7	11	17
Other services	44.8%	94,691	79,844	15.7%	45.8%	13	14	10
Retail trade	41.9%	82,570	69,078	16.3%	54.6%	10	18	5
Arts and recreation services	32.7%	98,392	78,244	20.5%	46.7%	8	15	9
Education and training	31.1%	118,818	106,200	10.6%	70.9%	17	4	2
Accommodation and food services	27.1%	74,851	65,922	11.9%	54.7%	16	19	4
Health Care and Social Assistance	21.9%	98,534	83,084	15.7%	78.3%	12	12	1
Public Administration and Safety	18.0%	90,704	82,371	9.2%	49.2%	18	13	6
Agriculture, Forestry & Fishing	NA	96,186	71,480	25.7%	30.9%	4	16	13

<sup>i</sup> Table is sorted by % engagement in negotiation [column B]

1. Column H - Shows the rank of female remuneration from highest (rank = 1) to lowest (rank = 19). The industries with the highest female remuneration (lower ranks) have higher rates of engagement in wage negotiation.

2. Column G shows the industries with the highest gender pay gaps (rank) also have a higher percentage of employees engaging in negotiation for wages.

3. Column I shows industries with higher female representation have a lower percentage of individuals negotiating wages.

Data on engagement in negotiation for wage setting was taken from the Fair Work Commission's AWRS data centre, all other data is from the WGEA dataset for the 2016-2017 reporting period with the exception of female representation by industry which uses calculations featured in WGEA (2016) Gender Composition of the Workforce: by Industry Factsheet, available:

<<https://www.wgea.gov.au/sites/default/files/Gender%20composition-of-the-workforce-by-industry.pdf>>



# Challenges to fair negotiation in the workplace

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Negotiation as a skill is practiced and developed. Most women and men engage daily in some form of negotiation in the workplace or at home. However, research indicates that compared to women, men are more reluctant to ask for flexible working conditions and carer's leave. They are also more likely to have their requests rejected whereas women tend to have less successful negotiation outcomes when it comes to pay increases.

## Women and men face different challenges

Academics have theorised that women underperform because negotiations are a masculine construct and are inconsistent with women's traditional social role.<sup>14</sup> Social research states that women tend to find it difficult to engage in negotiation because they are perceived to be more community minded, whereas assertiveness and self-advocacy are more firmly situated in the masculine domain.<sup>15</sup>

A study by Julia Bear and Linda Babcock (2017) tested this theory by reframing negotiation to test two theories relevant to the impact of female gender roles on negotiation. The first theory they tested involved prompting women to recall a time when they had previously engaged in assertive behaviour before going into a negotiation. The second theory asked women to imagine that they were negotiating on behalf of another person. Both tests had a positive impact on performance, with a marked difference when women were asked to reframe the situation to negotiate on behalf of others.<sup>16</sup>

Research suggests that the pay negotiation process often depends on performance appraisals. Other studies found that women are more likely to be told that they need to display more confidence when being evaluated but are also one-third more likely to be told that they need more experience before being promoted. Despite this, only 50% of women are given the opportunity to gain the required experience.<sup>17</sup> Women are also less likely to be given challenging and highly visible stretch assignments, which are often used to determine suitability for promotion.<sup>18</sup> Overseas secondments and opportunities that involve frequent travel may also disadvantage women because the unequal distribution of unpaid care can make it more difficult for women to be away from home. Research has found that seven out of ten women would like to work outside of their home country but only one in four overseas expatriates are female.<sup>19</sup>

There is evidence that women expect to be paid less than men at both the beginning and peak of their career. The key variables that were identified were gender and self-efficacy. It was found that increased self-efficacy raised the entry-level pay expectations of women.<sup>20</sup>

## Unconscious Bias

Women may be holding back in negotiations because they are afraid of possible backlash for breaking with social norms.<sup>21</sup> One study found that male evaluators dislike females who negotiate, and that female evaluators dislike all candidates who try to negotiate their salary regardless of gender. Another study found that women who say 'no' to requests to help others were judged more harshly than their male peers.<sup>22</sup>

Job applicants are often expected to display confidence, independence, and ambition to be perceived as competent. Confidence, independence and ambition are qualities that have traditionally been associated with the masculine social role. A study found that when women displayed these attributes during the job application process, evaluators perceived them as lacking social skills.<sup>23</sup> In the study, evaluators unconsciously shifted emphasis away from confidence as a positive thing and placed more emphasis on lack of social skills as a negative thing. This is an example of unconscious bias and it indicates that even when women make an explicit effort to adapt and overcome barriers in the workplace, the goalposts can shift.

There are few options for women to work around gendered social norms. One avenue that does allow women to display traditionally masculine behaviours is when they are seen to be explicitly doing so in the pursuit of fulfilling their communal role of caring for others. Women and men have higher expectations of men and men are not required to frame their contributions as motivated by communal desires. Women are perceived as having lower value but can signal that they have more to contribute by making it explicit that they are motivated to act for others.<sup>24</sup>

While attaching communal motivations to negotiations may provide women with a workaround, there is also another potential penalty. There is evidence to suggest that women spend more time on average in the workplace engaging in low-promotability tasks in comparison to men. It was also found that managers were more likely to ask women to perform these low-promotability tasks or to engage in voluntary tasks. Women were also more likely than men to accept these tasks.<sup>25</sup> In this way, even though acting communally might empower women to speak up and negotiate, 'taking one for the team' could also be slowing down career progression for women rather than bolstering it.

## Men are not asking for flexible working conditions

Men face similar barriers when it comes to negotiating their work conditions. Almost 40% of working fathers surveyed in an Australian study indicated that they had considered leaving their organisation due to a lack of flexibility.<sup>26</sup> Despite this, men are twice as likely to have their requests for flexible work hours rejected.<sup>27</sup> These findings are supported by earlier research from the UK, which found that men were three times less likely than women to ask for a change in working hours.<sup>28</sup>

Similarly, men may find themselves disadvantaged when it comes to accessing parental leave. The Australian Government's parental leave scheme allows primary carers to take 18 weeks of paid leave (at the minimum wage) to care for a child. There is an extra provision of 2 weeks of Dad and Partner Pay (DAPP). Even though the designation of primary and secondary carer roles is not delineated by gender in the legislation, the uptake of parental leave by men is low. In its first year, only one in three eligible men utilised DAPP.<sup>29</sup>

Many organisations also provide paid and unpaid leave to parents upon the birth or adoption of a child. The WGEA collects data from eligible employers who are providing additional primary and secondary carers leave to their employees: During the 2016-17 period, the data shows that only 4.7% of employees that utilised primary carers leave were male and 94.8% of carers utilising secondary carers leave were male. In total, men represented 27.4% of all employees who utilised any carer's leave in 2016-17.<sup>30</sup>

Men are entitled to both flexible work arrangements and parental leave but the data shows that they are not utilising their entitlements. Research has found that men face a penalty when it comes to negotiating their work conditions like flexibility or carers leave. This penalty is similar to the penalty that women face when they negotiate pay.<sup>31</sup>

**Figure 3. Men face challenges when it comes to negotiating their working conditions**



## Negotiation and the gig economy

The gig economy adds another dimension to the discussion about negotiation and gender equality in the workplace. There has been speculation that the gig economy will be a clean slate for gender equality because of its scope for gender anonymity, inclusivity and flexibility.<sup>32</sup>

A 2017 study drew on data from a popular gig economy platform to investigate asking rates for various services by women and men. The profiles of over 4,600 users was analysed and investigated requested rates against occupation and work hours. The findings indicated that women were requesting an average hourly rate that was 37% lower than that of men.<sup>33</sup>

Another 2016 study of eBay investigated the buying and selling behaviour of women on eBay and tested for gender disparities. Results indicated that women receive a smaller number of bids and smaller offers than their equally qualified male peers. When selling new and identical products, women were earning on average 80 cents for every dollar that men were earning. They earned 97 cents for every dollar when the product was second hand.<sup>34</sup>

A recent study of Uber in the US found that despite the flexibility of the ride-sharing system, the unequal distribution of caring work and gendered issues related to working preferences (working at night, at certain times and in certain areas etc.) is perpetuating the gender pay gap amongst Uber drivers.<sup>35</sup>

The fact that the gender pay gap has been replicated in this new space indicates that the underlying structural issues that contribute to the pay gap are transferrable from traditional workplaces to new market spaces.

# Leading practice for improving negotiation

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Both organisations and individuals can play a role in improving negotiation outcomes. Unfortunately, readily available advice on gender and negotiation can often present contradictory information. For example, some research encourages women to embrace their gender roles and reframe their negotiations in a more communal framework.<sup>36</sup> Confusingly, other research supports a gender-blind approach to negotiation, stating that women need to shrug off gender role conditioning entirely and lean in.<sup>37</sup>

In both cases, women are encouraged to monitor their behaviour and the onus and responsibility is placed on women as individuals to overcome gendered barriers in the workplace.<sup>38</sup> The backlash that women experience when they break with their traditional gender roles is also likely to be affected by other forms of intersecting discrimination such as: race, class, education, faith and sexuality. For example, we know that Indigenous and Torres Strait Islander women face particular disadvantage in the Australian workplace.<sup>39</sup>

Ensuring that organisations understand the obstacles that women and men face during negotiation can help to maximise positive outcomes for individuals. When women and men are encouraged to ask and are able to negotiate in supportive environments, everyone achieves better long term economic and career outcomes.

## Suggestions for organisations

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Organisations have an important role to play in ensuring that negotiations are fair and equitable. Suggestions for organisations include:

### **Undertake a pay gap analysis:**

Undertake a pay gap analysis to discover whether there are gender pay gaps in your organisation. Most organisations will have pay gaps. If you do discover any pay gaps within your organisation, consider how negotiation practices may be contributing, particularly in relation to starting salaries.<sup>i</sup>

### **Consider pay transparency:**

When there is wage secrecy within an organisation, not only do women and men face difficulties when trying to benchmark their own pay for the purposes of negotiation, they may also be prevented from recognising when they are being paid less than others doing the same or comparable work. Many organisations are beginning to look at pay transparency as a viable option to promote internal gender pay equity objectives and build trust and accountability.<sup>ii</sup>

### **Be open about negotiation expectations in your workplace:**

If there is an expectation within your organisation that employees need to negotiate their salary, it is important to be open and honest about this. Do not assume that all employees will go into a meeting to discuss their salary and expect to engage in a negotiation.

### **Do not ask job applicants what their salary history is:**

Asking job applicants for their salary history could put female applicants at a disadvantage. This is because women are statistically more likely to be earning less than their equally qualified male peers. Basing their promotion or starting salary with your organisation on their previous salary rather than the market value of their role may contribute to the perpetuation of the gender pay gap.

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<sup>i</sup> WGEA has [resources that can help you to conduct a pay gap](#).

<sup>ii</sup> For more information, see WGEA's submission to the senate on the proposed Fair Work Amendment (Gender Pay Gap) Bill (2015), < <https://www.wgea.gov.au/sites/default/files/Submission-Fair-Work-Amendment-Bill.pdf>>

## **Reframe negotiations as low-pressure opportunities to ask:**

To encourage your employees to feel more at ease, your organisation could relinquish any formal language related to the negotiation process and reframe it as an opportunity to ask. Studies show that women are less intimidated when they feel that they are asking and not negotiating.<sup>40</sup>

## **Encourage employees to package requests:**

Encourage employees to take the opportunity during a negotiation to put all of their requests on the table with the understanding that they may not get everything. This will reduce the number of negotiations that need to take place and reduce pressure.

## **Address unconscious bias and engage in nudge inclusion:**

It has been established that during recruitment, evaluators can be influenced by unconscious bias, which is often in favour of men. Unconscious bias training can help decision makers to process requests in a more balanced and equitable way. Organisations are now taking the next step beyond awareness and incorporating inclusion nudge training, which provides tangible actions to counter unconscious bias.<sup>41</sup>

## **Encourage men to feel comfortable negotiating their work conditions:**

There is a strong business case for flexible working arrangements. In order to gain support and promote understanding of why flexible working arrangements are beneficial, it is important to build a strong business case for your organisation.<sup>1</sup> A study by Bain & Co. has found that 60% of Australian men would like flexible working hours.<sup>42</sup> However, there are still barriers that men specifically face when it comes to negotiating for flexible work arrangements or taking carers leave. To counter this:

- Make working flexibly an accepted standard for every role.
- Gain strong and visible CEO and leadership commitment.
- Ensure that there are male authority figures within your organisation role modelling flexible work.
- Help male employees understand their parental leave entitlements and encourage them to utilise this leave.

# **Suggestions for individuals**

The suggestions for individuals included in this paper are quite broad and are applicable to most people going into a negotiation situation, regardless of their gender.

## **Be very clear about requests, prepare your case well and do your research:**

In any negotiation, it is important to understand exactly what it is you are asking for so that you can communicate your request clearly and confidently. Research indicates that any ambiguity during negotiations can exacerbate gender discrimination.<sup>43</sup>

Ask yourself the following questions before undertaking a negotiation:

1. Why are you asking? What are the desired outcomes for you as an individual and for your team and/or organisation?
2. How are you asking? Is this a standalone point you are negotiating or have you bundled your requests? It is a good idea to stay away from single-issue negotiations where possible.
3. Who will benefit from the desired outcome?<sup>44</sup>

## **Know your worth and benchmark against your peers, not against your own salary history:**

Knowing the market value of your experience and qualifications in the job market is crucial when it comes to negotiating an appropriate salary with your employer. Research has found that women have lower pay expectations than men at all stages in their career.<sup>45</sup>

In particular, it is important that women do not rely on their own salary history when negotiating their next pay rise. The gender pay gap means that women are statistically more likely to have been underpaid than their male peers.

It is preferable to benchmark your salary against your peers wherever possible. There are several wage comparison websites (Glassdoor, Payscale) that can give you an idea of the salary of others performing comparable work. It is important to note however that these sites tend to rely on crowdsourcing for their salary data and as such do not have stringent data collection methodologies. In addition, salary data is not disaggregated by gender, which means that the figures do not account for the gender pay gap. Therefore the information gleaned from these sites should be used as indicative guides only.

<sup>1</sup> You can access the WGEA's Business Case for Flexible Work here: <https://www.wgea.gov.au/sites/default/files/flexibility-business-case.pdf> .....

### **Practice self-efficacy and self-advocacy:**

Confidence and self-efficacy can counter the negative effects of gender on early-career pay expectations for women. Women have a tendency to undervalue their worth, so it is important to go into a negotiation feeling confident that your desired outcomes are realistic and achievable.

Try this simple exercise:

- Write down your qualifications, skills and expertise and explicitly detail your contributions to the workplace. Do not be tempted to play down your strengths.
- Look at what you have written objectively, how much do you think the person on paper would be worth to your workplace or your industry more broadly?

### **Reframe the situation:**

A tactic that you might like to apply is to reframe the negotiation as an opportunity to ask. Tell yourself that this is not a formal negotiation but rather an opportunity to ask for the things that you need. This may be less intimidating and relieve some of the pressure. Studies show that women are also more comfortable pursuing positive communal outcomes rather than personal objectives. It is not selfish to ask for a pay rise or an opportunity. It may help to think about how achieving your desired outcomes will positively affect others: your team, your family etc.

### **Document all interactions:**

Document any verbal agreement is a good idea; it will help you to keep track of the details that were agreed on. If the situation at work should change, for example – if the person you negotiated with should leave the organisation abruptly, you will have a documented agreement to present to your new manager or HR representative.

### **Participate in negotiation training**

Where possible participate in negotiation training. Ensure that the training is grounded in a research-based understanding of the context of gender equality in the workplace.

### **Negotiating flexible working arrangements**

Changing your working arrangements may also require negotiation. Men are more likely to have requests for flexible working arrangements rejected.

- Know your rights in accordance with the Fair Work Act (2009).<sup>i</sup>
- Present the business case for flexible work.<sup>ii</sup>
- Reiterate that you are ambitious and committed and make it clear that you do not want to miss out on any future opportunities.

<sup>i</sup> The Fair Work Ombudsman had a helpful factsheet < <https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/requests-for-flexible-working-arrangements>>

<sup>ii</sup> WGEA has a useful resource that outlines the business case for flexibility < <https://www.wgea.gov.au/sites/default/files/flexibility-business-case.pdf>>

# Footnotes

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