



**Australian Municipal, Administrative,
Clerical and Services Union**

A•S•U

**Central & Southern Queensland, Clerical and
Administrative Branch**

**Submission to the
Queensland Industrial Relations Commission
Inquiry into Pay Equity**

Australian Services Union Ctrl & Sthern Qld Branch

21 June 2007

Background

AMACSU

The Australian Municipal, Administrative, Clerical and Services Union, Central and Southern Queensland, Clerical and Administrative Branch, Union of Employees (AMACSU) has coverage of clerical and administrative employees in both public sector and private sector industries in Queensland. The ASU is the largest union for clerical, administrative and call centre employees in the country.

We are a national union with branches in every state and members in almost every industry.

Our industries include both the public and private sectors. Some of our larger areas of membership are in industries such as health (public and private), airlines, local government, call centres, higher education, energy and other Queensland government statutory authorities.

Our Submission

This submission should be read in conjunction with the Queensland Council of Unions submission. It also does not seek to replicate information, data or research papers which have been addressed or identified in the Discussion Paper.

Clerical and Administrative Employees

Clerical and administrative employees work in every industry and every enterprise. For this reason achieving pay equity in a de-regulated system is impossible. Statistics on clerical and administrative workers often include higher level managerial workers as well, however, women tend to be concentrated at the lower and middle levels. Pay inequity is shown to exist at every level even when statistics do differentiate different levels. The comparative value of clerical and administrative work when compared to similar skilled work is lower.

The gender segmentation of the Australian labour market is well known and clerical and administrative work is often identified as 'womens' work. Even within the same industries and indeed, enterprises, women with similar levels of skill are paid less than men. This has been compounded recently but the use of 'market based' wages and incentives to occupational groups where skill shortages have been identified. The widespread application of such 'market based' rates completely undermine the capacity for women to achieve equal pay for work of comparable value. The following table demonstrates pay inequity both between male and female dominated occupations as well as within all occupations.

Table 1 Hourly Ordinary Time Cash Earnings

Occupation	Male	Female
Managers	37.80	31.00
Professionals	36.40	31.60
Technicians and trades workers	25.90	21.00
Community and Personal Service workers	25.90	21.10
Clerical and Administrative workers	26.40	22.10
Sales workers	22.00	18.80
Machinery operators and drivers	23.20	19.20
Labourers	20.80	17.80
All occupations	27.00	24.30

(ABS 6306.0, May 2006)

It does need to be acknowledged that in many instances, men employed to do clerical work are also disadvantaged as a result of the gender segmentation of the workforce.

Factors affecting Pay Equity

AMACSU notes that the Discussion Paper identifies that the previous Inquiry recognised that a range of indicators impact on pay equity, such as the concentration of women in low paid work and forms of precarious employment. However, those factors were not addressed in the recommendations. AMACSU contends that those issues should be identified and be the subject of recommendations of this inquiry and that there are a range of other issues which impact on pay equity and that these issues should also be addressed. These issues include:

Lack of available affordable childcare and other social and community services

Availability of childcare and other social services impacts heavily on the ability of women in particular to participate in the workforce. Whilst it is not intended here to provide detailed evidence of this, it is noteworthy to refer to the Australian Council of Social Service, *Australian Community Sector Survey, 2007* which provides statistical support of a general trend reported by community service workers and increasingly identified in research that many users of services have several disadvantages that require multi-faceted responses. Services identified which had the highest percentage of eligible people turned away as a proportion of those assisted were:

*“Housing Assistance. 1 person was turned away for every 4 who received a service
Disability Supported Accommodation. 1 in every 4 people who received a service was turned away.*

Community Legal Centres. 1 in every 5 people who received a service was turned away.

Child Care. 1 in every 12 people who received a service was turned away.

Financial and Material Support. 1 in every 14 people who received a service was turned away.” (Australian Council of Social Service, *National Survey Shows Services Under Strain*, as viewed on <http://www.acoss.org.au/News.aspx?displayID=99&articleID=2102>)

Flexibility, job security and precarious employment

Flexibility has become a catch cry of industrial relations reform and is oft cited as an advantage to employees and in particular a benefit to women seeking to balance work and family. However, flexibility more often than not is in the form of precarious employment arrangements. The *Australian Services Union Members' Survey 2007* found that 97% of respondents rated 'job security' and 'maintaining working hours' as personally important to them.

A recent University of Melbourne research study concluded that *"the rise in flexible working arrangements is having a particularly adverse impact on women.....those working in casual or contract jobs reported much higher levels of job strain compared to their full-time counterparts."* University of Melbourne; *Women Bear the Brunt of Precarious Working Conditions*", as viewed on http://uninews.unimelb.edu.au/articleid_4253.html)

Temporary jobs can trap workers in employment and earnings insecurity, and are usually not a voluntary choice, according to the OECD which notes *"access to non-wage benefits, which represent an (increasingly) important part of job quality, also tends to be lower than for workers under permanent contracts. This is particularly the case in countries where fringe benefits are not provided by employers on a universal basis, such as Australia, Canada and the United States."* (OECD, *Employment Outlook 2006*; P. 170)

The OECD notes generally that the high incidence of part-time work among women (about three times greater than among men) is a contributory factor to the lower professional attainment of women in terms of salary and career progression. (OECD, *Starting Strong II: Early Childhood Education and Care: Early Childhood Education and Care, 2006*) This may also be linked to the decreased willingness of employers to provide training and professional development opportunities for casual and part-time workers compared to full time workers, further disadvantaging women in terms of pay equity.

WorkChoices has progressively limited the capacity of industrial instruments to place limits on part-time and casual work in the name of 'flexibility'. Federal Awards for example, can not limit proportions of part-time, casual or other precarious forms of employment or establish minimum or maximum hours for part-time employees. Additionally, AWAs generally require part-time or casual workers to work up to 38 to 40 ordinary hours with no penalty or overtime rates for hours in excess of 'contracted' hours.

Whole of Life Earnings

Lower wages as well as different patterns of work for women including the higher level of precarious employment arrangements, child bearing and rearing responsibilities mean that women are even more disadvantaged in terms of whole of life earnings.

Similarly, in some industries, benefits such as portable long service leave are available for people who have worked in an industry rather than for a single employer. Portable long service leave is currently available in the high turnover coal mining and construction industries, but its application in other industries is limited or non-existent. Even in industries which have portable long service leave, it is generally confined to male-dominated trade streams and not widely available to clerical and administrative workers.

Welfare to Work

The high cost of childcare and the loss of benefits for women seeking to re-enter the workforce have a major impact on pay equity.

The National Foundation for Women in their report entitled *What Women Want* expressed concern that new welfare to work arrangements were forcing women to sign AWAs under WorkChoices in order to obtain employment, often without informed consent. The threat of losing welfare benefits if they knock back employment opportunities, regardless of the conditions compounds this. The report recorded that government agencies appear not to be addressing what are, in effect, illegal actions.

Summary

Pay equity needs to be viewed as much broader than wage rates and the achievement of same would require governments to address a range of issues which combine to disadvantage women over their working and non-working lives.

1. Establishment of the Inquiry

2001 - Worth Valuing – The background discussion paper indicates that the state government accepted all 20 recommendations, however, it is clear that much more needs to be done as pay inequity has not changed significantly in the past 6 years. Many commentators indicate that pay inequity is getting worse, not better. AMACSU does not accept that the recommendations were either implemented in full, nor to the desired effect. For example, in relation to agreement making, the fact that affidavits do not require the parties to identify steps taken to ensure pay equity principles have not been offended means there is no way of testing under the Equal Remuneration Principle whether or what steps were in fact actually taken.

Similarly, the 2007 *Final Report of the Inquiry into the Impact of Workchoices on Queensland Workplaces, Employees and Employers* recommended pay equity would require 'close monitoring'. Most research into the impact of WorkChoices indicates that pay inequity is getting worse, not better, and while monitoring this trend is important, without action to redress the situation, it will achieve nothing.

2. The 2000/01 Queensland Pay Equity Inquiry

Whilst the 2000/01 Inquiry made a number of recommendations, it needs to be said that these recommendations were made in the context of a system which had been progressively moving away from centralised wage fixing and towards enterprise bargaining. It is difficult to foresee how, in a de-centralised system, comparative pay equity across industries for an occupational group as large and diverse as clerical and administrative workers.

Achieving equal pay for work of equal value would require the assessment of work value on a comparative basis. Whilst WorkChoices, with its focus on individual contracts, undermines the capacity to examine wages on a comparative basis, enterprise bargaining has a similar impact as it does not necessarily allow comparable work value to be assessed against other industries. Even within the same employer, the segmentation of bargaining into occupational sub-groups inhibits comparative work value assessments as agreements are negotiated and/or certified separately, and the Equal Remuneration Principle test applies only to the individual agreement being certified, be it a whole of enterprise agreement or an occupationally based enterprise agreement. Women and men in clerical and administrative work are most often in the minority in industries/enterprises, less likely to be unionised, and historically have less bargaining power, which mitigates against enterprise bargaining leading to improved comparative pay and conditions (particularly where skills shortages skew the labour market).

To what extent have the amendments to the Industrial Relations Act 1999 made as a result of the recommendations contained in Worth Valuing, the report of the 2000/01 Pay Equity Inquiry, been successful in achieving progress towards pay equity?

Awards

Despite the recommendations of the 2000/01 Inquiry there has been an absence of effective work value examinations in Awards. This is particularly relevant when considering the application of the Equal Remuneration Principle as it operates (or fails to) where an agreement of any kind over-rides the base award. Unless the base award can be definitively proven to have undergone a legitimate work value exercise at the time of the skills based classification structure (most did not - they were negotiated), then any pay increases or trade-offs can't be measured against the principle. That is, the starting point (the Award) may have been flawed with respect to pay equity to start with. In any event, there is no test for the certification of agreements in terms of either the base award nor the actual pay increase (broadly termed), which is particularly muddled when the employer or agreement has multiple occupational groups with differential outcomes, for example, different allowances or even pay increases.

There is also a lack of, or inadequate recognition of qualifications in many female-dominated industries/occupations. This can be seen in the different career paths and qualifications requirements of trades vs. administrative work. Trades work is heavily influenced by the competency and licensing model, which is not necessarily about comparable worth and is highly influenced by labour market movements.

Lack of consistency in 100% rates

In the late 1980's there was a push by the trade union movement to seek to achieve pay equity through the establishment of skill-related career paths within both Awards and Agreements.

The 100% rate was fixed as the 'trade' rate in a number of awards, through skills alignment using the Australian Qualifications Framework. Similarly across awards 100% rates were identified as 'trade' equivalent through their alignment with AQF qualifications. Such an alignment of skills could have been a mechanism for achieving pay equity, however, the actual pay for the 100% level differs dramatically across awards and agreements.

It should also be noted that the increasing irrelevancy of Awards as the determinants of wages and working conditions as a result of WorkChoices and also enterprise focused bargaining in the state system make it difficult for Awards to be used as a vehicle for achieving pay equity across such a large and diverse occupational group as clerical and administrative employees.

Certified Agreements

Enterprise bargaining will not close the pay equity gap. It does in fact have the potential to make it bigger given the dispersion of union membership and the structure of industry and occupational groupings. Administrative staff are often not the largest occupational group in a workplace nor the most highly unionised.

Whilst s156(1)(l) and (m) requires the QIRC not to certify an agreement unless satisfied males and females will be remunerated equally, there is no explanation as to how the QIRC is to apply this provision. Is the question of "remuneration" meant to be only about the actual pay rise awarded, or should it take into account the base award/skills based classification structure? As indicated previously, there is no requirement on the QIRC to determine whether pay equity exists within base award classification structures.

Similarly, the QIRC is not required to take into account the full range of non-monetary remuneration which is currently being offered to some workers. Such non-monetary remuneration may include benefits such as rental allowances, the provision of accommodation, training incentives and incentives to maintain employment with one employer for a number of years.

The Certified Agreement provisions require the QIRC to accept an affidavit from an employer stating that the requirements have been met. There is no clarification of what the QIRC ought to do in the context of opposition or concerns put by either parties, those covered, or other interested parties. Indeed, how are employers meant to provide an affidavit of any substance in the absence of any criteria or requirements to show the affidavit is genuine? The only precedent, the Ergon case, does not assist because the question wasn't answered and the merits never examined.

CASE STUDY - ERGON AND THE ELECTRICITY INDUSTRY

In the Ergon case, the issue was that an 'attraction and retention' wage increase was applied to the whole of the Technical Stream and denied to the Administrative Stream.

The ASU was denied access to crucial documentation with respect to the application of the proposed pay increases which clearly applied to the whole Technical Stream. The Technical Stream covers many employees outside of the 'skills shortage' justification argument which was put forward with respect to electricians.

Even though the ASU established a right to be heard, we were not afforded the right to make the other parties prove the veracity of their affidavits. The deficiency needs to be rectified with either a public interest test applying to discovery on the affidavit statement where challenged by a party with standing, or perhaps a role for the matter to be heard by the ADCQ prior to certification. In the absence of an interventionist Commission it is highly unlikely this deficiency can be corrected without legislative amendment. In short, the Commission lacks the capacity for independent analysis on the question of whether it is satisfied with the affidavit in the absence of any mechanism to provide evidentiary material that could be tested. The question of who ought to test the material is also significant, and may be overcome by assigning rights to those opposing the certification, or seek to be heard, or the ADCQ upon application by one of those interested parties, including the QIRC.

The Ergon case with respect to the question of skills shortages also highlights the selective usage of that argument and the impossibility of testing that premise if the majority of the parties do not wish it to be tested. For example, call centre skills shortages and organisational engineering skills shortages were not addressed in the Certified Agreement through the application of more attractive wages, even though the bonus was paid to the whole technical stream without any evidence that employees under that stream, other than electricians were in a 'skill shortage' category.

The legislative amendments do not address the 'skewing' of wages and wage relativities, such as pay equity considerations, where employers seek to apply an 'attraction and retention' bonus. So, in the Ergon case, the employer applied a wage bonus to the technical stream based on skills shortages, but ignored skills shortages in female dominated areas. This was then carried through the rest of the energy industry and versions applied across the rest of the public sector, albeit in a more sophisticated manner.

This case study is not unusual as historically women have been disadvantaged by their exclusion from most over-award payments. Women tend to be concentrated in industries/occupations where there is no access to these types of payments – for example, clerical and administrative workers. This is no different to women's exclusion from 'attraction and retention' bonuses which are becoming more and more prevalent in many male dominated fields such as engineering, surveying, mining and the construction industry in general.

The current Certified Agreement provisions fail to deal with this issue effectively. Even within individual employers, bargaining can take place separately for different occupational streams and there is no provision for the QIRC to examine multiple agreements from the same employer for evidence of pay equity.

Recent changes to the State Act allow for an Agreement to be certified after a vote of employees, even if one or more union parties to an Agreement have not signed it. This exacerbates the problem and creates the risk of parties colluding to provide higher wage outcomes to particular groups at the expense of another group which may not be as well unionised or have the same degree of bargaining power (eg. The skills shortage justification). Where a Union may have refused to sign an agreement as a result of concerns that the Agreement would result in pay inequity, they would be put in an intolerable position of having to sign the agreement to maintain rights to represent members, even if the union believed that the equal remuneration principle had been breached. This recent legislative should be reversed or significantly amended.

CASE STUDY – QUEENSLAND HEALTH

Whilst Queensland Health is not covered by the federal Workplace Relations Act, the conduct of enterprise bargaining within Queensland Health and its reliance on market forces to determine wage outcomes for different groups of employees has a similar impact as the de-regulation of the labour market under the federal system.

The ASU has coverage of administrative stream employees within Queensland Health. Queensland Health has employees whose conditions are governed under two separate Acts – public servants who are employed pursuant to the Public Service Act under the Public Service Award and public sector workers who are

employed pursuant to the Health Services Act under the District Health Services Award - State. Despite the differing legislative basis for employment, the wages and conditions of administrative stream employees are very similar and wage increases are determined pursuant to Certified Agreements which cover both public servants and public sector workers.

Administrative stream employees are employed under a classification structure which ranges from base grade entry level employees at AO1 (under 21 years) and AO2 through to management level employees employed at AO8. In addition, there are Executive level positions above this.

The classification structure is meant to provide a career path for administrative stream employees, however, in practice, the vast majority of positions are at the base grade (AO1/2) level and the majority of employees at senior levels in the classification structure did not start at AO1/2, although there are obviously exceptions to this. The gender breakdown of administrative staff by classification level and indeed, the real perceptions of our members suggest is that it is far more likely for a male employee to navigate the 'career structure' following entry at AO1/2 than it is for female employees.

There is no clear career path within Queensland Health nor proper professional development opportunities for administrative staff. The classification levels each present a barrier to career progression and often the work performed at higher levels is managerial or financial type work. If an AO1/2 base grade entry level employee wishes to take on supervisory responsibilities they may have the opportunity to progress to AO3, however, there is little opportunity for career progression based on higher level administrative skills. In many facilities there is a gap between AO3 supervisors and AO6, AO7 and AO8 managerial levels, meaning the opportunities for progression are not available. More often than not, these higher level positions are filled from outside the organisation as opposed to opportunities for progression being given to existing administrative staff.

Table 2 – Breakdown of Administrative Employees within Queensland Health by Classification Level and Gender – Figures provided by the Minister for Health, April 2005.

Classification	Female Headcount	Male Headcount	Total Headcount	Female %	Male %
ATSI Admin Health Worker	31	10	41	75.61	24.39
Trainee Admin	40	13	53	75.47	24.53
Traineeship Public service	2	0	2	100	0
AO1	135	40	175	77.14	22.86
AO2	3750	376	4126	90.89	9.11
AO3	1345	290	1635	82.26	17.74
AO4	476	259	735	64.76	35.24
AO5	442	313	755	58.54	41.46
AO6	425	282	707	60.11	39.89
AO7	252	233	485	51.96	48.04
AO8	102	127	229	44.54	55.46
TOTAL	7000	1942	8943	78.27	21.73

In addition to the difficulty women (and their male counterparts) have in achieving advancement through the administrative classification structure the fact that bargaining takes place for different occupational groups separately potentially limits the capacity to achieve pay equity across the organisation.

It has been widely publicly reported that there are shortages of various clinical occupational groups, including doctors, nurses and allied health employees. In order to offer differential wage outcomes to clinical groups of employees, Queensland Health negotiates separately for different occupational streams. Whilst all employees receive the 'Whole of Government' wage and condition outcomes (eg. 4% per annum in the latest enterprise bargaining negotiations), Queensland Health has offered much larger wage increases to clinical occupational groups – medical, nursing, professional and technical. The effect of these wage increases to other occupational groups changes the relativities between occupational streams. The only streams not to receive wage increases (or offers in the case of Allied Health staff) well in excess of 4% per annum are the administrative and operational streams. Both of these streams have a majority of women workers – in the case of the administrative stream 78.27% (see Table 2); in the case of the operational stream 66.74% are women. (Figures provided by the Minister for Health, April 2005).

Whilst it is acknowledged that these wage increases (all in excess of 23% above the Whole of Government outcome provided to the administrative and operational streams) are in recognition of skill shortages, it is instructive to look at those vocational areas within the administrative stream which are also in shortage.

In that regard, it is instructive to look at the occupation of 'Clinical Coding'.

CASE STUDY - CLINICAL CODERS

Clinical coding refers to the assignment of codes to treatments provided as evidenced by patient medical records. Once treatment is completed a patient's medical file is 'coded' – that is, all treatment provided is assigned codes. The vast majority of Clinical coders in Queensland Health are women employed in the administrative stream.

From 1 July 2007, Queensland Health is moving towards a Casemix funding model. Casemix funding relies on historical data as evidenced by treatments provided. From 1 July 2007, clinical coding will assume a new significance within Queensland Health, in that the accuracy of coding will have a bearing on future funding. Clinical coding has been historically understaffed within Queensland Health and as a result Queensland Health will need an injection of Coders to fill the shortfall. This work has traditionally been performed at the AO3 level in Queensland Health, however, the impact of this work on hospital funding means that its 'value' has a far greater significance and importance.

Unlike other streams where skill shortages are evident, Queensland Health have not sought to make Clinical Coding pay more attractive. In fact, in recent months, Queensland Health has been offering 'trainee Clinical Coder' positions at the lower AO2 level! Recently, an intensive 14 week Clinical coding training course was offered to AO2s which included a 4 week intensive university course and 10 weeks on the job 'mentoring'. If trainees pass the examination they may apply for AO3 positions OR be required to Code on an ad hoc basis in exchange for higher duties.

The rules requiring 3 days or more to be performed at a higher level mean that in many instances where AO2 staff who have completed training and are not appointed to AO3 positions could be assigned coding duties in such a way as to never attract higher duties payments. This scheme will be scrutinised in further detail by the ASU and must be addressed.

The ASU has achieved the reclassification of Medical Typists under our current Administrative Stream Agreement (see further information below). Given the work value recognition of medical typists at AO3 and the greatly increased significance of Clinical Coding, the ASU has suggested to Queensland Health the need to re-evaluate Clinical Coders at AO3. The initial response from Queensland Health was that we could take this issue up in the next round of enterprise bargaining negotiations – the current agreement expires in August 2008. This is in stark contrast to the wage offers made in other streams suffering skill shortages. Whilst the ASU is pursuing this issue corporately, it is notable that even specialist administrative occupations in shortage are given much lower priority in comparison with other occupational streams.

Impact of employer policies

Outside of the formal wage setting system employers also have policies which impact on pay equity. For example, one large public sector employer in Queensland has implemented a new remuneration strategy to identify roles that require an additional allowance to attract and retain staff. To qualify for the additional payment, recruiting managers must show that the role qualifies by having a high turnover of staff (usually in excess of 20% in twelve months), difficulty in filling advertised roles and where remuneration has been identified as a significant factor.

Once the role is identified as 'in demand' the employer has the discretion to apply an allowance of between 5% and 20% or to increase the classification level of the role.

The higher classification level is applied mainly to technical or professional roles where market rates significantly exceed remuneration applicable by the organisation's own structure. The classified remuneration level can be increased to that of a senior executive position without a corresponding increase in corporate or managerial responsibility.

The allowance in this large public sector organisation has so far been applied only to male-dominated engineering and construction industry roles and is applied to individual roles rather than across a classification.

The process that is applied seems justifiable in its basis and the intention legitimate but the question remains; why is it predominately male occupations which are a) accepted or recognised as "in demand" in the first place and b) identified as qualifying for payments of additional remuneration to attract and retain staff? The allowance has never been applied to clerical or administrative staff, even though there are areas which meet the defined criteria for its application.

The question arises – ‘how can the principle of equal pay for work of equal value apply in conjunction with attraction and retention allowances?’ The work performed by two individuals may be of equal value in terms of what is required by the performance of the roles but because there is a perceived shortage of staff available to perform one of the roles, the remuneration becomes significantly unequal.

Impact of employer policies – systems of job evaluation

Whilst most awards contain classification structures which include generic level descriptors which give an indication of the type and level of work to be performed at each level, many employers have adopted ‘job evaluation systems’ to determine classification levels.

CASE STUDY – THE JEMs SYSTEM IN QUEENSLAND HEALTH

The Queensland Public Sector has adopted the “JEMs” Evaluation system to classify positions and it is a requirement that all positions go through the “JEMS” process before reclassification can occur. The ASU has raised a number of concerns about the implementation of the JEMs system within Queensland Health over a long period of time and we have contended that it has not been applied in a way that provides proper recognition of work value, particularly in the administrative stream.

The vast majority of administrative stream employees within Queensland Health are employed at the AO1/2 – base grade entry level and the vast majority of these are women.

Culturally, it has been a long held and antiquated (but not uncommon) view within Queensland Health that progression past the AO1/2 base grade entry level requires either the performance of supervisory duties or the requirement to exercise a ‘financial delegation’. There has been little capacity for the recognition of higher level administrative skills. Whilst the generic level descriptors for administrative work in the District Health Services Employees Award – State characterise base grade entry level work as basic administrative skills which are transferable across organisations, in order for work to be reclassified positions are required to be evaluated using the “Job Evaluation Methodology” (JEMs) which is the tool used for job evaluation in the whole of the public sector.

JEMs

The JEMs system was designed by Mercer Consulting and is a job evaluation methodology which is used across a number of industries and occupations and purports to provide an objective and sound evaluation of work value.

Mercer Consulting was contracted by the Queensland Government to review the JEMs system within the public sector in Queensland in 2005. The purpose of that review was to:

“ensure that the methodology reflects contemporary public sector roles and accountabilities. The review will ensure appropriate and consistent use of the methodology across the public sector. The review will take account of the equal remuneration principle.” (Mercer Consulting 2006; Page 2)

In conducting the review, Mercer consulting focussed on two aspects of the system – the methodology itself and its application in the public sector.

The application of JEMs within Queensland Health

As part of our negotiations for the latest Certified Agreements within Queensland Health (*Queensland Public Health Sector Certified Agreement (No. 6)* and the *Administrative Stream Employees (Queensland Health) Certified Agreement 2006*) the ASU identified work value as one of the most important issues. Our contention was that much work being performed at the AO1/2 base grade entry level was in fact high level administrative work deserving of proper work value recognition within the classification structure. The under-valuing of such higher level work has also has ramifications for higher level classifications. Queensland Health's initial response to our claim was to indicate that the JEMs system provides a fair and objective assessment of work value and any members who believed their work value was not appropriately recognised could individually apply for their jobs to be evaluated.

The ASU however, put forward that the application of the JEMs system within Queensland Health was flawed and had been unsuccessful in recognising work value for our members at the AO1/2 base grade entry level. The following is a summary of our concerns with the process:

- The widespread view that in order to be classified above AO2 staff have to either assume supervisory responsibility or have a financial delegation
- The lack of proper recognition for administrative skills, reflective of the general notion that administrative work is 'women's work'
- The perception that the outcomes of JEMs processes within Queensland Health are pre-determined based on budgetary issues
- The perception that JEMs processes can be manipulated to produce the outcome desired by local management
- The lack of training or information provided for staff who wish to pursue reclassification in how the process works and how to fill in the required documentation. This is highlighted by the claim by management that if staff who are seeking reclassification know how the process works and how to fill in the documentation properly that they will do so with a view to achieving reclassification!
- The ability of local management to simply refuse Applications for evaluation
- The inconsistent application of the methodology, due in part to the fact that implementation is de-centralised – there is no central control or monitoring of processes or outcomes for consistency
- Evaluations conducted without reference to the position incumbents – it is a requirement of the process that incumbents are interviewed, however, there is often an assumption by more senior staff that they do not need to interview incumbents because they think they already know what is required by positions
- The overwhelming budgetary constraints which result in most administrative work being viewed as AO2 level work and the reluctance by evaluators to value work at higher levels given the impact across the organisation – there is no incentive for local management to wish to properly value the work, and in fact a disincentive which also extends to providing adequate levels of administrative support for clinicians in the first place.

- The traditional attitude within Queensland Health and indeed, of politicians towards 'Administrators' and consequently administrative work as a result of recent political campaigns, wherein 'Administrators' have been falsely identified as being too numerous as well as responsible for operational and clinical problems within Queensland Health. This attitude which has been both promulgated and unchallenged in the media by some senior Queensland Health management and politicians on all sides has had a major disadvantageous impact on the perception of the public of the value of administrative work, and on the morale of such workers.

In reviewing their job evaluation methodology against the Equal Remuneration Principle, Mercer found that overwhelmingly many of the issues associated with the inadequacy of the process were in its application, which occurs in a de-centralised context. However, they did recognise that there were shortcomings in the system itself which included (amongst others) how *"softer" skills are valued such as:*

- *caring for people*
- *customer service*
- *fine work dexterity*
- *roles exposed to risk or hazardous environments*
- *regional supervisory and general staff roles and roles demanding significant multi-skilling and tasking*
- *roles subject to constant evolution, redesign, changing demands and contexts and technology rate compared to 'managing resources'.* (Mercer Consulting 2006; Pages 6 & 7)

Despite the above observations, Mercer Consulting did indicate that *"a highly skilled and experienced evaluator (could) utilise the manual in its current form, to consistently and reliably evaluate positions."* (Mercer Consulting 2006; Page 6)

The theoretical application versus the reality provides little comfort in pursuing the principle at hand.

As part of our enterprise bargaining negotiations, the ASU nominated five (5) "Priority List" classifications to be reviewed. Whilst we believe there is an enormous amount of work being performed at 'base grade entry level' within the administrative stream in Queensland Health, we identified those positions in the first instance that we believed would clearly succeed on work value grounds. Rather than allow these positions to be evaluated through the normal Queensland Health JEMs process, the ASU insisted that the positions be evaluated both centrally AND independently. This involved a very time consuming process of identifying all skills, knowledge and duties required for these classifications, creating standard job descriptions under each category, having two (2) senior JEMs evaluators work on the "JEMs Analysis Questionnaires" for each of the job descriptions created and then having them independently evaluated by very senior and experienced evaluators from CorporateLink – Shared Service provider to the Queensland government. (It is noteworthy that whilst the JEMs policy within Queensland Health requires the development of standard job descriptions, the development of job descriptions takes place at the local level and there is no consistency in how work is described or set out. As part of the process for achieving reclassification of employees, standard job descriptions had to be developed.)

The five (5) categories evaluated were:

- Medical Typists
- Medico-Legal Officers
- Directors' Secretaries
- Rural/remote (staff in areas where a high level of multi-skilling/tasking is required)
- Purchasing/Supply/BEMs (Building, Engineering Maintenance) clerks

In all of these categories numerous ASU members had applied and had their jobs evaluated using the "JEMs" methodology within Queensland Health and in the vast majority of cases, the evaluations had consistently come out at AO2. The process undertaken centrally yielded 20 'standard' job descriptions, 18 of which were independently evaluated at AO3.

It is instructive to examine two of these categories in more detail.

CASE STUDY – DIRECTORS' SECRETARIES

Three standard job descriptions were identified under this category which included those who provided secretarial support to clinical directors, those who additionally were responsible for assisting Clinical Directors in the management of clinics and those who provided support to Non-Clinical Directors.

This was one category where a number of staff had been able to achieve reclassification to AO3 (or higher in some instances). However, the vast majority were employed at AO2 and there was no consistency in the recognition of actual work value. In many cases where our members had achieved reclassification through the normal Queensland Health JEMs processes it was with the support of their local management.

All three position descriptions were evaluated at AO3.

CASE STUDY - MEDICAL TYPISTS

Three standard job descriptions were identified under this category, reflecting different amounts of medical terminology required and its application.

In this case, whilst many medical typists had attempted to have their positions JEMsed within Queensland Health over many years, this work was consistently evaluated at AO2. The responses to the evaluation of "medical typing" were interesting. In scoping and validating the skills and knowledge required, what was revealed was that whilst medical typists themselves and the clinicians to whom they provided medical typing services often recognised the high level of skill required to perform this function well, many others within Queensland Health were surprised that all three standard job descriptions were evaluated as AO3.

As part of the evaluation process a lengthy spreadsheet was prepared which scoped out the knowledge and skills required to perform the medical typing function. These were 'validated' by typists themselves, their administrative supervisors and the clinicians to whom they provided the services.

One anecdote which illustrates the 'undervaluing' of this work was that as part of the validation process, one administrative supervisor deleted all the skills and knowledge from the spreadsheet and when asked what the medical typists in that facility actually did, replied "they type". This view of medical typing was widespread within Queensland Health and seen as 'women's work', with little skill or knowledge required. This attitude towards 'generic' or 'base grade' positions is still prevalent.

Whilst we have indeed achieved proper recognition for these skills within the context of enterprise bargaining, it is instructive to note that, despite the completion of the Mercer Consulting report on the JEMs methodology in early 2006, nothing has occurred to fine-tune the system itself nor to deal with the inadequacies in its application. We have some 11 other categories of administrative work to be reviewed and evaluated independently under our Certified Agreement. It is instructive however, that the implementation of these evaluations and subsequent reclassifications of staff have taken an enormous amount of time – our claim was first lodged in 2005 and the Priority List reclassifications are only being implemented now. As a result of scarce resources applied to dealing with administrative stream issues in Queensland Health the 'Review List' are only now being scoped and validated for subsequent evaluation. Meanwhile staff in other administrative positions within Queensland Health remain subject to the same decentralised system, misapplied in the same ways which have served to undervalue administrative work. For other occupational streams within Queensland Health the implementation of new classification structures and/or reclassifications have occurred in a far more timely manner, because they have been able to be centrally applied.

Professional Development Opportunities within Queensland Health

Whilst wage differentials between streams in Queensland Health can be seen to be based on qualifications, there is also a stark contrast when it comes to professional development and training opportunities and recognition of same.

Medical, nursing and allied health occupational groups have all been offered professional development allowances to provide career progression opportunities. Within the administrative stream there is no professional development allowance and training opportunities are few and far between. Where our members at the lower levels are approved to access training, they often have to do the training in their own time at their own expense. This was an issue during enterprise negotiations for the current Certified Agreements and whilst Queensland Health were prepared to consider professional development opportunities for other streams, there was a refusal to discuss professional development or career development opportunities for administrative stream staff.

Whilst we have received commitments from Queensland Health to streamline Recognition of Prior Learning processes for existing administrative staff and to the development of an administrative training framework, no work has actually been done towards achieving that end. It is felt amongst our members to be highly likely that these issues will not be seen as a priority in the face of demands from clinical streams. Therefore, our members get little opportunity to prove their skills (through, for example, recognition of prior learning) nor to develop new skills through the application of equitable training provisions.

Non-monetary reward schemes

The point also needs be made that 'feminine' skills shortages are often dealt with in different ways, for example, by HR strategies designed to influence the work environment. Examples include call centre games, competitions and social occasions. rather than a monetary strategy. This may reflect a deep-seated prejudice regarding reward and recognition in a gendered way, that is, women don't work for the money, it's a family's second job, it's not a career, or it's women's work and shouldn't be highly paid.

In this context, it is also noteworthy that Queensland Health adopted 'interested based bargaining' as a negotiation strategy for their certified agreements. In the administrative stream, the concept of 'interest based bargaining' was used to suggest strategies other than monetary rewards to resolve issues such as lack of recognition of work value and the like, whereas monetary strategies were adopted for other occupational streams.

Inequities between Industries

It is also noteworthy that there is a disparity between wage and condition outcomes between public and private sector. In the health industry for example, despite the disparity that exists between occupational groups within Queensland Health, there is no mechanism to ensure consistent outcomes in the private sector. Generally, the same types of administrative work are performed in both public and private hospitals, however, there is a wage gap between what these employees are being paid, with private hospital pay rates often significantly less than those applying in the public sector. The vastly differing wage outcomes for clerical and administrative workers across the workforce also make comparable worth difficult to achieve.

QWAs

With respect to QWAs, there are no real mechanisms to address pay equity issues within the QWA stream of the Act. They present the same problems as AWAs with respect to their undermining of any measures to address pay equity issues.

Precarious employment

The Inquiry report did not address, nor make recommendations to address, the issue of precarious employment in which women tend to be concentrated. Many employers require part-time employees to work up to 38 hours a week on ordinary time, that is, employees who have chosen to work part-time for family responsibility reasons for example, do not have any certainty of hours, nor the flexibility to reject extra hours.

Those in precarious employment are most at risk when reorganisation or re-engineering occurs as the following examples indicate.

CASE STUDY - CENTRAL QUEENSLAND UNIVERSITY

Recently, the Central Queensland University announced a 're-engineering' project to:

- Upgrade services to students whilst reducing duplication across the university
- Enhance marketing opportunities to prospective students
- Increase its use of information technology
- Overhaul human resources development and realign staffing levels.

The University management also indicated that the re-engineering process would focus on training and development for permanent staff to take up more technologically driven positions, whilst decreasing reliance on contract and casual staff. This will ultimately lead to the loss of about 200 positions and whilst many of these staff would be regarded as 'long-term' employees there would be no redundancy pay or conditions because the positions are contract and casual. The majority of staff in these types of precarious employment are women. This has been compounded by an 'administrative staffing freeze' in relation to permanent appointment, which has resulted in no permanent appointments to administrative positions at the University since 2003.

Work Life Balance

As indicated previously, work life balance issues also have an impact on pay equity.

CASE STUDY - QANTAS MUMS

Qantas has previously had a local agreement with employees which allowed mothers who return from maternity leave to ease back into the workforce by working only part-time; 4 days per week.

While other part time staff are rostered to work 5 days per week, Qantas recognised that there are special circumstances until an infant reaches 2 years-of-age, that required these mums to work only 4 shifts per week: this facilitated a healthy 'work/life balance'.

It did not require any additional administration and other staff were not aggrieved that this 'special category' had additional privileges. It generally worked well.

In October 2006, Qantas reneged on their agreement with these women, instead decreeing that this return-to-work roster was too costly to continue and that all part-time staff would be required to work 5 shifts per week. Return-to-work mums would now be required to work the same roster like all other part time staff. This is despite assurances from Qantas prior to these women taking maternity leave that they would be able to return on 4 day a week rosters.

By working 4 hours per day over the 5 day roster, these mums now had to incur childcare costs for the 5th day shift. If their shift was extended, they were required to pay the childcare centre for the additional time, at sometimes as much as \$22 per hour.

Effectively, most of the 5th day earnings were spent on childcare costs. Taking into account traveling, petrol and toll bridges, some of these women were not actually earning anything for working the 5th day. One woman was only earning \$20 per week more than if she was receiving Centrelink family allowance payments. 2 of these women resigned their employment as a result of the decision.

With the assistance of the ASU, the women lodged a complaint with the Anti-Discrimination Commission Queensland, and attended a conciliation conference with Qantas. The matter failed to resolve and it has been referred to the Anti-Discrimination Tribunal. A hearing date is expected in some 15 months, in September 2008.

Until then Qantas are refusing to accommodate these return-to-work mum's request. They are having to work 5 days per week until their infants reach 2 years of age. Some mums have resigned because of the stress this rostering arrangement has caused. Others have said that working 5 days per week, effectively the same hours as any other full-time staff member once travel to and from work is accounted for, has put a tremendous pressure on their family relations.

In the context of seeking redress to this issue, it is noteworthy that by September 2008, when they will finally get to have their matter heard and determined, many more of this category of staff will have resigned their employment.

This is also relevant to the concept of empowering the ADCQ to have a greater role in pay equity issues. The ADCQ would clearly require a massive injection of specialist resources if it were to take on any additional responsibilities with respect to pay equity and any recommendations to that effect would need to be tempered by the length of time currently being taken to deal with existing issues through the Tribunal. Late justice may be no justice at all in this context.

What have been the benefits of the Equal Remuneration Principle as a tool for advancing pay equity?

The ASU has not been involved in any matters using the Equal Remuneration Principle that have resulted in positive outcomes with respect to pay equity. As outlined above, our attempted use of the Principle in the Ergon case failed to achieve any outcomes with respect to pay equity or even an examination of pay equity issues in that case.

What have been the limitations of the Equal Remuneration Principle as a tool for advancing pay equity?

With respect to addressing pay equity issues for clerical and administrative workers, the fact that these workers work in all industries and enterprises in a range of extremely diverse roles makes it almost impossible to run cases under the Equal Remuneration Principle. The two cases which were conducted under this Principle – dental assistants and childcare workers – were discrete occupational groups. Whilst it may be possible to use the Principle for a very limited and defined group of clerical and administrative workers, its application across such a diverse occupational group is simply not feasible in the current decentralised environment.

Should the Equal Remuneration Principle be retained either in its current form or some other form? If it is to be amended, what aspects should be altered?

The Equal Remuneration Principle needs to be both retained and enhanced. The Queensland Industrial Relations Commission, alternatively the ADCQ, needs to be given the power and authority to be more interventionist on the question of pay equity. This would obviously include the power to require parties to an Agreement to provide evidence in support of affidavits claiming pay equity has been taken into account, for example, in the Ergon case.

Either the QIRC or the ADCQ need to be given the power to independently investigate pay equity issues across industries and also across occupations and to do proper assessments of pay equity issues within base Awards as well as Agreements.

3. Workchoices and Pay Equity under review

It is not intended here to provide a full analysis or commentary of the impact of WorkChoices on Pay Equity as many of the issues have been identified in the Discussion paper and will be the subject of rigorous analysis by other submissions.

It does need to be said however, that WorkChoices, through its emphasis on individual contracts makes it impossible to compare or control wage rates based on skills or work value. Even in the collective bargaining stream, the outlawing of pattern bargaining by unions, means that attempting to establish similar rates of pay for similar work in different enterprises is simply not possible.

The ability of employers to use WorkChoices to reduce wages and conditions, even in instances where they are not a 'constitutional corporation' also needs to be examined. In that respect the plight of women workers at ACE is instructive.

CASE STUDY - AUSTRALIAN COMMUNICATION EXCHANGE (ACE)

ACE is a community service organisation, with 'relay officers' translating information for the deaf community over the telephone. There are approximately 80 casual staff (approximately 85% who are women) who work 24 hours, 7 days per week in a call centre facility.

ACE receives around 85% of its income through tendering arrangements with the Federal Government.

The proposed non-union agreement offered incentive based pay, based on arbitrary and loose key performance indicators. The employees were threatened with 'agency staff' being hired to replace them if they did not sign the non-unionised agreement. They were also told that their job security was at risk if ACE's proposed agreement did not pass, and that their jobs could be off-shored in future.

The proposed agreement eliminated rest breaks, shift and overnight allowances - all for a 1% pay increase. Further, a medical certificate was required for each sick leave absence, rosters could be altered at any time without notice, and ACE could instantly dismiss workers without notice. The proposed agreement attempted to impose severe restrictions on this predominantly female workplace.

This agreement was wildly unpopular, and with approximately 95% union membership, it was rejected outright.

ACE Management clearly undervalued the work these highly-skilled women were performing. This is highly skilled work requiring the interpretation and translation of language to and from the deaf community. For many of the deaf community English is a second language; their first being Auslan, or sign language. In many instances the deaf community are not as educated and have rudimentary English language skills.

The perception was that these workers' skills were easily transferable. Overwhelmingly these mainly middle aged women were seen as replaceable.

Additionally, their loyalty was undervalued and the community service aspect of their role was ignored. There seemed to be a perception that women are carers by nature, and it was their instinct role to provide these services.

ACE started as a voluntary community service provider approximately 12 years ago. Like most charities, it was created for a specific purpose. Increasingly as demand kept growing, it became a more complicated structure. With each additional layer of management, additional complexity was added to the organisation's structure. This resulted in the work of the relay officers being increasingly marginalised and devalued.

Whilst the ASU sought the intervention of the QIRC in this matter the employer claimed they were a 'constitutional corporation' covered by WorkChoices. While the ASU disputed this, the QIRC refused to intervene in the dispute indicating that it was up to the ASU to prove that ACE was not a constitutional corporation. The ASU believes that the onus of proof to "escape" jurisdiction ought to be on the opposing party, ie. The employer. The outcome for this workplace is that assistance cannot be pursued through the QIRC due to the QIRC's reluctance to accept jurisdiction, and the union is now left to continue to negotiate with the (albeit new) management for a state registered certified agreement.

Government funded organisations

Increasingly, the federal government is tying funding to the implementation of industrial relations reforms, for example, in Universities. The same tied funding is also an issue across a number of sectors, most notably, the community sector which is reliant on federal government funding.

Privatisation

The ASU is concerned about the loss of entitlements through privatisation, private public partnership arrangements and the like as evidenced in the following case studies.

CASE STUDY – GOLDEN CASKET PRIVATISATION

Whilst opposing WorkChoices, the state government has not been averse to making decisions which result in workers being fully exposed to Workchoices.

Queensland Government Statutory Authorities and Government Owned Corporations are now covered by WorkChoices, but protected by state government policies on industrial relations with respect to their conditions of employment, as well as the manner in which they expect to be treated by their employer. However, the recent privatisation of the Golden Casket by the state government has seen those workers go from the protection of being employed by the state government party to a Workchoices Agreement to an employer which does not have the same stated commitments or industrial relations policies or practices. Other rights will clearly diminish over time by virtue of the employees' change of status. For example, whilst existing employees retain their access to Q-Super, the state government's superannuation scheme, new employees will not be eligible to contribute to Q-Super and this will ultimately have an impact on their 'whole of life' earnings.

CASE STUDY - PRIVATE PROVISION OF PUBLIC SERVICES – MATER HEALTH SERVICES

Similarly, the Mater Health Service provides public health services on behalf of the Queensland government. Until the advent of WorkChoices, the Mater were parties to the state awards and all Certified Agreements that cover staff in Queensland Health. Since WorkChoices, the awards have become NAPSAs, the Certified Agreements Mater were a party to have become PICSAs and the Mater have refused to be a party to or codify in another form the new Certified Agreements which have been agreed to for Queensland Health since WorkChoices. The Mater have indicated that they will implement those aspects of the new Certified Agreement that they choose to implement and how they wish to implement them, and have thus far refused to enter into any proper discussions on the implementation of improvements contained in these new agreements. Queensland Health and indeed the state government have thus far failed to intervene to deal with this issue, despite the fact that staff at the Mater are now being financially disadvantaged. The union believes that decisive action should be taken up front to make it clear that the government will be the employer in this case, and this should be the case for all future PPP's.

CASE STUDY – CABOOLTURE HOSPITAL EMERGENCY DEPARTMENT

Similarly, Queensland Health contracted out the management of the Caboolture Hospital Emergency Department to a private provider. Whilst there was no consultation or discussion of this action on the part of the government, we were assured that this had occurred because of the difficulties being experienced by Queensland Health in attracting and retaining medical staff. The private provider concerned has now employed administrative staff to work in the hospital's emergency department under WorkChoices.

The Queensland government needs to take steps to protect workers in these types of situations from the worst aspects of WorkChoices and ensure that these workers do not lose conditions and rights as a result of their own decision making.

How relevant are the findings of the above mentioned inquiries and reports, with respect to the current and future impact of Work Choices on pay equity to this Inquiry?

The ASU submits that all the cited Inquiries and various recommendations as outlined in the Discussion Paper are relevant to this Inquiry. We believe the current Inquiry should examine the various recommendations of those other Inquiries.

In particular, we note that Gillian Whitehouse's submission to the Queensland WorkChoices Inquiry that the structure of the wage setting system and its impact on the overall wage structure present as being the most important influences on gender pay equity is of critical importance. As indicated in the discussion paper, that Inquiry noted that gender pay equity is an area that would require close monitoring as a result of the introduction of WorkChoices.

Indeed, each of the Inquiries referred to in the discussion paper, found that WorkChoices would have a negative impact on pay equity. Most of the findings were for on-going monitoring of pay equity. We believe that this issue requires action beyond just monitoring and requires concerted action, rather than simply monitoring the continuing decline in pay equity.

The HREOC report *It's About Time: Women, Men, Work and Family* also made recommendations about monitoring the impact of WorkChoices, however, it also made other recommendations to government which (as outlined in the discussion paper) included the introduction of a 14 week paid maternity leave scheme and initiatives to promote the numbers of girls and women in non-traditional occupations and areas of skill shortages.

Such recommendations should be considered as part of this Inquiry and as recommendations to the state government.

Should the Queensland government, as recommended in the NSW parliamentary Inquiry, consider developing a longitudinal study tracking wages and conditions of work in Queensland in consultation with other states?

Yes. This is critically important, not only to determine the continuing the impact of WorkChoices and the development of strategies to counter its negative effects, but would also be a mechanism by which state-based strategies to deal with pay equity could be monitored and assessed. In this respect, such a study should be able to delineate between pay equity outcomes for those covered by WorkChoices and pay equity outcomes for those workers who continue to be covered in the state jurisdictions.

What other data sources could and should the Queensland Government consider developing in order to monitor pay equity?

The Queensland government used to conduct an Industrial Relations Survey and publish the results. We believe such a survey should be reinstated as part of the development of the longitudinal study tracking wages and conditions of work in consultation with other states.

4. Impact of WorkChoices on Pay Equity

Are there employees, industries or occupations or callings that would benefit from an application of equal remuneration orders under the WRA?

Wage rates and classifications are now no longer an allowable award matter under WorkChoices and therefore any such orders would have limited effect. Wage and classification scales are now dealt with through the Australian Fair Pay Commission. The AIRC must have regard to any decisions of the Australian Fair Pay Commission (AFPC) in making equal remuneration orders. Additionally, the AIRC cannot deal with applications where the group of employees and the comparator employees are both receiving remuneration that is equal to that provided for under the AFPC scales or where one or both groups of employees are receiving remuneration higher than the AFPC scales.

Are there employees, industries or occupations that would benefit from equal remuneration orders under the IRA?

As indicated in the body of this submission, there would need to be changes to the Equal Remuneration Principle under the IRA to make it effective. It is of limited utility in the case of clerical and administrative employees as a broad occupational group in its current application. An independent body also needs to be given the power to investigate pay equity issues across industries and also across occupations and to do proper assessments of pay equity issues within base Awards as well as Agreements. The ASU would support the formation of a Taskforce to undertake this work on the basis that all relevant parties would be invited to participate and appropriate resourcing to allocated to ensure that this could happen.

Also, the provisions regarding the Certification of Agreements would need amendment to require the production of evidence to allow actual assessments to be made of claims that pay equity considerations have been considered in the making of Agreements.

Are there employees, industries or occupations that would benefit from equal remuneration orders under the WRA if it were to adopt the Queensland model of focussing on undervaluation and equal pay for work of comparable value?

As indicated above, wages and classifications are now no longer an allowable award matter, so there would be little benefit in pursuing such orders. As indicated above, the Queensland model in its current form is imperfect.

Does the newly released ABS Earnings and Hours data for May 2006 show that the gender gap continues to widen for women, particularly those on AWAs?

Without presenting a comprehensive statistical analysis within this submission, it is the ASU's view from all the statistics and analyses that we have viewed that the ABS Earnings and Hours data do in fact show that the gender gap continues to widen for women and that individualised contracts contribute to this worsening in pay equity.

How can the AFPC advance pay equity?

The AFPC now have responsibility for wage rates and classifications. These have become Australian Pay and Classification Scales and are part of the minimum AFPC standards. There are over 100 000 classifications and wage rates which have been removed from Awards and placed under the jurisdiction of the AFPC. The AFPC can amend or vary pay scales or develop new ones and part of its functions will be to 'rationalise' pay scales. The legislation in this regard requires the AFPC to apply the principle of equal pay for work of equal value.

This is different to the Queensland legislation which allows for consideration of comparable worth and is therefore much more limited. Work of equal value refers to situations where the same work is being performed by men and women. The principle of comparable worth is much broader in that it allows consideration of situations where men and women perform different work which can be shown to be of comparable value.

At this stage, there is no clarity around how the AFPC will conduct its rationalisation of pay scales, nor indeed clarity on what mechanisms will be put in place to review and amend pay scales. It appears to be largely up to the AFPC to determine its own processes, however, to date whilst many organisations have made submissions on a range of issues there have been no formal hearings or formal processes for the consideration of information or submissions from the various parties. There is no process by which a union for example, could make application to the AFPC to vary a pay scale or examine pay scales for gender pay equity issues. As indicated previously, a range of factors impact on pay equity, not just wage rates, and the AFPC does not have jurisdiction to consider those issues. For example, attraction and retention payments are often made in the form of allowances and these are not included in the AFPC pay scales.

Whilst such a body may have or develop the capacity to genuinely examine pay equity issues, it has yet to come to grips with determining processes for rationalising pay scales and in the absence of any prescriptive requirements on how they should deal with pay equity issues, it is unclear how the AFPC can advance pay equity, or indeed, ensure that the AFPC's role does not contribute to the escalation of the widening of the gender pay gap.

What is the full extent of the impact of the AFPC Standard and the new agreement making processes on non-wage conditions of employment which enhance women's earning capacity?

As the AFPC has not yet established processes and procedures for dealing with these issues, it is impossible to assess the full extent of the new Standard on either wages or non-wage conditions of employment.

It is noteworthy however, that the Standards do not include paid maternity leave or other wage or non-wage conditions which would enhance women's earning capacity.

Of course, as the vast majority of agreements made under the federal system are not required to be published, there is no way that the public can be assured that significant inroads aren't being made into what progress had been made in the last decade. Given the recent research regarding this, as well as the federal government's refusal to

provide access to the public to scrutinise such agreements, it is obvious that difficulties in identifying trends and analysing data will stymie such an aim.

Should the Queensland Government join with other state governments to persuade the federal government to review and amend the WRA to make it more effective with respect to pay equity?

It is difficult to comment on the efficacy of such action. The problem with WorkChoices is its emphasis on de-regulation of the labour market and in particular on promoting individual employment contracts. Recent amendments to the WRA to introduce a 'fairness' test do not include any requirements regarding pay equity or other provisions which would assist in the achievement of pay equity.

That having been said, it may be worthwhile for the Queensland government to combine with other state governments to put pressure on the federal government to make such legislative changes.

We believe however, in the first instance, the Queensland government needs to consider more effective strategies for achieving pay equity in the state system. This would put the Queensland government in a much stronger position to point to what could be achieved in relation to pay equity if appropriate legislative mechanisms, other strategies and resources are applied to this issue.

The Queensland model provides a reasonable basis for further work, however as we have pointed out, amendments are necessary to improve the model before seeking to apply it elsewhere.

Should the Queensland government look to human rights law, not labour law to provide legislative remedies to pay inequity?

While at first glance this may appear to be a desirable development in relation to pay equity, there are a number of issues which would need to be considered. Firstly, is the jurisdictional issue. Any such attempt to transfer jurisdiction, particularly if it were a proposal to allow the ADCQ or HREOC to play a role in determining wages and working conditions would be rejected by the federal government if it allowed for any such intervention in the now predominant federal industrial relations system. This would probably include legal challenges which would no doubt result in matters proceeding to the High Court.

The second issue is the issue of resources. As indicated in this submission, our members in the "QANTAS Mum's Case" appealed to the ADCQ in relation to the removal of the provision to allow them to work a four (4) day week on return to work from maternity leave. That matter was not resolved through Conciliation and will be going to a Tribunal hearing in September 2008. In the meantime, there is no ability for the ADCQ to restore the 'status quo' that would allow our members to continue to work four days per week. In this instance, those who cannot sustain the new five (5) day arrangement will resign (some already have) and others who remain will continue to bear the cost, both financial and personal, of the imposition of five (5) day rosters. Any such proposal to look to human rights law to provide legislative remedies to pay inequity would require a massive injection of specialist resources into the ADCQ.

Similarly, for the ADCQ or HREOC to play a role in vetting agreements the question of specialist resources to achieve this in a timely manner would need to be seriously addressed.

How can the Queensland Anti-Discrimination Act be amended to provide genuine remedies for pay inequity on both an individual and collective basis?

Conditional upon the resolution of jurisdictional and resource issues, it may be possible to consider amending the Anti-Discrimination Act to allow the ADCQ to conduct Inquiries into Pay Equity across either industries, occupations or even more broadly.

Additionally, it may be possible to give the ADCQ the power to vet agreements as mentioned above and to require the ADCQ to 'sign off' on agreements, after proper investigation, to indicate that they do not violate pay equity principles.

However, the requirement to vet Certified Agreements in relation to pay equity already exists for the QIRC, and we believe it would be more appropriate to amend these provisions to require the QIRC to properly examine agreements for pay equity, rather than simply accept employer affidavits regarding same. It is noteworthy that this only applies to the Queensland jurisdiction. Such a power of review could be deferred to the ADCQ, however, there would have to be appropriate resources and clear timeframes applied to the process.

Consideration should also be given to the alignment of "100% rates" within Awards and Agreements based on skill relatives as determined by the Australian Qualifications Framework as one mechanism for achieving some new benchmarks for pay equity.

5. Advancing Pay Equity in Queensland

Should the Queensland Government consider specific pay equity initiatives for its own employees and provide a lead for the private sector?

Yes.

We believe there are a number of initiatives that could be adopted by the Queensland Government in relation to their own employees and also in providing a lead for the private sector.

Our main recommendation would be the establishment of one body to deal with Pay Equity issues. Currently, these issues are dealt with across a number of portfolios. Any such body would need to be properly and fully resourced with specialist staff to be able to implement and achieve real outcomes for both public and private sector employees in the area of pay equity. It would further need to have sufficient power and authority to police the implementation of any initiatives. This body could implement initiatives in the public sector and fund the implementation of similar initiatives in the private sector. Such a body could develop and promulgate a 'Code of Practice' around pay equity issues.

Such a body could be charged with considering and making recommendations on all factors which affect pay equity including:

- Concentration of women in low paid work
- Precarious employment, 'flexibility' and job security
- Lack of career paths
- Female characterisation of work
- Ensuring skills shortages don't exacerbate pay inequity
- Absence of effective work value examinations
- Impact of, and measures to address low unionisation
- Lack of or inadequate recognition of qualifications
- Lack of available, affordable child care and other community services
- Whole of life earnings
- Welfare to work considerations
- Industrial legislation and access to redress

Government departments and statutory authorities should be required to develop plans to achieve real pay equity and address barriers to same. This would require real resources, so it didn't just become another bureaucratic reporting arrangement. Specialist staff from a centralised body could be made available to assist departments in dealing with this.

There should be a requirement when assessing the scope to privatise current publicly provided services to ensure organisations seeking to provide those services prove that their workers would not be disadvantaged or lose conditions or rights as a result of WorkChoices, or enter into arrangements, such as Deeds of Agreement which provide for the application of wages and working conditions equal to the public sector. Such requirements could also include the requirement for an employer to demonstrate both pay equity as well as plans for the achievement of pay equity, for example, plans to seriously re-evaluate the value of work currently undertaken as well as to encourage women to take on non-traditional roles. Similar requirements should exist in contracts with private organisations which provide public services. Changes could be easily be made to State Purchasing Policy to include those requirements for organisations providing goods or services to the state government, as already exist in other states.

A set of principles for the conduct of enterprise bargaining within the public sector should be developed and, in particular, address the impact of 'attraction and retention' wage increases, bonuses and allowances on the concept of equal pay for work of comparable value.

Immediate steps should be taken, including the proper allocation of resources, to implement changes to the JEMs system as recommended by the Mercer Consulting Review of the system which was completed in 2006. When this report was completed in early 2006, an indication was given that a Steering Committee which included union representation would be established to review and implement the recommended changes. The Steering Committee has never been formed and no action has been taken to make changes to the methodology or its application. We would also advocate that further work be conducted on independently reviewing the methodology for gender bias as part of this process. (Whilst the 'Mercer Review' did make some positive recommendations in relation to the methodology, they are in fact the owners of the methodology and we believe an independent review of the methodology is still required to be conducted).

The issue of state government funding to organisations also needs to be addressed. The Queensland Council of Social Service notes that in Queensland: *'Major differences in wage rates have emerged between government and non government not for profit organisations, due almost entirely to enterprise bargaining and the cumulative effect of negotiated increases in the public sector over time... State government funding needs to recognize this disparity and make provision for an adequate increase in the wages component of funding so that employers are more able to attract and retain employees.'* (Queensland Council of Social Service, *Smart State, Fair State: Budget Submission 2007-8*, 2006, Page 152). Competitive tendering for services provision, levels of government funding and efficiency and access concerns regarding services act as limits on what pay many organisations can offer.

However, many community services in States and Territories are either seeking or have gained indexation arrangements to funding agreements that will allow for basic increases in wages. We believe funding needs to be at a level that allows organisations to apply equal pay for work of comparable value, especially for services which are provided by both the public and private sector.

A unit dedicated to Pay Equity could also look at initiatives to encourage more women into non-traditional occupations as well as providing funding for the private sector to pursue such initiatives.

Should the Queensland Government consider providing to the private sector information on pay equity similar in content and method to that provided by the Victorian and Western Australian Governments?

Yes, however, we believe such an initiative needs to go much further than the provision of information. A body dedicated to pay equity could, for example, develop and promulgate a Code of Practice, which included strategies the private sector could adopt to achieve pay equity.

Such a body could also develop tools similar to the Equal Opportunity for Women in the Workplace Agency's tool for companies to audit and assess their own pay equity issues. Government funding could be made available to assist companies wishing to undertake such auditing.

Should consideration be given to the establishment of a pay equity unit on a similar (or other) basis to that established in Western Australia?

As indicated above, we believe it would be appropriate for the Queensland government to establish a Pay Equity Unit which would have broad responsibilities and powers around pay equity.

This would need to be a high level Unit, with actual power, have clear objectives and key performance indicators and be required to consult with stakeholders. Such a Unit should be overseen by a Taskforce consisting of senior Ministers.

Currently, there appears to be little capacity for the fragmented units dealing with women's issues to effect any real change.

Should the Queensland Government consider the establishment of a Women and Work body that would have responsibility for educating and co-ordinating not only pay equity issues across the whole of government and the private sector but also have responsibility of other issues impacting on women and work?

As indicated above, we believe one body to oversee all aspects of pay equity would be preferable to the establishment of different units. That is, rather than having a “Pay Equity Unit” and a “Women at Work” body, it would be better to establish one unit with overriding responsibility for pay equity issues which does not continue to allow for the marginalisation of these human rights issues as “women’s issues”.

Should the Queensland Government extend its industrial relations compliance obligation to require suppliers to indicate action being taken to identify and rectify pay inequity in their organisations?

Yes.

The compliance obligation, however, would not only need to be extended, it would actually need to be policed for compliance. Currently, State Purchasing Policy is seen as a ‘toothless tiger’ as there is no actual proper monitoring or compliance with the industrial relations obligation. (See for example, the Caboolture Hospital case, where administrative staff have been employed under WorkChoices to work in the Accident and Emergency Department– this has been done, however, Queensland Health have not even checked with the private provider for compliance and no information on the wages and working conditions of these administrative staff has been forthcoming.) It is not clear whether the government routinely includes a monitoring clause in such contracts, but we believe that a standard requirement be inserted into all future contracts.

What other legislative and/or policy options exist to advance pay equity in Queensland?

The other issue that needs to be examined is mechanisms to promote positive clauses in awards and agreements which deal with Work and Family Responsibilities. Appendix 1 contains a number of model clauses on these issues which could be considered for inclusion in industrial instruments.

SUMMARY OF RECOMMENDATIONS

AMACSU (The ASU) believes the following ought to be considered as part of the Inquiry's deliberations:

1. Amendments to the IR Act with respect to agreement-making to allow for:
 - A proper and meaningful test for affidavits submitted with respect to the issue of pay equity which may be triggered by either the QIRC, the ADCQ, a party entitled represent the employees covered by the proposed agreement, or the relevant Minister.
 - This "pay equity" thresh-hold or test should be available to a party with appropriate standing to access, such as the relevant trade union or an affected trade union.
 - Such a test would include considerations such as the coverage of industrial instruments at that workplace, access to representation, evidence of good faith bargaining, etc.
2. Reversal of recent amendments which allow agreements to be certified against the wishes of the relevant union where the majority of other unions have signed the agreement.
3. Public sector bargaining standards or a Code of Conduct for the employer ought to be developed and applied so that public sector negotiators are aware of the standards expected to be applied in terms of their conduct.
4. The application of JEMs as a tool for consistent job evaluation outcomes must be further examined and steps taken to remove as many flaws as possible from the actual process of evaluation.
5. Action should be taken in consultation with relevant unions by the state government to seriously review the short-comings of the JEMs system as recently identified by Mercer Consulting, and further work done to ensure that the system does not continue to undervalue work traditionally performed by women. This could be undertaken on a project basis by the relevant stake-holders and achieved in a productive and cooperative manner.
6. The Qld government should recognise it's responsibilities to workers as an employer of choice in the current environment and improve it's consultative arrangements with unions around major decisions such as privatisation and government procurement to ensure that :
 - Workers don't lose important protections by privatisation or PPP's
 - Pay and conditions don't diminish by stealth as ownership changes
 - Contractors don't profiteer by government contracts at the expense of workers
 - State government workers and private sector workers don't end up working in the same workplace or service delivery area on different rates of pay for work of similar value
 - A review of women's participation and access to Board appointments and senior executive positions should be conducted
 - Mentoring and secondment opportunities within the public sector should also be reviewed and assessed
7. Further research needs to be done on the capacity of the Queensland Government to impact upon the significant disadvantages that precarious workers in the federal system now face.

8. Consideration be given to the capacity of the ADCQ being provided with additional resources to play a greater proactive role with respect to pay equity issues, which may involve sharing responsibilities or cooperative arrangements with the QIRC, eg. Examination of affidavits accompanying certification applications for agreements.
9. Government Procurement guidelines should be much more prescriptive in terms of expectations of private providers to government, and provide for stringent contractual requirements and monitoring. Other states have made important and sensible commitments in this regard and these should be reviewed with a view to adoption in Queensland.
10. The Queensland government should ensure that the provision of “corporate welfare” or incentives to business do not undermine the employment stability or pay and conditions of existing workers, eg. Virgin was actively assisted to set up in Queensland without checks or requirements placed on them with respect to pay parity with other airlines workers. The devaluation of female work in the industrial instruments subsequently adopted has remained unchallenged to this day.
11. Monitoring of the impact of WorkChoices as well as other factors such as housing and child care affordability, the growth of precarious employment, and the spread of market loadings for specific groups is desirable, however consideration needs to be given to exactly what can be achieved alongside the collection of data. Assessment and analysis of the data, as well as a clear mechanism for the production of recommendations by whatever body may be so empowered is critical.
12. An Industrial Relations Survey should be re-introduced and it’s findings published regularly.
13. White-collar workers rarely see Improvement Notices or Prosecutions arising out of the government’s Workplace Health & Safety legislation. Recent experiences of ASU members clearly show that there is a serious knowledge deficit within the Division which translates into poor handling of complaints associated with white-collar work, such as fatigue from poor rostering, work intensification, and bullying and harassment. A review of the operation of the Division of Workplace Health and Safety should be conducted with a view to assessing the relative resourcing allocated to white-collar health and safety issues, including prevention, monitoring and timely access to assistance. Such a review should explore opportunities for joint research projects and training with stakeholders that will redress this inequity.
14. An independent body should be given the power to investigate pay equity across industries and occupations taking into account the decentralisation of the current wages system and the differential outcomes achieved to date with respect to the AQF and skills-based work value systems. This may be the QIRC, ADCQ, or other specialist body such as a Pay Equity Unit. It is important, in our view, that one body be given key responsibilities rather than functions and accountabilities be dispersed. For this reason, we believe that the role and responsibilities, as well as desirable outcomes for the existing Office of Women be reviewed in consultation with major stakeholders. Whilst the Office of Women has played an important role in the past, we are concerned about the continued pigeon-holing of so-called women’s issues which allows other sectors of the government and private business escape scrutiny on many key issues of importance to Queensland families and workers. The ASU would like to see pay equity as an issue mainstreamed and allocated real resources alongside a common set of principles and the capacity as well as commitment to achieve meaningful social change in very difficult circumstances. Such commitments ought to include a process to allow

recommendations to relevant Ministers regarding access to and provision of government services, such as housing, health and aged care, and child care.

15. Funding should be made available to community sector organisations who wish to review and re-value the work done by their workers so as to remove the disincentive to pay better (having to choose between pay rates and the number of workers who are funded to be employed). Future funding should be indexed.
16. A Code of Practice on Pay Equity should be developed for the information of and implementation by both the government and private sectors.
17. The government should review the context and conceptual framework in which the above issues are viewed. Pay equity should not routinely be considered to be only a women's issue. It affects many men who also work in traditionally female dominated occupations. It affects families. It is a complex issue which interacts with other structural aspects of the labour market and economy and cannot be hived off and considered apart from key problems such as child-care and discrimination generally. It is not just about encouraging women to work in non-traditional occupations. It is about a proper and meaningful evaluation of the work that is currently performed within the economy by a predominantly female workforce which suffers from serious disadvantages in terms of job security and career pathing. The continued marginalisation of this issue will not benefit Queensland women, men, or their families. Any meaningful measures must consider this, and must ensure that we don't create isolated bureaucracies or toothless tigers for the sake of appearances, versus substantive progress. The Queensland government has much to be proud of, and we believe a fundamental shift to build on past achievements is now what is needed, particularly in the face of such a radical reversal of progress seen in the last 12 months of the implementation of the federal WorkChoices legislation. Whatever recommendations are ultimately forthcoming, they will not be successful without a commitment to implement, monitor, and assess. This will take resources and a commitment to ensure that other stakeholders are adequately resourced so that the best outcome can be achieved.

APPENDIX 1 SUGGESTED MODEL CLAUSES ON WORK AND FAMILY RESPONSIBILITIES

The parties to this agreement recognise the needs of employees with family responsibilities and their right to address those responsibilities without conflict between their employment and their family responsibilities.

The parties recognise the need for and place priority on pursuing the introduction of conditions of work that assist employees with family responsibilities to effectively discharge both responsibilities.

A survey will be conducted of all employees with family responsibilities and should include but not be limited to:

- Child day care;
- Out of school child care;
- Extended hours child care;
- Occasional childcare;
- Vacation care programs;
- Elder care.

The parties will enter negotiations to determine and implement any measures that may assist employees with family responsibilities and should include but not be limited to:

- Leave for family responsibilities;
- Career break schemes;
- Flexible working arrangements;
- Job sharing / permanent part time work
- Employer supported childcare
- Information / referral service.

Consultation must occur to ensure women / NESB / casuals / part-timers participate in the process.

The parties agree that the survey should be completed within six (6) months of the date of certification of this Agreement, and the results published.

Arrangements to implement initiatives identified by the survey should be negotiated to finality within 12 months of the date of operation of this agreement.

Measures taken to address the needs of workers with family responsibilities will be monitored and reviewed every 12 months by the parties to this Agreement.

Parental Leave

In addition to all award entitlements all employees shall be entitled to a minimum of 16 weeks parental leave at full pay or, by agreement, 32 weeks on half pay at the time of commencing parental leave, and 104 weeks unpaid parental leave. Parental leave shall also be paid in the case of adoption.

Any period of parental leave shall count as service for all purposes.

An employee on parental leave will be consulted concerning any significant change in responsibilities of the position she or he held before commencing parental leave.

In addition to and following concurrently on from any other form of parental leave, an employee may apply for a further period of 52 weeks child rearing leave. An employee may, on an annual basis, request an extension of parental leave for no more than 52 weeks at any one time provided that the total period of parental leave does not extend beyond the child reaching

school age. The employer shall only refuse such application(s) where the employee's return to work is necessary to meet the needs of the workplace or enterprise.

Pre-natal Leave

In addition to the maternity leave and personal/carer's leave provisions of the Award, an employee who presents a medical certificate from a doctor stating she is pregnant will have access to paid leave totalling 38 hours per pregnancy to enable the employee to attend the routine medical appointments associated with the pregnancy.

On presentation of a medical certificate stating such, any employee who has a partner who is pregnant, will be eligible to access paid leave under this clause for a period equal to a total of one ordinary day.

Carer's Leave

Five days paid leave (accumulative), additional to any Award entitlements, will be available to employees to provide care and support for children, frail or aged dependants or family or household members or significant other persons for whom they have responsibility for providing care and support.

The employer will, wherever reasonably practicable, provide flexible working arrangements which support employees in relation to their family and household responsibilities and responsibilities in relation to dependants.

This clause does not distinguish between partners or employees on the basis of their gender or sexual orientation nor replace existing entitlements to family leave, which will still be available if the leave provided by this clause is exhausted.

The employer recognises that employees have family responsibilities that must be considered and accepts that there is a need to allow a more flexible approach to allow employees to strike a better balance between their family and work commitments. It is acknowledged that individuals' concerns external to the employer can have a detrimental impact on an employee's ability to maximise their full potential at the workplace.

Flexible Working Arrangements

All employees shall be able to access flexible work arrangements, including

- Job sharing
- Part-time work
- Working from home
- Purchased leave

These arrangements may take one of the following forms:

JOB SHARE

An employee may elect to reduce his or her hours of work to the level and work pattern of their choice by job share arrangement provided two months written notice is given to the employer. All benefits shall be paid pro-rata to part time employees. In notification the employee shall clearly indicate whether the job share is for a fixed period or permanent.

PART-TIME WORK

An employee may elect to work part-time hours in accordance with the terms of this agreement.

HOME-BASED WORK ARRANGEMENTS

Home based work is an innovative response to the opportunities presented by changes in technology as well as issues including greater flexibility of working hours and matters involving persons with family responsibilities.

Home based employees will be permanent employees of the employer and their terms and conditions of employment will be covered by a specific Home based work agreement covering such matters as:

- Insurance
- Equipment
- Career development
- Termination and re-negotiation
- Access arrangements
- Security
- OH&S
- Workers Compensation
- Child Care

No employee will work from home unless the employer has notified all employees subject to this agreement and consulted with them and their chosen representatives with regard to the home based work agreement. And disputes arising from this clause shall be dealt with in accordance with the disputes settling clause of this agreement.

ADDITIONAL PURCHASED LEAVE

An employee may purchase an additional one two, three or four weeks unpaid leave, which is funded by averaging wages or salary evenly over a year. This allows employees to continue to receive pay during the periods of purchased leave.

Purchased leave can only be introduced at an employee's initiative. An employee who has purchased unpaid leave may request a reversion to standard employment conditions. Such requests can only be made every 12 months.

Purchased leave will count as service.

Equal Employment Opportunity

The parties to this agreement are committed to the principles and practices of equal employment opportunity. The employer will not discriminate against any employee on the basis of his or her age, colour, intellectual or physical disability, marital status, national or ethnic origin, parental status, political beliefs, pregnancy, race, or sexual preferences. The benefits of this agreement will be applied equally to all employees, as appropriate.

This claim is not intended to replace or minimise and statutory obligation on the employer in relation to equal employment opportunity matters.

The employer is committed to utilising the skills and talents of all employees through ensuring that employees have equal access to:

- Selection for employment, including the right to apply for all positions within the enterprise
- Promotion and career path opportunities
- Training opportunities
- Remuneration (pay equity)

The employer is committed to maintaining a discrimination- and harassment-free workplace.

After Hours Dependent Care

The parties recognise that work, training and attending meetings as part of their employment at times outside of the normal hours worked has a significant impact on employees with family responsibilities. The employer will provide or reimburse expenses

incurred for dependent care or childcare in situations as outlined above. Reimbursement will be upon proof of payment and may be for either registered or non-registered service providers at the current rates of the type of care provided.

Child Care

The parties recognise that balancing work and family issues are significant to all employees, male and female, parents, those considering parenthood and those without children.

The parties acknowledge that high quality, accessible childcare is fundamental in the pursuit of equal opportunity in the organisation.

The parties agree to establish a joint employee/management committee to investigate the need for employer-sponsored childcare within 3 months of the operation date of this Agreement. Within 6 months the joint committee will develop and conduct a child-care needs survey of all employees (which may form part of a broader survey to determine the needs of employees with family responsibilities).

The joint committee will undertake a cost-benefit analysis to establish an appropriate strategy for introducing employer supported child-care which may include, but not be limited to the following:-

- Single employer child-care centre;
- Joint venture child-care centre;
- Purchase of places in existing centre;
- Provision of land for child-care;
- Sponsorship of Family Day Care scheme;
- Provision of out of school child-care;
- School holiday programs;
- Joint venture school holiday programs;
- Childcare referral service.

Local Government employers, as a service provider of child-care, shall establish a policy in consultation with employees and their representatives, on priority access of child-care places for employees.

Parent Services

Breastfeeding facilities for nursing mothers

In order to facilitate the balance of work and parental responsibilities and to create the facility for efficient working arrangements, the employer will provide the following services to employees who are parents.

The employer will recognise the rights of employees who are nursing mothers to a work environment, which is clean and safe from hazardous chemicals and materials.

The employer will provide comfortable, private facilities for expressing and storing breast milk and to negotiate means for women to have breaks to breast feed if the child is in nearby care.

Birth Alert - pagers for expectant partners

The employer will make available on an as needs basis a pager or appropriate communication device to assist employees who are expectant partners and whose employment (field work, travelling to various work locations) makes it difficult to be contacted, especially if there is concern for the birth.

Extended Leave/Career Breaks

Employees' working lives are often disrupted by child bearing, child rearing, care for a seriously ill close family member, the need to attend to urgent family business or for other personal reasons. To address this situation a Career Break Scheme will be developed which will enable workers with family responsibilities who wish to take time out of the workforce for family reasons to maintain their skills and contact with the organisation and industry.

An aim of the scheme will be to maintain and increase the skill levels of the organisation.

The Career Break Scheme will be developed in consultation with employees and their nominated representatives.

Consultation will consider the following matters amongst others:

- Minimum and maximum period that may apply;
- Eligibility;
- Training and support;
- Effect on entitlements;
- Return to work/continuity of service;
- Operational requirements.

NB: extended leave/career breaks can be used not only for family responsibilities but also for study leave, secondments, overseas trips and so on.

BIBLIOGRAPHY

Australian Council of Social Service, *Australian Community Sector Survey 2007*

Australian Council of Social Service, *National Survey Shows Services Under Strain*, as viewed on <http://www.acoss.org.au/News.aspx?display ID=99&articleID=2102>

Australian Services Union, *Building Social Inclusion in Australia – Priorities for the Social and Community Services Sector Workforce 2007*

Australian Services Union Members' Survey 2007

Mercer Consulting, *Revision of the Job Evaluation Management System (JEMs) Methodology*, 2006

National Foundation for Australian Women, *What Women Want*, 2007.

OECD, *Employment Outlook 2006*

OECD, *Starting Strong II: Early Childhood Education and Care: Early Childhood Education and Care 2006*

Queensland Council of Social Service, *Smart State, Fair State: Budget Submission 2007-8*, 2006

University of Melbourne; *Women Bear the Brunt of Precarious Working Conditions*”, as viewed on http://uninews.unimelb.edu.au/articleid_4253.html