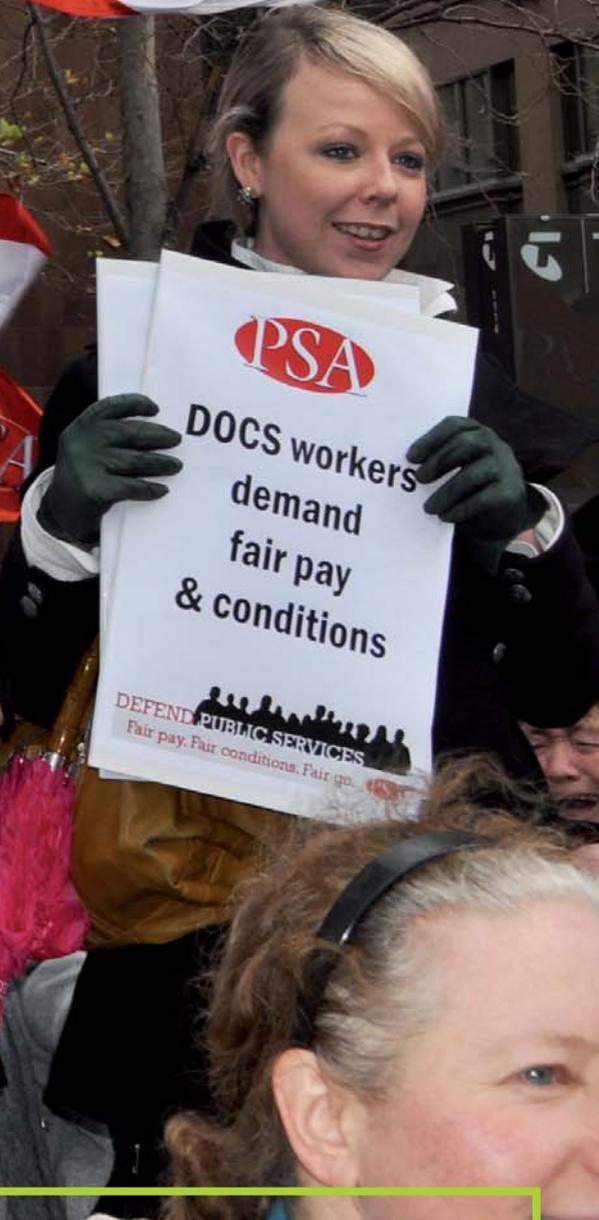


**WOMEN
@WORK**
July 2011



Young Public Servants

Liberal Govt Attacks Public Sector

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The Women's Unit

Anne Kennelly
Women's Industrial Officer

Eve Ivy
Admin Officer

Tel: (02) 9220 0906

Fax: (02) 9262 1623

Free call: 1800 467 932

Email: women@psa.asn.au

Level 7, PSA House
GPO Box 3365
Sydney, NSW 2001

www.psa.labor.net.au/women

Women@Work March 2011

Producer: Women's Unit & Communications

Executive: John Cahill

Writers: Anne Kennelly, unless otherwise specified

Design: Jenny Gleeson

Contributions

Contributions and feedback are always welcome. Extra copies of Women@Work are available for your workplace on request.

Cover photo: PSA members rally against O'Farrell's attacks on the Public Sector

IWD March 2011

Two thousand women took to the streets of Sydney in March to mark the 100 years of IWD. The main demand was for equal pay, but other issues women are continuing to fight for were also highlighted - including reproductive rights. Unions were especially well represented, as were migrant women workers. The march ended in Martin Place with speakers, stalls, singing and dancing.



IWD March 2011 -
PSA organisers Roberta Stewart
& Petra McNeilly Rutledge

More mothers employed

The percentage of families where mothers are employed has generally increased for both couple and lone mother families, according to a report released in May 2011 by the Australian Bureau of Statistics (ABS).

In 2009-10, in couple families with dependent children, 66% of the mothers were employed compared to 59% in 1997.

In lone mother families with dependent children, 60% of the mothers were employed in 2009-10, compared to 46% in 1997. The increased employment rates were more marked in families with older children.

In couple families where the youngest child was a dependent student aged 15-24 years, 81% of the mothers were employed in 2009-10 compared to 71% in 1997.

Of lone mothers whose youngest child was a dependent student aged 15-24 years, 83% were employed in 2009-10, compared to 69% in 1997.

In families where the youngest dependent child was aged 0-4, mothers in couple families were more likely to be employed (51%) than were lone mothers with young children (28%). Employed lone mothers with dependent children were more likely to work full-time (54%) than employed mothers of dependent children in couple families (42%).

The report also looked at how much contact children were having with their grandparents and, in cases where one of the natural

parents did not live with the child, how much contact the children had with that parent living elsewhere.

Most children (75% to 80%, depending on family type) saw their grandparents at least once a year. A higher proportion of children in lone mother families saw their maternal grandparents at least once a week (61%) compared to children in couple families (48%).

In general the patterns of contact between children and their natural parent living elsewhere have remained fairly stable over time. However, the proportion of children who see that parent either less than once a year or never has fallen from 30% in 1997 to 24% in 2009-10.

The majority of Australians in private dwellings lived in family households (88%) in 2009-10. The rest of the population either lived alone (9%) or in group households (3%). 2009-10 saw a levelling of the previous trend towards an increasing proportion of families being couple families without children. The proportion of families who were couples without dependent children remained at 48%, in line with 2006-07 and compared to 44% in 1997.

The proportion of families that were couple families with dependent children also remained fairly stable between 2009-10 (36%) and 2006-07 (37%) down from 1997 (40%).

Results can be found in Family Characteristics, Australia, 2009-10 (cat. no. 4442.0)



Sue Walsh PSA President

Back off Barry – our state can't run without us

On 15 June I participated in one of the largest rallies seen outside NSW Parliament House for 20 years. Public sector unions had united to rally against Barry O'Farrell's public sector wages and conditions legislation.

Fifteen thousand public sector workers including prison officers, DOCS workers, school administrative and support staff, librarians, disability support workers, parole officers and court officers marched on Parliament House calling on the Government to halt its attacks on their wages and conditions.

The rally was vibrant, loud and was angry that the newly elected Liberal Government would so blatantly attack the very people who make this state run. Speaker after speaker got up and said that these laws must be stopped. Mary, who is a school admin manager, addressed the protest demanding that the Premier drop these laws. To rousing applause she said

I'm telling you now Mr O'Farrell we will take it to the streets; we will take it to the shopping centres. We will do whatever it takes to get this down. You had better get rid of that legislation. You dump it or we will dump you.

Prior to this fantastic rally, the PSA collected (within four days) over 16,000 names on a petition calling

on the legislation to be dumped. The PSA and Unions NSW presented the petitions to the Opposition leader, John Robertson for them to be tabled and debated in Parliament.

The Government's legislation means that 400,000 NSW public sector workers will have less workplace rights than other workers in the country. It removes the independent role of the Industrial Relations Commission and cuts the pay and conditions of public sector workers.

The Government has introduced the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2011* which prohibits any pay rises above 2.5% unless sufficient employee-related cost savings are made. Not only is this well below inflation, but the Regulation also reveals that the Government is intent on targeting sick leave and excess employees. (See box in centrespread.)

The O'Farrell Government can at any time introduce Regulation to further undermine our conditions of employment.

There is no reason for the O'Farrell Government to introduce this draconian legislation. The NSW Industrial Relations Commission has been independently arbitrating disputes between employers and

unions for over 100 years. Whilst there have been times where PSA and other unions would have liked some more favourable decisions from the Commission, we always knew that a judge or commissioner would make an independent decision without the dictate of the Government.

This legislation goes against the very heart of our democratic system. It undermines the notion of the separation of powers between Parliament and the judicial system. This is legislation that you would expect to see from a dictatorship not in Australia.

This is the start of our campaign not the finish. We will continue to organise rallies, and other protests. We will continue to campaign for as long as it takes; we will be there and we will be fighting.



PSA General Secretary John Cahill, President Sue Walsh, and Assistant General Secretary Steve Turner at the Parliament House Rally on 15 June

We demand fair pay and conditions

On behalf of all women members I would like to add my voice in protest against the O'Farrell Government's new laws which seize total control of the setting of wages and conditions for NSW public sector workers.

And I am most concerned that public sector wage rises will be restricted to just 2.5% which is below the inflation rate and that any increase above that must be met with a corresponding trade off of jobs, conditions and services before an extra cent appears on anyone's pay advice slip.

The conditions that the Government wants put on the table could include such landmark wins for

women workers as lactation breaks, something that the PSA fought hard to secure.

To me that is totally unacceptable.

Of greater concern to me however is that while the Government's pay policy currently limits pay rises to 2.5% per annum that could be changed at any time.

Worse, the NSW Industrial Relations Commission which has acted as the industrial umpire on wages and conditions in NSW for more than 100 years will be bound by law to keep wage claims within whatever limits the Government determines.

The new laws will directly affect up to 400,000 public sector employees in a manner that John Howard could only dream of with Workchoices.

Public Sector workers in NSW will be worse off than those in any other state, a situation that the O'Farrell Government cannot possibly claim to have a mandate to bring about.

I urge all women members to step up to this challenge and fight against these changes. Please make your voice heard in the office of your local MP.

*by Linda Barclay Hales,
Chair, Women's Council*

Liberal Government attacks your rights to a safe workplace

– Dr Pam Veivers

New Premier Barry O'Farrell has already started to hit out at workers in NSW by attacking the current Occupational Health and Safety (OHS) legislation and reducing workers rights.

This is even before the new Federal Work Health and Safety (WHS) "Harmonised" Legislation comes into law on 1 January 2012.

What happens NOW?

A bill to amend the current OHS Act has been introduced into the NSW Parliament. If passed it will immediately remove a number of important sections of the Act, as it will take effect from the date the bill was tabled not passed.

The Liberals legislation will mean the:

- **Removal of the Union right to prosecute** when WorkCover fails to act. For the PSA this means that current incidents under investigation that may have been brought to prosecution before December 2011 can no longer proceed.
- **Removal of the jurisdiction of the Industrial Relations Commission of NSW** to hear cases of OHS breaches. So cases will be heard in the District and Supreme Courts – this will mean that all of the expertise in dealing with health and safety laws will be lost and cases will sit in the already long queues for hearing.
- **Removal of the reverse onus of proof** and replacement with "reasonably practicable" which will make prosecutions more difficult.

What to look forward to from January 1 2012

The WHS Act (this is only one of the many language changes you will need to get updated on) was meant to deliver identical OHS legislation

across Australia in order to cut the "red tape" that is restricting business.

For NSW this means a reduction in workers protection in a number of ways including the points already mentioned.

What can you do?

The new legislation includes a number of major changes in duties, consultation and Union right of entry as well as language.

An example is what we currently have as Employer will become "a person conducting a business or undertaking" and an employee will become a "worker" but this term will now include a wide range of others such as volunteers, labour hire, work experience students.

You should get prepared for these changes to ensure that your workplace will be able meet the new requirements.

The PSA/CPSU will be conducting training in preparation for the new laws using a training package developed for WorkCover.

It will be available as an eLearning module on the PSA/CPSU Members Training Space (<http://training.psa.asn.au>), as a series of lunch'n'learns to be delivered at the workplace and as two full day sessions (WHS1 to cover the WHS Act and WHS2 to cover the WHS Regulation).

The Members Training Space has an EOI segment to enable you express your interest in attending these sessions (and other training) and will have the proposed training schedule once it has been authorised.



STOP PRESS:

Unions have successfully lobbied the upper house cross benches to amend both the OHS Amendment Bill and the WHS Bill to include some capacity for union prosecutions and to retain the IRC to deal with some OHS prosecutions and disputes.

International acclaim for PSA domestic violence clause

The successful campaign by the Public Service Association for there to be workplace rights for victims of domestic violence is attracting international attention.

In June and July Ludo McFerran, from the Australian Family and Domestic Violence Clearinghouse (the Clearinghouse) is attending meetings with a range of union and industrial bodies in Europe to discuss the Australian innovation of paid domestic violence leave. She will be showcasing the work of the PSA and the Australian Services Union (Vic branch) in introducing world best practice in domestic violence entitlements to the:

- International and European Trade Union Confederation,
- Irish Congress of Trade Unions,
- International Labour Organisation, and
- International representative of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO).

She has also heard that there is interest in raising the innovative Australian union's domestic violence model with unions in Canada and New Zealand.

Nationally, the Clearinghouse is working with sixteen unions in every state and territory on domestic violence entitlements. Since the PSA varied NSW public sector Awards in February there have been some further developments across the country:

- In Victoria, the CPSU-SPSF (the Victorian equivalent to the PSA) log of claims to the State Government includes 20 days paid domestic violence leave. As a result, the Transport Accident

Commission is currently negotiating domestic violence leave and implementation.

- The National Labor Women's Network Conference (Brisbane 14-15 May 2011) unanimously supported a resolution calling for domestic violence entitlements (not policy). While urging all unions and employers to negotiate domestic violence clauses in their industrial and workplace agreements and other instruments. The resolution also called on the Gillard Government to amend the Fair Work Act to include domestic violence clauses and for the Federal anti-discrimination legislation to protect victims of domestic violence from less favourable treatments.
- The PSA has also successfully negotiated for the Trans Grid Employees Agreement 2010 to include a domestic violence clause. Trans Grid is the owner, operator and manager of the NSW high voltage network connecting generators, distributors and major end users in NSW and the ACT.
- The Clearinghouse has just conducted the first training pilot for the 'go to people' in the workplace, the union delegates and Human Resources staff who will be responding to staff disclosing and needing support. They intend to run an improved version in NSW in the near future.

All news and developments are on the Clearinghouse's website, including the factsheets, and draft safety plans and policies which have been developed from international best practice. The website address is www.adfvc.unsw.edu.au/dv_workplace_rights_entitlements_project.htm

PSA Women's Conference 2011

The theme for this year's Women's Conference is *PSA women, step up to the challenge*.

The conference will look at how members can campaign against O'Farrell's WorkChoices.

Speakers include ACTU President, Ged Kearney.

The Conference will be held on **Tuesday 13 and Wednesday 14 September, 2011** at PSA House, 160 Clarence Street, Sydney.

For more information contact the PSA's Women's Unit on **02 9220 0906**.

Register online at www.psa.labor.net.au.

Registrations close 5 August, 2011.

O'FARRELL'S ATTACK ON P

THE LEGISLATION

The O'Farrell government has wasted no time in attacking the wages and conditions of 400,000 public sector workers. In June the *Industrial Relations Amendment (Public Sector Conditions of Employment) Bill 2009* was passed through Parliament. This Legislation allows the O'Farrell Government to attack workers pay and conditions by:

1. Removing the ability of the NSW Industrial Relations Commission to make decisions independent of Government;
2. Allowing for the Government to change wages and conditions of employment by a Regulation to the Act. This is instead of the 100 year old practice of negotiation and/or conciliation and arbitration between unions and the Government; and
3. Removing unfair contract provisions for public sector workers. The Legislation states that a contract is not an unfair contract because of any Government policy or Regulation that affects a public sector workers wages and conditions.

THE REGULATION

On 20 June 2011 the Government tabled in Parliament the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2011*. The Regulation explains that O'Farrell's attacks will start by:

1. Limiting public sector wage increases to 2.5% per annum. The legislation states that public sector employees may be awarded increases in remuneration or other conditions of employment that do not

increase employee related costs by 2.5% per annum;

2. Prescribing there must be sufficient employee-related costs savings before an increase above 2.5% can be awarded;
3. Setting guaranteed minimum conditions of employment. Most of which are less than the current minimum conditions of employment (SEE BOX);
4. Attempting to achieve employee related cost saving by reducing conditions of employment to the guaranteed minimum conditions employment. It is worth noting, however, any reductions can only be made with the agreement of the relevant parties; and
5. Prohibiting policies regarding the management of excess public sector employees into an industrial instrument (that is, an Award or Enterprise Agreement).

Definition of employee related costs

The definition of employee-related costs are costs relating to the salary, wages, allowances and other remuneration payable to employees and the superannuation and other personal employment benefits payable to or in respect of employees.

Definition of employee related cost savings

Employee related cost savings are savings that:

1. Are identified in the award or order of the Commission that relies of those savings;
2. Involve a significant contribution from public sector employees and generally involve direct

changes to a relevant industrial instrument, work practices or other conditions of employment;

3. Are not existing savings;
4. Are additional to whole of Government savings measures (such as efficiency dividends); and
5. Are not achieved by a reduction in guaranteed minimum conditions of employment below the minimum.

Forced Redundancies

In addition to the Regulation the O'Farrell Government has released a new Managing Excess Employees policy. The policy is a significant departure from the previous Government policy of no forced redundancies that had emphasis on redeployment of excess of officers into meaningful jobs. In particular the policy does the following:

1. Staff who have been excess for more than 3 months will be forcibly retrenched;
2. Staff who are currently excess will be offered another 'enhanced package'. which includes an additional \$10,000 incentive. This offer finished on 30 June;
3. The redundancy package is 3 weeks for each year of service up to a maximum of 39 weeks (or 13 years);
4. If an excess officer did not accept this offer before 30 June or is still excess after 3 months the retrenchment package is reduced to a maximum of 16 weeks for employees under 45 years of age, or 20 weeks for those aged over 45.



PUBLIC SECTOR EXPLAINED

GUARANTEED MINIMUM CONDITIONS OF EMPLOYMENT	
GUARANTEED MINIMUM	EXISTING CONDITION IF CHANGED
<p>Unpaid parental leave that is the same as that provided by the National Employment Standards.</p> <p>Explanation</p> <p>The National Employment Standard for unpaid parental leave is up to 12 months unpaid leave. Plus a right to request an additional 12 months unpaid leave, and other forms of maternity, paternity and adoption related leave</p>	<p>The primary care giver is entitled to 12 months parental, maternity or adoption leave. With the right to request an additional 12 months leave additional AND the right to request to work part time until the child commences school.</p>
<p>Paid parental leave that applies to the relevant group of public sector employees on the commencement of this clause.</p> <p>Explanation</p> <p><i>The Crown Employees (Public Service Conditions of Employment) Award 2009</i> and related Awards allows for 14 weeks.</p>	<p>NO CHANGE</p>
<p>Employer payments to employee superannuation schemes or funds (being the minimum amount prescribed under the relevant law of the Commonwealth).</p>	<p>Superannuation for NSW public servants is covered by the following legislation:</p> <ul style="list-style-type: none"> • <i>State Authorities Non-contributory Superannuation Act 1987</i> • <i>State Authorities Superannuation Act 1987</i> • <i>Superannuation Act 1916</i>
<p>Long service or extended leave (being the minimum leave prescribed under Schedules 3 and 3A of the <i>Public Sector Employment and Management Act 2002</i> or the <i>Long Service Leave Act 1955</i>, whichever Act is applicable to the employment concerned).</p>	<p>NO CHANGE</p>
<p>Annual leave (being the minimum leave prescribed under the <i>Annual Holidays Act 1944</i>)</p> <p>Explanation</p> <p>The <i>Annual Holidays Act 1944</i> prescribes four weeks annual leave. The Act further states that an annual holiday shall be given and taken either in one consecutive period or two periods which shall be of three weeks and one week respectively, or if the worker and the employer so agree, in either two, three or four separate periods and not otherwise.</p>	<p>The Crown Employees (Public Service Conditions of Employment) Award 2009 and related Awards states that the recreation leave entitlement is 20 days. Recreation leave can be granted for a period of a quarter day or in other multiples of a quarter day.</p> <p>Additional recreation leave of 5 days is payable for staff employed in a remote area of the state.</p> <p>Shift workers working up to 32 or more shifts on a Sunday or public holiday can accrue up 5 additional days recreation leave.</p>
<p>Sick leave entitlements under section 26 of the Act.</p> <p>Explanation</p> <p>Section 26 of the <i>Industrial Relations Act 1996</i> provides for one week's sick leave</p>	<p>The <i>Crown Employees (Public Service Conditions of Employment) Award 2009</i> and related Awards provides for fifteen days sick leave.</p>
<p>Public Holiday entitlements under the <i>Public Holidays Act 2010</i></p> <p>Explanation</p> <p>The Public Holidays Act 2010 refers to the Fair Work Act 2009 for employee entitlements. The Fair Work Act 2009 prescribes that an employee is entitled to be absent from employment on a public holiday. The Fair Work Act 2009 also prescribes that employee is entitled to be paid if they are absent from work on a public holiday.</p>	<p>The <i>Crown Employees (Public Service Conditions of Employment) Award 2009</i> and related Awards provides for an employee to be entitled to be absent from work with pay on a public holiday.</p> <p>In addition, shift workers who work on a public holiday may (depending on their classification) either be entitled to additional annual leave or be paid two and a half times the rate for the time worked.</p> <p>All overtime worked on a public holiday is to be paid at the rate of double time and a half.</p>
<p>Part-time work entitlements under Part 5 of Chapter 2 of the Act.</p> <p>Explanation</p> <p>Part 5 of Chapter 2 of the <i>Industrial Relations Act 1996</i> allows for an employer and employee to enter into a part time work agreement.</p>	<p>The <i>Crown Employees (Public Service Conditions of Employment) Award 2009</i> and related Awards allows for part time work.</p> <p>In addition, the Award allows for employees to enter into part time leave with out pay arrangements. Therefore allowing the employee the right to return to his/her full time position.</p>

YOUNG PUBLIC SERVANTS

YOUR RIGHTS AT WORK

For many young workers your first job in the public sector can be quite daunting. Not only are you learning a new job, but everyone else seems to have been there forever and knows their job AND their rights. So where do you start? Below is a quick and easy reference to help you know what your work rights are.

UNIONS

You have the right to join your union, the PSA. You have the right to seek advice from the PSA about your employment, as well as have the PSA represent you in any employment matters.

PAY AND CONDITIONS OF EMPLOYMENT

NSW public servants pay and

conditions are determined by Awards. An Award sets out what you must be paid and other employment conditions such as hours of work, recreation leave and sick leave.

DISCRIMINATION IN EMPLOYMENT

You must not be discriminated against at work on the grounds of:

- sex, age (See page 9 for more details), marital status, pregnancy, or Carer's responsibilities;
- race, colour, nationality, ethnic or social background ;
- physical or intellectual disability or impairment;

- homosexuality, or transgender.

BULLYING AND HARASSMENT

You have the right to work in workplace free of bullying and harassment.

SPEAK UP

If you have any concerns about your work conditions, or if you are experiencing discrimination, harassment or bullying – SPEAK UP! You have a right to be treated fairly and lawfully at work.

Contact your union, the PSA for advice and to organise a PSA meeting. The PSA can be contacted on 9220 0900 or by sending an email to psa@psa.asn.au

FACTS - YOUNG PEOPLE IN THE PUBLIC SERVICE

WHAT IS THE AGE PROFILE OF PUBLIC SECTOR EMPLOYEES?

- In 2010 the median age of a NSW public sector employee was 45; five years older than the median age for all NSW employed persons.
- The largest age group is the 45-54 age-bracket that made up 29.69% of the sector.
- The proportion of employees aged 55 and over was 21.28%; compared to 20.15% in 2009.
- 23.9% of employees were under 35 years of age, of which 4.69% were under the age of 25.

SOURCE: The NSW Public Sector Workforce: A 2010 snapshot

THE PSA - STRONGER TOGETHER

If you work in the NSW public sector, the PSA is here to help you

PSA members get specialist advice and support whenever they need it and have peace of mind knowing there are expert staff on their side if something goes wrong.

Members receive help with a range of issues:

- Wages and pay claims
- Conditions of work
- Rights for temporary and part time staff
- Anti-discrimination matters
- Occupational health and safety
- Leave entitlements
- Special deals and advice on banking, legal, finance and insurance.

The PSA delivers for you

The PSA has run many successful cases on behalf of members to protect their rights and achieve better working conditions for all public sector employees.

On behalf of our members the PSA has:

- Won a 12.48% pay increase over three years for all public sector employees
- Introduced a purchased leave scheme
- Won a minimum 14 weeks paid

maternity leave

- Run successful prosecutions for breaches of occupational health and safety
- Fought for public service employees' entitlements and job security
- Successfully lobbied for more jobs across a number of departments

Join the PSA today to protect your wages and conditions – and the quality of public services in NSW.

Join online by going to <https://membership.psa.asn.au/join/>



UNION RESOURCES FOR YOUNG WORKERS

www.worksite.actu.org.au

Age Discrimination In Employment

What does the law say about age discrimination?

It is generally against the law in NSW to treat you unfairly or harass you because of your age, or because of the age of any of your relatives, friends, associates or work colleagues.

Indirect age discrimination is also against the law. This occurs when there is a rule or requirement that disadvantages people who are in one age group rather than another — unless the person or organisation can show that the rule or requirement is “reasonable in all the circumstances”.

Applying for a job

You have the right to apply for most jobs and to be fairly considered for them, no matter how old you are, or how old any of your relatives, friends or associates are, including your children. This also applies to apprenticeships and traineeships, and to bodies which issue licences to perform particular jobs.

In general, all jobs, apprenticeships and traineeships must be open to people of all ages, and job advertisements must not specify a particular age group. You must not be prevented from applying for a job or refused a job just because of your age (or the age of any of your relatives or associates).

For example, an employer must not refuse to interview you because they consider you to be too old or too young for a particular position, or because you have young children.

Also, an employer must not require a fixed number

of years of experience, or qualifications that take a certain time to get, unless these are absolutely necessary for the job in question. This is because younger people may not be able to meet these requirements as easily as older people.

Exceptions

There are some exceptions to the general rule that all jobs must be open to people of all ages. The exceptions are:

- Advertise for and employ a “junior” and pay them at junior rates, as long as they are under the age of 21;
- Advertise for and employ someone of a particular age if age is an essential and relevant part of the job — for example to act the part of a young person in a play, or to provide welfare or support services for a particular age group; and
- Refuse to employ children under the age of 14 years and nine months, unless the child has permission to leave school early. Employers can only employ children under this age as casuals if they have a licence to do so.

During employment

You generally have the right to be trained, promoted, and get all other work benefits, no matter how old you are, or how old any of your relatives or associates are, including your children. All other rules in the workplace should apply in the same way to people of all ages.

You also have the right not to be harassed at work because of your age, or the age of your relatives or associates, including your children.

Exception

The main exception to this is that “juniors” aged under 21 can be required to follow different rules from other employees, and can get different benefits.

Dismissal

You have the right not to be dismissed, retired or made redundant because of your age, or the age of your relatives or associates, including your children.

Your age must not be used as a reason to dismiss you, retire you or make you redundant.

Source: Anti-Discrimination Board Factsheet

Women & Super

First State Super has set up an innovative and easy to navigate website to assist women to understand their superannuation.

The website can be accessed by going to

www.womenandsuper.com.au



UNIONS – taking up the challenge

Women union activists in the New South Wales public sector will be well aware that maintaining your working rights and entitlements is a constant challenge. Public sector workers in NSW are faced with a hostile O'Farrell Government whose Industrial Relations legislation will restrict the rights of public sector unions to bargain with the government, restrict the role of the independent umpire and cut wages and conditions. The PSA is campaigning and challenging this erosion of workers rights.

At the same time there are other industrial matters where unions are taking up the challenge. The Australian Services Union (ASU), with the Social and Community Services Workers Case, has pursued the first equal remuneration case under the Fair Work Act. This Test Case has advanced the prospects for successful equal remuneration cases in the Federal jurisdiction. This advance finds its genesis in the early Decisions made in the NSW Equal Remuneration Case in 2000 and the PSA's NSW Librarian's Test Case in 2002.

The Fair Work Australia Decision delivered in May found, like the earlier NSW cases, that there was no need to use a male comparator or to find an act of discrimination in order to be successful in establishing an equal remuneration case.

The Full Bench of Fair Work Australia accepted that social and community service workers (who are predominately women) are paid at a lower rate compared with men generally. They found that these non-government workers are paid lower than state and local government workers who do comparable work. However Fair Work Australia did not set the same rates as they found that there was no item by item job comparison. Fair Work Australia has asked the parties to present further submissions on classification structures and rates of pay.

This Interim Decision does not set pay rates and it did not set Equal Remuneration Principles. The Case is scheduled for further hearings in August 2011. This is a step forward in pay equity under new post WorkChoices industrial laws and it reflects the long, hard and persistent fight of women and their trade unions.



Supporters of Equal Pay at ASU Rally.
Photo courtesy of Michelle Ryan, ACTU

Another test case taken by unions which is also important in the fight for wage justice for women is the United Voice (previously called the Liquor Hospitality and Miscellaneous Union) matter which proceeded under the Low Paid Bargaining Provisions of the Fair Work Act. The Low Paid Bargaining Provisions were included in the Fair Work Act in acknowledgement that some workers are unable to participate in enterprise bargaining. The provisions give low paid workers and workers who have previously not bargained an avenue for bringing parties to the bargaining table. It allows for Fair Work Australia assist in bargaining negotiations and to make wage determinations if the parties are unable to reach agreement.

The Low Paid bargaining provision is an acceptance that in bargaining we are not all 'equal' and that to receive a fair outcome a tribunal must have the power to intervene. It also allows for bargaining across multi employers rather than just confining bargaining to the enterprise level.

United Voice took the first action under these provisions to have a pay increase for Aged Care workers. Their case was based on the grounds that Aged Care workers are low paid and that bargaining in the sector does not redress this.

Unfortunately the Decision is limited and disappointing. The Decision excludes nearly two thirds of workers in the sector who, while they have 'participated' in bargaining, are still low paid. The Decision restricts Fair Work Australia to making determinations only when the parties have not tried to engage in enterprise bargaining. The order does not extend to those already covered by enterprise agreements – even if those agreements reflect low pay. It was found that the role of Fair Work Australia is not to lift employees out of low pay but to facilitate bargaining where conventional bargaining at the enterprise level is ineffective.

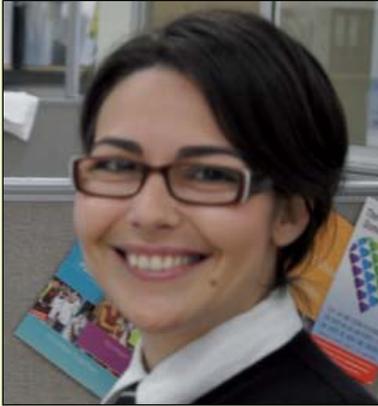
The Decision grants the right to commence multi-enterprise bargaining in the residential aged care sector but denies the union sector wide bargaining powers. The Decision does not address issues of low pay or undervaluation of work and appears to restrict the potential of the low paid stream in resolving the problems that effect many women workers.

The threat to workers in the NSW public sector and the ongoing struggles for wage justice and maintaining our hard fought for conditions remain the impetus for us to engage with and encourage our fellow workers both young and old to be active unionists. Have a conversation with your colleagues and let them know of the benefits of unions fighting for and achieving decent work and working standards.

Take up the challenge.

*Suzanne Hammond
Federal Women's Industrial Officer
CPSU-SPSU*

PSA Women



Jess D'Arienzo PSA Organiser

1. Was there any particular event/or person that inspired you to become an activist?

I have been an activist since high school. However there was a recent event which inspired me to pursue activism as a career. Prior to commencing at PSA, I worked for a television production house. One of my responsibilities was to assist with preparation of the annual report. On the front cover of the draft annual report were a number of images chosen from various television shows. Amongst the pictures was one of a beautiful young woman with a range of tattoos and another of two heavily tattooed biker men. I was told the tattooed woman was not appropriate and "too controversial" and had to be removed from the final design! I found this move both offensive as a woman and hypocritical as the company were more than happy to reap the profits of distributing this woman's show which follows her and her staff of tattoo artists. This appalling experience highlighted the inequality that still exists and inspired me to join the union movement to fight for equality.

2. What was your first involvement in a campaign? (eg letter writing, petition, rally, blog etc)

Walk across the Harbour Bridge for Aboriginal reconciliation in 2000.

3. How and why did you become involved as a union activist?

I became involved by applying for the Organising Works traineeship.

I believe the union movement is a vehicle to drive change and move society between the world as it is and the world as it should be.

4. Are your friends/family surprised when you tell them you work for a union?

I doubt it, I have always been involved with social justice issues however my family are not fans of me banging on about activism issues over dinner.

5. What do you think are the barriers for young women becoming involved in unions?

Perhaps the stereotype of the old blokey union. We need to raise the visibility of the unions and the myriad of our achievements. I think it is vital for young women to have an understanding and appreciation of our history, particularly the brave women who fought hard to improve the conditions that we now take for granted.

6. What do you think are the benefits for young women joining unions?

Solidarity, support and social justice. Being a union member gives young women a voice to be heard and reckoned with. The collective strength of women creates a formidable force - look at the recent decision of the Equal Pay case. History is being made and through their union young women have a choice to contribute to the making of our history.

7. What do you think are the biggest workplace issues facing young workers today?

Sexual harassment in the workplace and bullying.

8. What is your proudest union achievement?

Graduating Organising Works last year was a proud moment however I believe my proudest union achievement awaits me. DoCS are about to embark on an anti-outsourcing campaign, I hold high hopes that our protests and campaign will be a proud union achievement.

Desley Watterson

New Women's Councillor

I'd like to introduce myself, Desley Watterson, as a new Vice Women's Councillor. I'm happy and excited to be part of a fantastic forum which achieves great advances in the workplace for women. Congratulations to all those involved in the PSA's ground breaking Domestic Violence clause. I have had positive feedback from women at my school and other schools and everyone was very appreciative.

Fifty years ago I was born and bred in Newcastle which I think everybody would consider was and is a strong union town. I believe in being a member of a union because of the benefits it provides for all workers. I have also over the years been on strike and lost wages fighting for fair working hours, pay, conditions and many others basic rights for workers.

Working in schools on the Far North Coast gives me the opportunity to actively promote joining the PSA. I enjoy relaxed conversations with my colleagues on what's happening at the Women's Council meeting, the achievements and progress of the issues being tackled. I have been pleased in the small school I worked at last year and my current school to have the General Assistant and School Learning Support Officer join the union after discussing with them the benefits and positive outcomes unions have and can achieve. I would like to encourage all PSA members to be proactive in the workplace and get the message out there.

Desley Watterson





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& WIN A CAR!**



The PSA is giving away a smart, feature packed Kia Rio courtesy of Peter Warren Automotive to a lucky member who makes the switch.

The competition is open to all full members of the PSA who have already made the switch to direct debit or automatic credit card methods of fee payment or do so by 5pm on Friday 30 September 2011.

Every member who has switched or is on direct debit by that date will be automatically entered in the competition.

The draw will take place on Tuesday 4 October 2011.



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