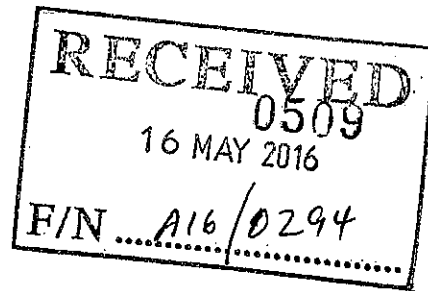




Family &  
Community  
Services



Gen Sec

Ms Anne Gardiner  
General Secretary  
Public Service Association of New South Wales  
160 Clarence Street  
SYDNEY NSW 2001

Ref EMN16/2031

Dear Ms Gardiner

Thank you for your letter of 11 March 2016 about my International Women's Day email to my departmental colleagues.

I acknowledge your and the PSA's long term advocacy for gender equality in the workplace, but this time I think you're jumping at shadows.

The transfer of public sector jobs to the non-government sector to support the massive expansion of supports for people with disability under the NDIS won't disadvantage women, quite the reverse.

Women will benefit from the NDIS because women provide more of the unpaid care for people with disability.

Women are more likely than men to take up the estimated 25,000 additional jobs the NDIS will create in NSW.

And women with disability who now lack the necessary supports to participate fully in the community will get them under the NDIS.

You assert that people working in the non-government disability sector uniformly experience lower pay, less secure employment, fewer benefits and higher turn-over.

That just isn't true.

Changes inside the public sector and, most importantly, changes in the non-government sector as a result of the 2012 Fair Work Commission decision to equalise pay across government and non-government social services have brought the two sectors closer together.

In this year alone, our department is providing non-government disability employers \$93 million to cover the pay rises arising from that Fair Work decision. These pay rises continue through to 2020.

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Then there are the benefits only available to people who work in the non-government sector. For example, some NGOs provide meal and entertainment cards, and the opportunity to salary sacrifice grocery and household bills and loan repayments.

On top of that, women – and men – transferring to non-government employment have their pay and conditions protected by several legislative provisions.

I don't agree that transfer arrangements for our staff are inferior to those for the male dominated workforces of NSW Ferries and electricity organisations.

Our staff have a guaranteed period where their pay and conditions can't be changed, unless they agree.

And each of our staff – ongoing, temporary or casual – has a guaranteed employment period. This is more favourable than NSW Ferries and the minimum staffing commitments covering electricity employees.

○ And of course in electricity, many people will be retrenched as the electricity businesses cut their costs in line with the decision of the energy regulator.

The long-term job outlook in the disability sector is for very significant job growth and an almost immediate doubling of disability spending. Not something you can say about either electricity or ferries.

Certainly the 30 week payment for NSW Ferries employees was generous. There was no transfer payment for electricity employees.

The up to eight week transfer payment to our staff provides some encouragement to transfer with clients – which best supports quality client care.

And finally, the *Fair Work Act* means the awards currently covering our staff, will be 'copied' from the state to the national employment system at the time of transfer, and can remain in place for up to five years.

○ During that time, if a new provider wanted to bargain with staff for a new agreement, the Fair Work Commission would apply a test to ensure it was 'better off overall.'

If you wish to discuss this matter further, please contact Ms Catherine Carvolth, Director Employee Relations on 8879 9085 or email [Catherine.Carvolth@facs.nsw.gov.au](mailto:Catherine.Carvolth@facs.nsw.gov.au)

Yours sincerely,

  
**Michael Coutts-Trotter**  
**Secretary**