



PSA/CPSU NSW WOMEN'S CONFERENCE  
10-11 SEPTEMBER 2019

**ANYTHING IS POSSIBLE**

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## PROGRAM 2019

### DAY ONE

#### Tuesday 10 September

8.30	Registration	3.15pm	Select Committee on Stillbirth Research and Education – update from the PSA/CPSU NSW – Troy Wright
9.30	Welcome to Country – Ann Weldon	3.30pm	When women's health affects women in the workplace panel
10.00	Welcome & Housekeeping		- Hannah Heather, Pink Hope
10:05	Introductions		- Donna Ciccio, Endometriosis Australia
10.35	General Secretary address – Stewart Little		- Workers Health Centre
10.45	President address – Kylie McKelvie	4.30	Union Aid Abroad – Kate Lee
10.55	Union Shopper	5.00	Close day one
11.00	Morning tea – Sponsored by Union Shopper		
11.30	Winning for Women – The Gender Pay Gap - Iola Matthews, Author/Women's Activist - Lucy Saunders, Barrister on the PSA Pay Equity Case		
12.30	Confident Unionism – Mary Jo Costache	5.30pm	Networking Drinks on the balcony – Sponsored by SCU
12.55	First State Super	6.30pm	Formal Proceedings Kylie McKelvie – Introduce guest speakers Jodi McKay, NSW Leader of the Opposition and Trish Doyle, Shadow Minister for Women
1.00 pm	Lunch – Sponsored by First State Super		
2.00 pm	Workshop: Issues impacting women in the workplace and practical steps to overcome them		
3.10pm	SCU		Presentation/award – Dedicated women's councillor and unionist
		7.00pm	Conference Dinner – Sponsored by McNally Jones Staff Lawyers Level 11 PSA House

### DINNER

## DAY TWO

### Wednesday 11 September 2018

- 9.00 Recap from day one
- 9.15 Sexual Harassment in the Workplace –  
Sascha Peldova McClelland
- 10.00 Setting the Agenda for Female members:  
A CPSU experience – Melissa Donnelly
- 10.45 Maxxia
- 11.00 Morning tea – Sponsored by Maxxia
- 11.30 Action in the Workplace: Ordinary people  
do extraordinary things
- 12.30 Postcard to “Myself”
- 12.45 Conference wrap up – Rachael Shaw
- 1pm Close Conference

### Women’s Council

- 1.00pm Women’s Council and invitation to observe  
Women’s Council meeting
- 3.00pm End Women’s Council meeting





## President's Column

### **If there is anything 120 years of union advocacy has taught us, it is the importance of speaking out.**

For too long, women in the workplace have been reluctant to speak out. They have too often been spoken over, or their opinions dismissed.

Meanwhile, governments have managed to get away with underpaying us. Too many managers and colleagues have managed to get away with harassment or overlooking talented women in favour of male colleagues.

For countless women who have not had the confidence to speak up, or have been ignored or spoken over when they do, our union has been there to amplify their voices. It is unions that have won benefits such as maternity leave, parental leave and flexible working hours that let many women balance working and home lives. Unions have won conditions such as lactation breaks and facilities, and

worked to combat sexual harassment and discrimination in the workplace.

It is unions that won the principle of equal pay, and it is unions that continue to fight to turn this from an ideal to a reality.

For this year's conference, we gather at PSA House to work out how we can best stand up for women at work. We will come up with solutions to overcome barriers to our advancement and, most of all, empower women to insert their voice into their workplace.

Our conference is also a time to celebrate victories for our members, such as better surrogacy, permanent foster care and stillbirth leave arrangements that have come out thanks to our hard work together.

It is also a time to network, to make sure as women and union members, we help each other in our professional careers. Because when women support women, women win.

After this conference closes, when you get back to your workplaces, tell

your workmates how important it is to speak up for their rights and for the rights of those around them. And, most importantly, let them know there is an organisation that will equip them with the megaphone loud enough to make their voices heard. That organisation is their union.

**Kylie McKelvie, President** ●



## From the General Secretary

### Welcome to the 2019 PSA/CPSU NSW Women's Conference.

This conference takes place during a milestone year for our union: 120 years of standing up for the rights of workers in Australia's most populous state.

From very early on in our 120 years, the PSA has been fighting on behalf of the women in our ranks. As early as the 1930s, our union was fighting for the then-revolutionary idea that men's and women's labours should be rewarded equally. Sadly, this fight is still going on as we are set to enter the 2020s.

But we have had wins on the way. In 2002 State Industrial Relations Commission found in favour of the PSA, granting pay increases of up to 25 per cent to Public Service librarians, library technicians and archivists after it found they were paid less due to the high number of women among their ranks.

At the moment, the PSA is running a case on behalf of our members in schools – a

section of our membership that is more than 94 per cent women. We are arguing this section of the state's workforce is underpaid compared to similar work done in male-dominated professions. If the case is won, we hope it will have far-reaching consequences for women throughout the entire Australian workforce.

### FOR THE NEXT 120 YEARS, THE PSA/CPSU NSW WILL CONTINUE TO FIGHT FOR YOU

But not all our members work surrounded by other women. The Chair of our Prison Officers Vocational Branch, Nicole Jess, has been working with the Women in Male Dominated Occupations and Industries (WIMDOI) group, addressing issues particular to female employees in workplaces normally associated with men.

It was in a male-dominated workplace, for example, that we won far-reaching

changes to leave provisions for members experiencing the trauma of stillbirth.

Wherever you work, and whatever the gender mix of your colleagues, you can be safe in the knowledge that the PSA/CPSU NSW has your back.

Whether it is pay equity, equality of opportunity, flexible workplaces or ending sexual discrimination and harassment, your union has been out there, fighting on behalf of the women in its ranks.

And for the next 120 years, the PSA/CPSU NSW will continue to fight for you.

**Stewart Little, General Secretary** ●



## Still waiting

**It was a grand announcement from the then-Premier, Mike Baird: employees in the NSW public sector can ask, “if not, why not”, when organising flexible work hours with their supervisor.**

No longer were the state’s workers to be chained to an inflexible, nine-to-five schedule, regardless of family demands. Instead, employees could arrange, within the parameters of their workplace’s needs, a better way to balance work and family responsibilities.

Sadly, things have not turned out as rosy as Mr Baird, and in turn Gladys Berejiklian, promised.

### **WHY DO WE NEED FLEXIBLE WORKING PLACES?**

Day care centre places can be scarce, while schools and school holidays don’t work to the same hours as our workplaces. Flexible working hours can make it easier to synch these hours.

This is why flexible work is an issue important to women in the workforce: too often child-rearing and caring roles fall on female family members. While fathers are today more likely to be involved with childcare, the caring roles for young families still generally rest on the shoulders of women.

According to the Australian Institute of Family Studies, children in single-parent households are also 10 times more likely to be in the care of their mother.

Added to this is evidence fathers who do request flexibility to take more responsibility for child-rearing face their own “flexibility stigma”, with lower earnings and reduced future career opportunities.

Workplace flexibility is also important to women with older family members or those who need additional care.

According to Carers Australia, more than two thirds of the people acting as carers for “family members and friends who have a disability, mental illness, chronic condition, terminal illness, an alcohol or other drug issue or who are frail aged” are women.

### **WHAT WENT WRONG?**

For many of our members, flexible work hours are still a pipe dream. Requests for flexible working conditions too often are refused before negotiations even commence. Instead direction seems to be coming from however managers see fit to grant it.

While some of our members enjoy the flexibility no doubt envisioned by Mr Baird, too many others are denied. There is no consistency.

The PSA/CPSU NSW believes this is because there has not been enough direction to managers from the



government and departmental head level. There has been nowhere near enough training in what is required to implement a proper, work-life-balance-friendly workplace, particularly if the manager has never had experience in this area.

### WHAT WE NEED

For true flexibility, there needs to be concrete rules set in place. Managers and department heads should be working from a consistent, statewide set of rules regarding workplace flexibility.

For many people, particularly women, a flexible workplace can be the difference between accepting or knocking back a job. Treating it as a glib, media-friendly announcement without backing up words with actions is not acceptable for such an important issue.

For the first time in our state's history, both the Premier and the Leader of the

Opposition in NSW are women. We have a great opportunity for a bipartisan effort to make workplace flexibility the norm for all our members.

**Rachael Shaw,**  
**Chair of Women's Conference** ●



## Win for unions on surrogacy and foster leave

### The PSA has had a major win over surrogacy and foster leave.

In 2015, the PSA and Unions NSW started to approach NSW Treasury due to issues of workers not being able to access parental leave in a timely manner for surrogacy and permanent long-term fostering.

Two years after the unions' initial approach, 2017 NSW Treasury proposed to make leave accessible for employees becoming parents through surrogacy arrangements or caring for children through out-of-home care arrangements.

In June 2017 Unions NSW wrote to the Executive Director of Industrial Relations NSW Treasury to endorse the new protocol for these arrangements, recommending unions should be able to apply for consent variations in relevant awards to reflect this.

The final determination was finalised in 2018 and endorsed by NSW Treasury.

The Arrangements were signed off on in March 2018, with the memo sent out in late December 2018.

The PSA, with other public sector unions, was invited to meet with NSW Treasury's Industrial Relations team on 30 January 2019 to review the Determination and hear any feedback from public sector unions. Laura Moss (Research Officer) and Rachel O'Shea (Industrial Officer, Women's Unit) attended this meeting of review. Feedback from the PSA and other unions present, was that it is too early after the Christmas break (when the memo was publicised) to give any feedback or examples of our members trying to access this leave and being denied it.

The issue was then raised about the amount of documentation requested as proof (or to demonstrate) they are the parent of the child.

The requirements to apply for these entitlements are:

- Four months' notice before the birth of the child and copy of the Agreement

(under the Surrogacy Act 2010)

- When assuming the role of primary or secondary carer, a statutory declaration must be provided advising they are intending to make application for the parenting order under the same Act
- A copy of the application as soon as it is lodged
- A copy of the parentage order is provided after it is granted.

The other issue was that the birth parent has the right to access Maternity Leave, but may not be aware of this as it is not apparent in the Determination document.

Other rights are:

- An entitlement to 12 months' unpaid leave for permanent caring arrangements
- Employees taking leave for altruistic surrogacy or out-of-home care can request extended parental leave and part time return to work
- The birth parent may still access Maternity Leave. ●



## Pay Equity case fighting for all women

**Ostensibly aimed at staff in the state's schools, the Pay Equity Case before the NSW Industrial Relations Commission (IRC) could have ramifications for all industries staffed largely by female employees.**

The case, launched in 2017, is based on the principle that staff in schools have been traditionally underpaid simply because the sector is dominated by women. More than 94 per cent of School Admin and Support (SAS) staff in NSW are women.

The PSA is currently in conciliation with the Department of Education, with the IRC due to hear from parties again in September and October this year.

If successful, the case could be used as an example for other employment sectors throughout NSW and Australia that have traditionally underpaid female-heavy workforces.

This is not the first time the PSA has taken on the Government over badly paid sectors dominated by women. In 2002, the union won pay rises of up to 25 per cent for staff in libraries and archives. It was found by a full bench of the IRC that the work performed by librarians, library

technicians and archivists compared with that done by other Public Service professions such as legal officers, engineers, teachers, scientific officers and psychologists.

"Our members in schools put up with a lot – constantly changing role descriptions, ill-thought-out IT rollouts, abusive parents," says PSA Industrial Manager Kris Cruden. "They shouldn't have institutional sexism with every pay packet added to the mix." ●

**THEY SHOULDN'T HAVE INSTITUTIONAL SEXISM WITH EVERY PAY PACKET**



# Shining the light on sexual harassment

## Despite being illegal for 30 years, sexual harassment continues to blight our workplaces.

According to the Australian Bureau of Statistics, one in two women and one in four men will be sexually harassed at some time in their working life. According to Unions NSW, Aboriginal and Torres Strait Islander people, young adults (18-29), those with a disability, and LGBTI people are particularly vulnerable.

At present, sexual harassment is dealt with through anti-discrimination legislation. While it is heartening moves are being made to prevent harassment at work, the union movement believes this is the wrong avenue to take in fighting it. According to Unions NSW's submission to the National Inquiry into Sexual Harassment in the Workplace, using anti-discrimination legislation to combat harassment "is only enforceable by individual victims, mostly through a private, confidential and often costly conciliation process, with the implication that incidents of sexual harassment are isolated and private interpersonal disputes rather than part of a wider cultural and behavioural problem that warrant systemic attention and public scrutiny".

"We need a fundamental shift in emphasis," the submission continues.

"The onus should be placed on employers and properly resourced and empowered regulators to tackle and prevent sexual harassment in the workplace."

The report found government workplaces were not immune to sexual harassment. It found that 49 per cent of government workers had experienced sexual harassment at their most recent workplace or at a previous workplace.

## IF YOU BELIEVE YOU HAVE BEEN HARASSED, TALK TO YOUR UNION

In addition, 66 per cent of public sector employees had witnessed sexual harassment at their most recent workplace or a previous workplace, while 71 per cent of people who had experienced sexual harassment did not make a formal complaint. Of those who complained, 38 per cent said their complaint was ignored or not taken seriously and 29 per cent said they were treated less favourably afterwards.

The union movement believes existing Workplace Health and Safety laws could be used to reduce sexual harassment at work, stating in the submission "there can be no doubt that sexual harassment is a risk to health and safety and should be subject to risk management as required under the WHS legislation".

The Unions NSW submission reiterates this, citing "legislative obligations on people in workplaces to act to prohibit sexual harassment. A person at a workplace must take reasonable care for their own health and safety and take reasonable care that their behaviour does not adversely affect the health and safety of others".

"Sexual harassment is unlawful and can be reported to NSW Police," says PSA/CPSU NSW WHS Officer Suzanne Mann. "It is also a WHS issue, as your employer has a duty under WHS legislation to provide you with a safe and healthy work environment, including your physical and psychological health. So you can lodge a WHS incident report for sexual harassment.

"Of course, if sexually harassed, you should always call the PSA/CPSU NSW if you are a member. If unresolved, the union can help you to contact SafeWork NSW for assistance."

"Unions have a history of standing up for women," says PSA/CPSU NSW Women's Industrial Officer Rachel O'Shea. "Sexual harassment was unacceptable in the 20th century and is certainly not to be tolerated 20 years into the 21st.

"You have the right to go to work and be free of unwanted sexual advances, comments, images, or messages. If you believe you have been harassed, talk to your union." ●

## Stillbirth campaign goes to Canberra

**The PSA/CPSU NSW has taken the fight on behalf of women who experience stillbirth or miscarriage to Australia's highest office.**

By way of background, in June 2018 the CPSU made a submission to the Select Committee on Stillbirth Research and Education, which had been established to investigate a number of issues relating to stillbirth and miscarriage. Our submission included, among other matters, an argument that the current legislative provisions in the *Fair Work Act 2009 (Cth)* require improvement.

Currently section 77A of the Act means any unpaid parental leave is no longer available if a child dies after being born, whilst section 80 creates 'unpaid special maternity leave' which is unspecified in amount and as the title suggests, unpaid. The provisions are convoluted, insensitive, require medical certificates for what is not a health issue, and furthermore are grossly inadequate in both entitlements and compassion.

The CPSU highlighted a condition we had secured during enterprise bargaining in the *Ausgrid Enterprise Agreement 2018* as the standard which should be adopted, providing between six and 16 weeks' paid leave in the event of a stillbirth or miscarriage.



The Committee's report was tabled in December 2018 and within it came a recommendation that such a clause should be adopted in the Act.

The CPSU is now meeting with relevant Federal politicians to ensure this recommendation is acted upon and not left as a by-line in a historical document. We are confident following our meetings in Canberra that the current government is convinced of the need for reform, will act upon it and consult again with the CPSU before doing so.

Aside from the subject matter itself, there are two things of note in this work. The first is that it is very much altruistic. There are no CPSU members who rely on the Fair Work Act for their industrial entitlements - all of our members are covered by State Awards or Federal enterprise agreements. As your union, we see obtaining industrial instruments as an essential way of improving the working lives of our members. When the Fair Work Act was written, its



entitlements were always intended as a very basic safety net from which improvements would be sought. But unfortunately, due to declining union membership, particularly in the private sector, and other operative provisions in the Act, enterprise agreements are increasingly unobtainable for many workers. And it is those working women we are concerned for.

Secondly, it is a true member-driven campaign, most notably by the PSA's 2019 Delegate of the Year, Leanne Smith and her husband Tim. Leanne and Tim have been tireless advocates for systematic improvement in this area, from enterprise bargaining with Leanne's employer, to assisting to write and guide the thinking in the submission, appearing before the Senate Committee and now lobbying politicians.

When this change occurs it will be the realisation of their hard work which will benefit thousands of families across the country. ●

# Speakers



## Lola Mathews OAM

Former journalist with *The Age*, Lola Mathews OAM has worked at the Australian Council for Trade Unions (ACTU) as an industrial officer and advocate, specialising in women's employment.

While at the ACTU she worked on reforms in childcare, parental leave, superannuation, equal pay and affirmative action, drawing on the experiences she had had as a woman working in the media.

After leaving the ACTU, she returned to writing, authoring a number of books, including *My Mother, My Writing and Me*, *How to Use The Media In Australia* and *Chequered Lives: John Barton Hack and Stephen Hack and the early days of South Australia*.

Her most recent work, *Winning for Women: A Personal Story* is available here at the PSA/CPSU NSW Women's Conference.



## Jodi McKay

Leader of the State Opposition, Jodi McKay has represented the seats of Newcastle and Strathfield in the NSW Parliament.

A former journalist, Ms McKay held an executive role with Family Planning NSW during her four years out of politics and was a non-executive director of both Australian Science Innovations and Epilepsy Action Australia.

When in government in the Rees and Keneally administrations, Ms McKay held a number of portfolios, including a term as Minister for Women.

Her election to the Labor leader marked the first time in NSW history that the Leader of the State Opposition and the Premier were both women.



## Melissa Donnelly

Melissa Donnelly is the Deputy Secretary and NSW State Secretary of the Community and Public Sector Union (CPSU) (PSU Group).

Ms Donnelly has worked with members across all areas of the federal public sector, telecommunications, broadcasting and private sector industries. She currently has responsibility for members in the Department of Human Services, which takes in Centrelink, Medicare and Child Support.

Ms Donnelly has occupied a range of roles at the CPSU, including leading the national political, industrial, research and legal team prior to joining the national Executive Committee in 2015.

She is also a Director of TelstraSuper.



## Sascha Peldova-McClelland

Senior Legal/Industrial Officer at Unions NSW, Sascha Peldova-McClelland began her legal career at Maurice Blackburn, working on class actions, medical negligence, asbestos and employment cases, before moving permanently to employment and industrial law for the firm in 2014.

Through her legal career, she has fought LGBTI discrimination, basing her law honours thesis on the issue of normalising surgeries performed on intersex children.

In 2017, Ms Peldova-McClelland joined Unions NSW, where she co-ordinates enterprise bargaining and trains affiliate unions on their industrial rights and obligations.

She was part of the founding team of Living Leadership, a registered charity aimed at teaching young people leadership skills. She was appointed CEO of the charity from 2010 to 2013, after volunteering in various roles since 2005.

Ms Peldova-McClelland is also a director of CareSuper.



## Lucy Saunders

Part of the PSA's Pay Equity legal team, barrister Lucy Saunders specialises in employment law, industrial relations, workplace health and safety disputes, and related matters.

A member of the NSW Bar Association, Ms Saunders spent five years as a senior legal officer at the Australian Manufacturing Workers Union, managing a team of lawyers and co-ordinating its industrial litigation practice in NSW and on a national level. She appeared in various state and Federal Courts and tribunals, particularly the Fair Work Commission and the Federal Circuit Court.

She also edits the legal publication *The Employment Factbook*.



## Trish Doyle

Trish Doyle MP was elected to the NSW Legislative Assembly as the Member for Blue Mountains on 28 March 2015. In July 2019, Trish was appointed as the Shadow Minister for Emergency Services. She was also appointed as the Shadow Minister for the Prevention of Domestic Violence and Women. Trish is also Co-Convenor of Emily's List NSW. In her inaugural speech, Trish spoke about her childhood experiences of living with family violence. This experience has shaped her views on the rights of women and children and the need for women's refuges, women's health centres, domestic violence support services and legal protections.

Trish grew up in country NSW, and trained as a school teacher. She travelled and taught overseas in Ireland, then had two children.

Trish moved onto working in women's services and advocated strongly for changes to domestic violence and sexual assault laws. She was the founding Co-ordinator of the NSW Women's Information & Referral Service.

# Speakers



## Donna Ciccia

Donna is co-founder and a Board Director of Endometriosis Australia and named in the 2018 AFR's 100 Women of Influence and Blackmore's Women & Wellness - ChangeBeing for 2019. Donna is a Member of the Federal Steering Committee for the Implementation of the National Action Plan for Endometriosis, a Director of Australian Traditional Medicine Society (ATMS) and is an Australia Day Ambassador.

Donna's personal experiences motivated her to set up Endometriosis Australia. Her goal is to pay it forward for the next generation of women so that a successful treatment and cure can be found. Endometriosis Australia was borne out of the need to make a change for the 730,000 women living with the condition in Australia. Donna's establishment of the Ambassador Program for Endometriosis Australia has led to the development of the 'Friends of Endometriosis Parliamentary Committee', a Federal bipartisan approach to ending the silence on endometriosis.



## Hannah Heather

From a young age, Hannah always dreamt of writing and storytelling, so falling into a career of communications came naturally as she progressed into a professional career. After 10 years' experience telling the story of major global brands including Samsung, Sony, Weight Watchers and eHarmony, Hannah was diagnosed with a BRCA2 mutation - increasing her risk of breast cancer to 80 per cent and ovarian cancer to 60 per cent. It was then her perspective on impactful storytelling shifted towards seeking the opportunity to capture and communicate the stories that truly matter through her years of PR expertise.

As the Deputy CEO of Pink Hope, Australia's leading preventative health hub providing education and support to families at-risk of developing breast and ovarian cancer, Hannah leads the team to deliver important and life-saving tools, resources and personalised support that contribute to the organisations mission of ensuring every Australian family knows and best-manages their risk.



# Your union: standing up for women at work



# Partners

We would like to thank our partners



Union Aid Abroad APHEDA  
The overseas humanitarian aid agency of the ACTU



160 Clarence Street, Sydney NSW 2000  
GPO Box 3365, Sydney NSW 2001  
T 1300 772 679  
F (02) 9262 1623

**PSA ABN** 83 717 214 309  
E [psa@psa.asn.au](mailto:psa@psa.asn.au)  
W [psa.asn.au](http://psa.asn.au)

**CPSUNSW ABN** 11 681 811 732  
E [cpsu.nsw@psa.asn.au](mailto:cpsu.nsw@psa.asn.au)  
W [cpsunsw.org.au](http://cpsunsw.org.au)