

SUBMISSION



SUBMISSION TO THE WOMEN'S ECONOMIC OPPORTUNITIES REVIEW



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PUBLIC SERVICE ASSOCIATION OF NSW AND COMMUNITY AND PUBLIC SECTOR UNION

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About the PSA

The Public Service Association of NSW (PSA) is a major public sector union in NSW covering public servants in diverse roles across NSW government departments and agencies. Women proudly make up the majority (65%) of our membership and work in many feminised industries including disability, housing, schools and Family and Community Services.

For more than 90 years our union also proudly has had a Women's Council that has focused on the representation and advancement of working conditions for its female membership across a diverse range of government sectors in NSW.

The PSA is a state-registered employee organisation. For the purposes of this submission, the PSA will be referred to as 'the Association'.

We also have many members in the Community and Public Sector Union, which is our federally registered counterpart. This include members in the female-dominated workforce sector of disability services.

Foreword

Our members in the NSW Government work for the largest employer in the country and make up 80% of our membership. This submission combines the direct feedback and research of our female membership over a number of years. We intend to outline the key areas they have asked the union to advocate on and improve in relation to their working conditions. We acknowledge the Terms of Reference objectives are about reforms to apply to women more generally. We believe NSW Government has an opportunity to also adopt and deliver greater opportunities for its own female workforce participation and economic opportunities and our recommendations will have a focus on this.

In a recent PSA report "What Women Want" ¹in 2020 the top six areas of concern that were highlighted were the following:

- Flexible Work
- Pay Equity
- Mental Health and resilience
- Career progression
- Bullying and harassment
- Superannuation

We welcome the opportunity to provide invaluable insight into the economic barriers and obstacles our female members have shared with us and we know exist for women working in the NSW public sector.

Superannuation

Women on average retire with superannuation balances of up to 47% less than their male counterparts² and women aged over 55 are the fastest growing group of homelessness³ often due to the fact they have little, or no retirement savings in Australia.

In the Association's 2020 inaugural report "What Women Want" focussed on our membership, superannuation was in the top six areas of concern they had for the future. Many of our female members made it clear that their retirement depends on their male partner's income and superannuation balance. Unsurprisingly, almost 60% of our members surveyed aren't confident they will have enough superannuation to live comfortably on once they retire.

Many said they have kept working past retirement age and will continue to do so. One said, "I know I do not have sufficient super to live off when I retire, which is why I need continuing employment. I am already at retirement age but not able to retire". Another: "I have nowhere near enough to ever consider retiring. I cannot ever retire". One said: "I'm 61. I'll be working till I'm dead". Respondents also noted the impact of COVID-19 on their retirement savings, and how this has negatively impacted their balances. One said, "This is my biggest worry. It keeps me up at night".

The COVID-19-related early release of super scheme amounted to two million women around Australia withdrawing a total of \$15.9 billion from their super accounts.⁴ This has severe long-term consequences for retirement adequacy, given the system relies upon compound interest to achieve optimal outcomes. Furthermore, it has been estimated up to 70,000 women have been coerced into withdrawing super early by abusive partners.

Financial security for women is clearly an economic obstacle when it comes to retirement savings due to disrupted work patterns, casualised work, gender pay gap and little access to affordable childcare. The superannuation system needs to adapt and address these barriers to ensure women can retire with dignity.

It is widely recognised that women often miss out on critical years of superannuation contributions due to career breaks to raise and/or care for a family.

Recommendations

- Superannuation Guarantee should be paid on all paid and unpaid parental leave
- Introduce a Benchmark for Retirement Adequacy that considers women
- Raise the Superannuation Guarantee to 12% with no further delays.
- Ensure NSW public sector workers have superannuation paid in addition to any pay increase and not absorbed within its wages cap policy.

Pay Equity

The Public Service Association of NSW has a proud history advocating for gender parity. The Association ran the first ever pay equity case with Librarians, and in 2019 finalised the School Support Staff pay equity claim.

Despite these actions the gender pay gap is growing in the public sector. According to the State of the Sector Report in 2021, the gender pay gap grew to 4.1% or \$3905 across the sector.

Senior Executive Service and the Gender Pay Gap

Since 2014 the proportion of women employed in the Senior Executive Service has increased from 30.6% to 40.7% according to the Workforce Profile Report. This is still almost an inverse relationship to grades below senior executive service where women make up 65.7% of the service. The Association submits that this process of equalising the proportion of women in senior executive is taking too long.

One of the issues that the Association has been concerned about since the Government introduced the Government Sector Employment legislative package (Act, Regulations and Rules), has been the removal of most tenured positions above clerk grade 11/12. With the introduction of the GSE legislative package, and the removal of tenured Senior Officers, the Association submits that this has made it more difficult to employ senior women.

Senior Executives can be terminated at any time without reason, making it difficult to prove that it was because of their accessing of or wanting to access workplace flexibility or other discrimination. Whilst SES can normally access flexible working arrangements, the culture of breakfast meetings, being on call during crises, and it being frowned upon in some agencies to take the flexibility options at this level, means that for women with caring or other personal issues, this can be a disincentive to apply for these roles, let alone keep the roles. Therefore, the flexibility is often working against the women worker requiring more flexibility into their personal life for work.

The Senior Officer classification allowed for tenured technical experts to provide frank and fearless advice, without fear of losing their employment, and whilst enjoying the flexibilities of award positions, ensured that women could aspire to be in a senior role whilst balancing the demands of their careers and family demands.

Austerity Wage Rises and Wages Caps

The Public Sector is a female dominated workforce with 65.7% of the workforce women. Since 2011 there has been a NSW Government Wages Policy enforced by legislation. The policy with the legislation has limited wages increases to 2.5% per annum. In years when there is a superannuation rise with the increase in the Superannuation Guarantee Levy, there has been a discount to the 2.5% wage rise by the equivalent amount of the superannuation cost. The government in 2020 sought unsuccessfully to impose a wages freeze by Regulation on public sector workers, only to have an effective wage freeze of a wage rise of 0.3% imposed by the Industrial Relations Commission. This has meant that participation by women in the workforce has not enabled them to maintain their involvement with the economy, as their capacity to pay has been reduced.

Meanwhile male-dominated industries such as construction have benefited from higher pay rises and significant government expenditures on “shovel-ready” infrastructure.

The government’s wages policy limits productivity growth as it deems what can and can’t be passed on to workers as productivity increases, and limits women’s agency to participate due to their reduced relative incomes.

This austerity wages policy affects women's participation in the economy in two ways. The five fastest growing sectors of the Australian economy are administration and support, health and social care, education, accommodation and food services and construction. Four of these areas are heavily dominated by women employees.

As Australia's largest employer, the NSW Government sets a benchmark for many other employers in other industries to follow. Additionally, the role of NSW Government as a source of income to regional economies and their contribution to local services means that this contribution to wages growth or stagnation has a real effect on the services which are often female dominated to support the government sector.

Recommendations

- That the NSW Government reinstate the senior officer roles to enable workplace flexibility and employment of women.
- That the wages policy be scrapped and a return to a work value cases based on productivity gains are returned.

Domestic Violence

Domestic violence is a workforce issue and needs to have support mechanisms in the workplace to recognise this. It is clear when a domestic violence incident occurs it can dislocate a woman's ability to participate in the workforce almost immediately, if not indefinitely. At such a time of trauma and instability it is often paid employment that can secure a woman's ability to leave a violent situation in the home, or enable her to afford alternative housing arrangements. Conversely, if women are forced to exit the workforce due to family and domestic violence (FDV), there is an economic cost to the economy for a shortfall in their participation.

Women account for more than half of the casualised workforce and it is upon workplaces to modernise their support structures including extending the same benefits to casual workers, often having no access to leave entitlements that are afforded to more secure working arrangements.

The PSA and our sister federal union the Community and Public Sector Union (State Public Sector Federation Group) was the first union to secure in a collective agreement rights for paid domestic violence leave at UNSW. This entitlement has since been increased in a number of institutions and public sector agencies. This entitlement was shared across the public sector with the implementation of five days' family and domestic violence leave in our award. After representations from the union with the Minister for Women at the time, the Government agreed to extend the available leave to 10 days paid leave through the premier's public service determination 2018-03 Support for Employees Experiencing FDV.

The Association has asked the government to include this updated provision in our awards so that it becomes knowingly available and enforceable for all women in the sector (and men, however, more than 95% of reported FDV matters are reported as the women being the victim).

The Association has also established a Welfare Assistance Program⁵ that includes support for a member who is in difficulty as a result of domestic violence (which may or may not have resulted in an injury to themselves or their dependents). The reason for this program was created was due to a gap in support services that are not widely available to women in these circumstances and we believe should be via government.

Recommendations

That the government supports its staff experiencing FDV by providing:

- Short-term accommodation expenses for the member and their dependents if any, including kennelling of pets;
- Travel expenses to attend court and police proceedings as a result of leaving domestic violence situation;
- Certification and other administrative expenses (where these are not waived by the provider) for changes relating to change of address, name/s and utilities required (for example changes to telephone contracts/numbers, driver's licensor, connection fees at a new residence);
- Five days' supporter leave for employees who support a family or friend experiencing domestic and family violence.

Training & Career Progression

In the Previous 12 months, almost 30% of those we surveyed in the What Women Want Survey have had one or two days' training. 27% had three to five days, and 24% had less than one day.

17.5% of survey respondents have had a training request denied in the last 12 months, while almost 23% haven't applied. Of those denied training, staffing constraints were the main (32.61%) reason given for denying training. As one worker described, "I was told workload constraints was key issue- the key issue. Previously there were two people at my level in my team. The other position was cut but the work load remains."

Cost was the second most frequently given reason for denying training, along with budget pressures (26% and 21%)- meaning cost and budget pressures are the most common reason for denying training to members. As one respondent said, *"I don't bother applying for external training any more, as we are always told that there is no budget. this has been the case for about the last two years or more"*. Another told us, *"I wanted to complete a course to upskill a qualification which was 10 years old, initially my manager said there was probably no point in applying because there was no budget available for training."*

For over 21% of denials of training, managers did not give a reason. Survey respondents report occasionally they are met with hostility for asking, like one who was told, "Why would I even ask. Do I think I am better than others?" and another who reported, "My Director said to me 'I don't know why people have this expectation that the organisation is going to pay for their training'... that's because training and ongoing professional development is a policy of both the NSW government and our agency!" One respondent said she was told when she asked for training, "You're a bright girl. You'll pick it up." Concurringly, several respondents reported being denied first-aid training and refresher training they needed to do their jobs or maintain these qualifications as part of a higher order qualification.

The State of the Sector Report has few mentions of training, preferring to rely on the less descriptive term 'development'. However, even this report acknowledges the importance of development in creating a culture that is positive for employees and building the critical skills our industry needs^[i]. The same report highlights the 'stark' differences in agency performance in providing staff with development plans.

The report states,

"Consistent with previous years, the 2019 People Matter survey data show that career development is the most substantial driver of employee engagement in the sector. Just over half of employees (50.8%) were satisfied with the career development opportunities in their organisation. A similar number (52.3%) said their organisation is committed to developing its employees. Variation across agencies and little improvement from the previous year suggests that all parts of the sector have work to do in this space^[ii]."

Training and development is a key component of good quality work and in ensuring women have the skills to remain part of our industry and thrive within it.

Recommendations

- Ensure all relevant training and development is flexible for attendance, ensuring women are not required to be absent from family commitments for extended periods of time. If the course cannot be changed (location/duration) provide appropriate accommodation and travel allowances for attendees and their families.
- Increase access to scholarships for women to access development in their chosen fields
- Create a “Women’s Professional Development Program” in the NSW public service, ensuring every woman as access to a minimum of \$2,000p.a for external training so every woman has equal access further education and training.

Workplace Flexibility

The NSW public sector has been at the forefront for developed leading workplace flexibility policies for decades, which have filtered into the private sector over time. However, implementation is not consistent and often puts the worker seeking the flexibility in an untenable situation.

What Women Want Survey highlighted:

- Women want more and better to access flexible work provisions, including work at home, to balance unpaid domestic work
- COVID-19 has shown that work can be decentralised and done anywhere in regions or cities
- Women are frustrated that the flexibility they had been asking for was denied until COVID-19 changed everyone's workplace context and at poor workplace management, suggesting frameworks are not strong enough

Several responses highlighted COVID-19 specifically, and that they liked that it had allowed them to work from home and they wanted this to continue.

As Australia's Sex Discrimination Commissioner has noted, the COVID-19 pandemic and response have already begun to negatively affect women, and will cause greater poverty for women without a gender-specific response^[i].

"It [flexible work] has been invaluable to me in that I was supported to care for my child by being able to make arrangements for school pick-ups. I would have no other option but to reduce hours or cease employment otherwise. Working from home during the period of isolation for COVID has allowed me to demonstrate that my productivity is not reduced by being outside of the office, and this fits the needs of my family far better. It has improved my health because I am not having to spend time travelling, and therefore I get more sleep, and I am generally in a better mood which improves my professional interactions. I am hoping these arrangements can continue post-isolation".

A universal childcare policy is likely to be a pre-condition for gender equality by reducing the total amount of care done by families in an unpaid home setting and favouring a more gender-equal sharing of care and wage work^[ii]. As the COVID-19 pandemic has shown, Australian governments can make universal access to free childcare a priority^[iii]. Women's employment disproportionately suffers when childcare is expensive or difficult to obtain by disincentivising primary carers, mostly women, to work^[iv].

Those who completed our survey were well aware of the possibilities opened up by COVID-19 and work-at-home arrangements, with many reporting they get more work done, feel more effective and find a better balance of care responsibilities, with school-aged children most often mentioned.

Survey respondents are aware that some managers often confuse work performance with work location, and that extra reporting against performance 'milestones' was a price worth paying to work at home and better manage unpaid care responsibilities and pandemic safety. As one respondent put it,

"There is a sense of distrust among management that if you are working from home that you aren't working. It's very frustrating that management focus on presentism over productivity, being present in the office doesn't mean your productivity or output is high".

Another said,

"I requested work from home for over three years, it was finally agreed to for one day per fortnight. It took a lot of negotiation and involvement from PSA to achieve this. Funny how we are all working from home now during COVID-19, but took years to approve one day per fortnight."

Survey respondents often pointed to the key role of local management with some managers and supervisors being praised for their approach. Others were identified as the cause of flexible work being denied, with local 'rules' being put in place that do not comply with the 'if not, why not' ethos of the *Making Flexibility Count: Strategic Framework for the NSW Government Sector*. A common theme was, "Typically management only supports this in theory, not when it comes to the practice. Management rarely adapts their management style to help flexible working to work well". Another noted wryly, "I have had two different managers with two different outcomes. One was not willing to offer flexible hours, whilst the other was". There were several responses detailing such circumstances – where a change in manager meant flexibility was suddenly available. Some respondents reported having their requests approved but being frustrated in other ways, for example not being provided with a laptop to actually allow the work to be done.

Another survey respondent simply said of their managers, "They don't trust us and they can't be bothered" when describing their senior staff's attitude to non-senior staff and work at home. It is clear more work needs to be done to provide managers with the tools to properly respond to flexibility requests, and streamlined processes for making those requests. The executive will to ensure this throughout the workplace is critical too, and will help address gender inequality. One respondent told us, "I had asked for flex leave to care for my mother for one day. Flex leave was declined as staff meeting on that day. I had in excess of 40 hours' flex leave accrued." This is not 'if not why not'.

The most commonly used flexible work arrangement was flex leave (flex time, TOIL), with more than 55% (55.38%) of those surveyed who accessed flexible working arrangements accessing this type of flexible work. Almost 10% of those surveyed have negotiated part-time work (9.7%), but less than 3% (2.64%) can access job share. Several respondents reported an 'informal job share' arrangement, which left workers with an option to return to full time. Over 35% (35.34%) can work from home or offsite during normal working days – a figure that may change due to the pandemic. A number of respondents said their workplaces had become more flexible due to COVID-19: that flexible work applications that had previously been rejected were now possible. One survey respondent said,

"I requested to work from home one day a week on three separate occasions and was rejected each time. I was most aggrieved given various internal communications noting we were an 'agile' workplace. I am now work from home like everyone else given COVID, but would really like to continue a regular option to do so if/when we return to normal."

Several survey respondents highlighted local agreements where formal requests for flexible time were denied, but some requests were granted if made 'informally'. Others highlighted that managers seem more comfortable with individual leave request, rather than putting more permanent flexibility arrangements in place. One respondent said, "I have to justify it each week and I think that's ridiculous because it makes me feel guilty for doing something the government is asking me to do [utilising flexible work], I feel like I'm working for an employer with 1950s attitudes."

“It took weeks of negotiating through my manager only to continue to be told it [flexible work] wasn't available, once escalated to senior management it was approved. A lot of stress and anxiety caused by my leader and manager.”

25% (25.12%) of those surveyed have negotiated flexible work hours: Something we will monitor in future surveys for post-pandemic responses.

As almost 30% of those who completed the survey (28.95%) have not accessed flexible working arrangements, there is more work to be done to give effect to the ‘if not, why not’ provisions and take full advantage to deliver flexible work for workers in our industry. Given the possibilities the pandemic has revealed, we expect to see workers, particularly women, in our industry focus more on this where their type of work permits it. As a survey respondent said,

“It is a bone of contention for many staff who would love the flexibility to balance their work against their own personalised life commitments and preferences. The [employer] policy is extremely outdated and stubbornly resistant to the expansion of flexibility arrangements despite the Whole of Government initiative spruiked in NSW^[v] [the Strategic Framework]”.

When successive Premiers have announced the “if not, why not policy”, women have been met with responses such as the one above. The Public Service Commission undertook a noble project to revive workplace flexibility and even enabled a job share brokerage webpage.

However, this still lacks any enforcement at a local level.

Recommendation

- That an independent body be given the power to mediate and enforce disputes about workplace flexibility.

Child Care

The framework for support for workers accessing child care has mostly been transferred to the federal government. Childcare is a key determinant on women's economic participation in work and study. As the utilisation of childcare has increased with the need to have both parents or single parents working, the Commonwealth Government has partially moved in to fill the gap in childcare.

However, there are hourly rate caps, and percentage contributions based on family income. In an almost entirely private operator model, this has led to shortages of available spaces, shortage of long day care in outer urban areas, and increases in prices well above the government subsidy. There is no competition in areas or a safety bet provider to ensure adequate supply and affordability

The state government formerly sponsored child care for their workers in a limited number of child care places. This was finalised in the early days of the current government. By subsidising employees to access childcare this can assist women return to the workforce where currently a child care fee structure works similar to the welfare "poverty trap" whereby child care expense will make it too costly to return to work.

The provision of free child care during the 2020 lockdown saw that the government can do this and by having it for free leads women to have their disadvantage minimised for bearing the majority of the caring load.

Recommendations

- The NSW government trial commencement and expansion of NSW Government run child care
- The NSW Government look to expand subsidised TAFE courses to ensure that a greater number of child care educators are available.
- The NSW Government seek to make submissions into the next modern award review to improve the wages of child care workers so that child care workers who are also a female dominated workforce can also participate fully in that industry and the economy
- The NSW Government look to subsidise its workers by providing subsidies to make up the gap between the Commonwealth Government Cap and the actual cost.

Flexible School Hours

The PSA is the primary union with coverage of more than 21,000 administrative and support staff in NSW public schools, as well as numerous other non-teaching staff roles. Our members work in NSW state government schools, in roles directly working with and supporting students such as School Learning Support Officers working with children with disability and behaviours requiring support, Aboriginal Education Officers and Community Liaison Officers, Student Support Officers (Youth/Wellbeing Workers) and School Psychologists. They also work in administrative roles ranging from Administrative Managers, Business Managers and Administrative Officers in the school office as well as the library and food and science laboratories. We also cover outdoor staff called General Assistants.

The PSA has supported flexible working practices throughout the Public Sector and has driven positive change, however we have also seen many good ideas die due to poor implementation.

Firstly, schools are not designed for child-minding purposes, they are designed to provide education. Whilst it is acknowledged that accessibility of school does affect women's ability to participate in work and education, the gender profile of school staff we cover is over 90% women, and these women will have their own caring needs that will be affected when school hours are extended or altered. If not done properly, these changes may reduce their ability to participate in employment.

Whilst the Premier's media conference was scant on information, and the Department is yet to consult with the Association or the NSW Teachers Federation on this issue, the problem appears on the whole to be a metropolitan issue, and one that can be solved through more state supplied before and after school care and transportation.

Before and After School Care (BASC) and Out of School Hours (OOSH) is available across Sydney and NSW Schools at different levels, often where there is a capacity for parents to pay and in schools with social-economic capital.

If we are to give all women who have school-aged children the same opportunities the before and after school care offering needs to become cheaper and more available. The only organisation in our society currently able to do that is the NSW Government, who has the resources and facilities in order to establish BASC across the state.

There are a number of obstacles that will be met with any changes, which should be consulted on and addressed prior to any proposal being implemented. These include:

- Staff's own situation should be genuinely accommodated through flexibility and consultation
- The local needs of the school demographic should be consulted and accommodated
- Issues such as when project work, rebuilds and refurbishments, contractors fulfilling construction and other work along with maintenance operations are conducted need to be factored as much of this occurs prior to school starting to ensure minimal safety issues and disturbances
- The issues for metropolitan vs regional students will differ for transport, as there is often one bus leaving town to the home per day.
- An early start at 7:30am will require students in regions or selective schools for example to leave home before 6:00am
- The assisted transport system for students with disabilities and other needs may be disrupted with the change in hours
- The flexible working arrangements in the award are not evenly applied or permitted in different schools which will be essential for it to work.

- These arrangements whilst already common at high school level for additional subjects may not work for special or primary schools due to the learning capacity of children at different times.
- There are a number of schools in high risk areas where the school community picks the student up in a bus, gives the student breakfast, lunch and transports them to community programs after the school day is over. This has had a reduction in youth crime. Undertaking this will change the requirements for community programs and make pick up more difficult if there are difficulties with attendance already.

The case study below demonstrates an example of where it has mostly worked, however, there are examples of where extension of hours has not worked.

Case Study- Merrylands East Public School

This school went to early hours of 7:30am-1:15pm prior to Local Schools- Local Decisions. It was done via an accommodating, and consultative approach involving the whole community. A series of forum were held with parents, surveys were conducted, and a series of consultations were done with staff. Due to the local demographic having a number of single parents or extended families this model was overwhelmingly endorsed.

There were families it did not work for, however, the school worked with its neighbouring schools to allow for flexibility for "out of area" (out of catchment) transfers to occur.

The flexibility clause in the award allowed school administration staff to cover the entire day, and remain at school after the closing time to have uninterrupted conduct of work.

Teachers were not required to undertake playground supervision so it gave them more time for class preparation.

Local services were required to adjust to accommodate. This includes:

Changes to the Drop Off, Pick Up times.

Use of nearby Guilford BASC/OOSH to support families who could not make pick up time

Transport Services had to be amended to support children attending BASC/OOSH

Liaison with local truant controls including the Department, Council and Police had to be conducted prior to implementation.

A similar model was trialled in Moree but it did not work for different reasons.

Key Lessons from the example:

- The community wanted it.
- Extensive Consultation was conducted with school community and staff
- It fitted with the demographic of the area
- Staff needs were accommodated through the consultative process
- Rigid Transport Services need to operate
- A collective approach needs to be adopted regarding "out of area" enrolments and also with regard to after school care
- Flexibility can be provided to some teaching staff and administration but it can be limited for School Learning and Support Staff

Currently with Local Schools Local Decisions there is hesitancy that these models will be imposed without the necessary consultation or flexibility for staff or students.

Recommendations

- That the trial be conducted on the basis of opt in by school communities, rather than a set number of trials be imposed from the Department.
- That a proper tripartite consultative process is required prior to implementation of varied hours with student community, workers (and their representatives) and school representatives.
- That adequate flexibility is accommodated to ensure that staff can continue to manage their own requirements outside of work.
- That a whole of government approach is taken to ensure they neighbouring schools are available and that adequate transport is available to ensure students can access BASC and transport home when there are staggered finishing times in an area.
- That the NSW government invest in government run before and after school care, and transport to BASC “hubs” where smaller schools can’t support a BASC.

Insecure Work

Insecure work creates difficulties for workers to save, plan and secure their future, as well as seek an ongoing career progression. Insecure work has less prominence in our occupations and industries of coverage. However, where it is prevalent is in areas where women remain the majority of the workforce. Examples of where this is the case include:

- School Support Staff which include administration and school learning support officers. School Learning Support Officers are more than 60% employed as long-term temporary employees, with many employed for over a decade in temporary employment arrangements.
- Housing Contact Officers who also remain on repeating temporary term contracts
- Family and Community Services (Case Workers – Child Protection and OOHC) have a number of women workers employed on temporary contracts due to their visa status mostly being UK citizens.
- Visitor Service Agencies have a considerable number of women casual employees due to part funding through budget and self-raised funds, as well as limitations from Treasury as to the number of permanent establishment that can be created per Agency.
- MOPS (Members of Parliament staff) are not only temporary but are prohibited the same access to jurisdictions to ensure their employment is fair and safe. This is also a category of employment dominated by women.
- Sectors reliant on government funding to maintain former public services such as disabilities, have a large proportion of long term casual employees.

Conversion from casual and temporary employment is a technical difficulty due to the government employment legislation in the public sector, as opposed to similar conversion provisions available in the federal jurisdiction.

The Association has seen a number of examples whereby being in insecure work has preventing women from being able to access their basic human and working rights. This relates to discrimination, harassment and bullying as well as accessing the same workplace industrial rights as others enjoy. For instance, examples where ongoing temporary employees who have less rights to dispute their employment conditions, have had their employer attempt to have the employee “laid off” during maternity leave, and to be re-employed when they return, in breach of legislation and the Award.

Recommendations

- For the NSW Government to review and improve GSE provisions for ongoing temporary and casual employee’s conversion to permanency in NSW Government including the jurisdictional power provided to an independent body such as the Industrial Relation Commission to ensure that the conversion should take place.
- In examples where the government still funds services that they have transferred to private organisations such as the disability sector, they should require as a condition of transfer to maintain a significant proportion of employees as permanent employees.

Sexual Harassment

Australia now lags behind other countries in preventing and responding to sexual harassment. The Sex Discrimination Commissioner, Kate Jenkins, said in a landmark report *Respect at Work*, that the current legal and regulatory system is simply no longer fit for purpose. This report followed the National Inquiry into Sexual Harassment in Australian Workplaces. She proposed a new model that is “evidence-based, victim-focused and framed through a gender and intersectional lens. It is also based on existing legal frameworks to never report it. They fear the impact that complaining will have on their reputation, career prospects and relationships within their community or industry”.

The NSW Government’s People Matter Employee Survey stated that 4% of respondents experienced sexual harassment in the government sector in the preceding 12 months. This is the equivalent of over 16000 people.

As our What Women Want survey respondents told us, a complaints-based system where people do not feel supported fails.

Development guidelines on sexual harassment

Those we surveyed in our What Women Want Survey have a clear grasp of the problem. Almost 7% of those surveyed have experienced sexual harassment in the past 12 months. Consistent with the national data, of those that had experienced sexual harassment, almost 77% did not report it. Over 52% of those who did receive a response were unhappy with it.

A majority (62.15%) of workers surveyed are aware of the sexual harassment policies and procedures in their workplace. However, only 21.94% think complaints are dealt with quickly and appropriately by management, almost 60% don’t.

A number of issues as reported in the What Women Want Report include:

- Nothing being done
- Moving the alleged perpetrator elsewhere
- Not reporting because nothing would be done anyway
- Not being believed
- Being Belittled
- Fear of or actual reprisal
- Waiting long periods for inquiries to occur
- Poorly run investigations
- Asked to keep quiet

The PSA has worked with our Women’s Council to develop a comprehensive sexual harassment charter that supports women at work and ensures appropriate processes are followed. This is contained at appendix 2.

Recommendations

- The NSW Government adopt the Public Service Association’s sexual harassment charter
- The NSW Government adopt the *Respect at Work* Report recommendations

Workplace Bullying

Just over 43% of members have experienced bullying in the workplace in the 12 months before the What Women Want Survey. The majority (54.76%) of survey respondents did not report it. Of those that did, almost 62% were not satisfied with the response. Less than 10% (9.19%) were happy with the response they received.

Almost 55% of members are aware of bullying and harassment policies and procedures in their workplace, but only 16.53% think complaints are dealt with quickly and appropriately by management. Over 20% of survey respondents don't know if management places importance on eliminating bullying and harassment.

Just over 8% of those we surveyed feel unsafe or not safe at all at work. Their concerns are from all parts of their work – citizens and clients, unsafe work practices, bullying, harassment and sexual harassment, and management action.

Around 14% of workers in the NSW public sector reported to the employer they had experienced bullying according to the People Matter Survey.

Micromanagement featured heavily as a concern. One respondent said, "When my manager is in a bad mood, they go looking for things to criticise. It could be as simple as a dash saved in a document instead of an underscore. I spend my days waiting to be counselled for a mistake. Over 20 years of awards and good work reports and now I work in fear of making a typo".

Respondents reported they feared the repercussions of reporting bullying, with one calling it "professional suicide". Another said they didn't report because if they had, they would be overlooked for promotion or future opportunities in training and professional development.

36.21% of respondents said bullying or harassment makes them feel insecure at work, and this was very clear from the responses our respondents gave us that they do not feel safe and secure in their workplaces when it comes to bullying and harassment. One said, "My line manager didn't encourage me to report it and said it was normal when I brought it up."

"I am scared of the ramifications" was a common theme in response to this question. Respondents said they were fearful of being yelled at, they were made fun of in group settings for raising issues, and that they "had seen the results and consequences of reporting bullying." Another wrote: "History has proven that those who report it quickly lose their job"

Another common theme, was that there was a lack of support from human resources within the organisation, with respondent saying they were told that nothing much could be done, either because that person was their superior or it was "he said, she said" or "they thought he was a nice bloke."

Respondents were not impressed with how their concerns and complaints were handled if they made them. Several reported waiting more than six months to hear back about where their matter had progressed to. One said they were still waiting four years later.

No respondent said the process was handled well, with references to a lack of confidentiality, a lack of timeliness, and in some cases, not even an acknowledgement a complaint had been made.

One said, "The process is more traumatic than the harassment."

Several respondents identified gendered aspects to the treatment they received, including being dismissed in loaded terms like "you're too sensitive".

Respondents said:

“You just have to put up with it. It is a male-dominated workplace and women are treated very poorly.”

“The manager bullies female staff, senior management and HR do nothing. One woman moved to another location and another resigned due to the bullying. I am currently seeking counselling due to depression and anxiety from being bullied and intimidated by a male manager.”

“[I experience bullying] from men in senior rank who are uncomfortable with my success and comment on my work in a way (passive aggressive, belittling) they never would of another man. They also think I'm younger than I am [and comment on my age].”

One woman said, *“I was the only woman in a male-dominated project and my input was often ignored, then championed when later offered up by a male member of the team (who got the credit for thinking of it).”*

Respondents identified negative attitudes and behaviour towards those who use their sick leave – which as we know women are more likely to do, to provide care to others.

One survey respondent said, *“There is a negative intimidating attitude from [employer] to people using sick leave-to the point where people come to work sick to avoid confrontation”.*

The above commentary illustrates just a sample of the types of experiences of women in the workplace as a cohort. These experiences outside of work or in a family scenarios are not tolerated, but the sector seems unable to deal with these behaviours effectively, exacerbating the risk for women at work.

Recommendations

- The same old grievance complaints process needs to be replaced with an independent health and safety approach, that supports victims of workplace bullying, addresses the behaviours promptly, and improves systems and education to prevent future occurrence.

Mental Health and Resilience

Women's participation in work requires safety at work and at home. The PSA's What Women Want survey said that Mental health resilience was the third biggest issue of concern for the membership.

The PSA has been advocating for the combatting of many of the hazards that affect working women in our sector. Despite this the People Matter Employee Survey saw a reduction in the response rate to the question "I can keep my work stress at an acceptable level" down 1% to 61%, and the sense of wellbeing reduced 2% to 63% (People Matter Employee Survey 2021). The hazards are many across the sector, but continual downsizing and doing more with less has seen the sector leading all industry in poor mental health results. Employees with a diagnosed mental health issue increase from 8.7% to 9.4% from 2020 to 2021 (State of the Public Sector Report 2021)

There are at best piecemeal attempts to manage mental health across the sector made more difficult due to the current pandemic. Despite being named as a target area in the Government WHS Strategy, there has been minimal continued work across the sector and in agencies to focus on mental health and resilience. There is no overall mental health strategy or plan for the sector, and the absence of a plan has seen mental health workers' compensation claims increase in number and duration. The problem is more than financial, with many injured workers experiencing psychological injuries suffering significant personal cost and career ending injuries. The Treasury Managed Fund (the government workers' compensation insurer) cost alone is estimated to cost between a recorded outcome of \$143,000 (2021 GIPA SIRA) to a projected outcome \$199,000 (2021 GIPA Icare) for Gross Incurred Cost on average for each psychological claims under the Treasury Managed Fund. This equates to the equivalent of injured workers not participating in work for more than 40 weeks if injured at work for mental health reasons and many months, if not years before they can fully participate in work fully.

Recommendations

- Every Public Sector Agency is required to consult and implement a mental health strategy.
- Every Public Sector Agency is to review their work utilising the SafeWork Code of Practice: Managing psychosocial hazards at work
- Every Public Sector Agency is funded to develop and implement programs to reduce the incidence of mental health distress and injury.

Participation of Women with a Disability

5.17% of those who completed the PSA What Women Want survey identify as a person with disability. Around 18% of the population have a disability.

The NSW public service in particular has a very poor record on employing people with disability. The number of workers with disability employed by Australia's largest employer, our NSW public service, has declined steadily for more than a decade. While in 2019 it 'levelled out' at 2.5%, this is well below even the low 'Premier's Priority' target of 5.6%^[i].

Working-age people with disability have a much lower labour force participation rate than working age people without disability (53% and 83% respectively)^[ii]. Measures of job quality are lower for workers with disability^[iii]. More than one million working-age people with disability participate in the workforce^[iv].

Disability is a gendered issue. The International Labour Organisation (ILO) reports that women are at increased risk of becoming disabled during their lifetimes due to neglect in healthcare, poor workforce conditions, and gender-based violence^[v]. Disabled women are at greater risk of poverty than men with disability^[vi]. Women and girls with disability are three times more likely to experience gender-based violence than non-disabled women^[vii].

It is well known that women and girls with disability have a reduced ability to participate fully in economic, social and political developments, and to make decisions concerning their circumstances and conditions^[viii]. Workers with disability have measurably lower job quality^[ix], and the overall unemployment rate for disabled workers is twice than of non-disabled workers^[x].

Like with many things, the COVID-19 pandemic represents an opportunity for employers in our sector to innovate in ways that foster greater inclusion and diversity. The Australian workforce has a sadly lengthy history with employer negative attitudes towards people with disability^[xi]. One human rights study defined the problem as: "employers seemed unable to consider an employee with disability" and only 25% of those surveyed expressed themselves as willing to hire a worker with a disability^[xii].

One survey respondent told us of their experience as a worker with disability:

"I fear being unsupported to access flexible working arrangements or reduce to part time hours because of health issues, that when I gave some information that I was having some health issues related to my back, rather than offering support my employer wanted me to fill out WHS (work health and safety) paperwork and spoke about that if this was something that was to affect me long term then they would not be able to accommodate me at work – despite at the time of discussion never having taken time off for my health issues or affected my quality of work."

Women are more likely to be carers for others with disability, too^[xiii].

All of this points to why survey respondents seem more likely to tell their union they are disabled than their employer – workers know exactly how their employers view workers with disability and what that might mean for their jobs and careers. The NSW Government has identified this under-reporting as a problem for many years^[xiv], but does not yet seem to have addressed it. The 2019 State of the Sector report states: *"The sector will need to create inclusive workplaces where employees feel safe and supported to disclose their disability"*^[xv].

It is clear at the moment this is not the case. As the NSW Government reported, *"The 2019 People Matter survey revealed an existing area of concern: of the people who said they needed an adjustment at work, around 36% said*

that the adjustment was either unsatisfactory or incomplete^[xvii]. This would be a fruitful starting place for women (and all workers) with disability.

For many of our workplaces, the reasonable accommodation of work at home, where appropriate, cannot now be held up as the barrier it once was. This too will recognise gains for employers in increased productivity, reduced rents and utility and travel costs. This should be a gender equity employment priority for our employers with safeguards to prevent the negative consequences of working at home such as isolation and possible sweating of the public service.

Flexible work is also a key disability accessibility issue, and the proper implementation of the 'if not why not' framework would no doubt go some way to addressing the poor numbers of disabled workers employed in our industry, particularly by NSW Government. One worker said, "I have been denied work from home days which would have allowed me to maintain my chronic back condition without having to take sick leave" – a good explanation of why workers are reluctant to disclose to their employer and why disabled worker employment is low and dropping.

Not all our work allows all types of flexibility – but our survey has made it clear our employers can do much better.

For the union, medical retirement due to inability to accommodate reasonable adjustments permanent disabilities is one of the leading causes of termination.

Recommendations

That the Public Sector implement an independent body that can mediate and resolve disputes about access to reasonable adjustment and workplace flexibility for people with disabilities.

Parental Leave

The Association would like to acknowledge the role of the NSW Government in being at the forefront of paid parental leave in the 1970s and 1980s. Paid parental leave enables mostly women to still participate in the economy independently whilst taking breaks from employment to facilitate child rearing. Paid parental leave has also proven to maintain connection between women and work, and lead to greater rates of return after the period of parental leave and hence direct economic participation in the labour force.

The original 9 weeks available was extended in the 2000s as part of the public sector salaries negotiations to 14 weeks for the primary carer and 1 week paid leave for other partner. After a decade of advocacy, the Association got agreement from the NSW Government to extend paid component to the other parent who takes on the role of primary carer during the first 12 months as per the Public Service Determination 2021-03 Paid Parental Leave.

There is a right to request part time work after 12 months of parental leave up to school age. However, this right is often negated with refusal on the basis of the effect on the workplace or the Department's business, which is often interpreted in quite narrow definitions.

Whilst these improvements have been welcome, the public sector has now fallen behind in the quantum of paid maternity leave available, with similar comparisons.

- Federal APS Between 14 and 26 weeks
- Victoria Latest Agreement changed from 14 to 16 weeks
- Universities under CPSU coverage- up to 52 weeks paid leave
- UNICEF and World Health Organisation recommend 26 to 52 weeks' leave based on the significant health benefits of breastfeeding for both mother and child.
- The OECD average is now 53 weeks paid parental leave with a combination of employer and government social security funding arrangements.

Recommendations

- That the NSW Government raise paid parental leave to 26 weeks.
- That the refusal of the right to request part time work be enabled to be reviewed and arbitrated by an independent review process

Unfinished Business – Foster Care (Out of Home Care)

The Association successfully got agreement with the government for access to unpaid parental leave for workers taking on the role of permanent foster parents through the Public Sector Determination 2018-01 Leave for Employees engaged in Altruistic Surrogacy and Permanent Out of Home Care Arrangements. There are approximately 16,500 children in out of home care every year (Australian Government, Australian Institute of Family Studies).

There is currently stability of the placement in care is a key performance indicator or benchmark for child protection services, so public servants make good candidates for taking on this role.

However, as the case study below accredited to an anonymous member demonstrates, the burden is high on workers (majority are women) undertaking the foster care role. Many struggle to maintain full-time employment, and many burn up or utilise significant leave to attend to the many and ongoing appointments, programs and assessments that the foster child is required to attend.

Case Study Support for foster carers in public service

- Most states and territories, including NSW struggle to recruit enough carers to cope with demand (Source: <https://aifs.gov.au/cfca/publications/children-care>). Overall, OOHC providers report insufficient foster care families to care for children in OOHC
- Several types of foster care arrangements exist including:
 - Emergency/short term care – can be up to two years, often with minimal notice
 - Long term/permanent care – with the intention of permanency with or without adoption (note adoption usually occurs well after the child has been placed with the family, sometimes years later)
 - Respite care – often involving weekend arrangements to provide respite to parents or long term/permanent carers and critical to sustaining placements
- There is a range of barriers to people becoming foster carers, including difficulty balancing caring requirements with employment and financial barriers
- The NSW Public Sector employs over 400,000 people and could potentially address shortfalls in foster carers within NSW.
- Emergency/short term carers are likely to need to take some leave with little notice and this is difficult for all employees and requires workplace flexibility
- Long term/permanent carers are expected, and often required, to take a few months and up to 12 months to provide care. This is necessary for immediate care of the child, when the child does not have childcare arrangements, and to assist with settling in
- Respite carers may not be required to take any leave to participate in caring arrangements as this usually occurs on a weekend. However, carers who do this regularly would benefit from being able to access occasional leave days to prevent burnout.
- Currently there are no specific leave entitlements that support foster carers to take necessary leave or to support them to care. This includes existing parental leave arrangements which specify leave can only be taken for those who are giving birth or adopting. For children in OOHC adoption usually happens at a late stage and not at commencement of placement when leave is required.

Opportunities to support public sector employees to be foster carers:

- There are many opportunities to support carers through leave arrangements in NSW public sector awards.
- Strategies to ensure these are not 'over-used' can be readily implemented (e.g. including capping amount that can be accessed in a given period)
- Potential strategies could include:
 - Expanding paid and unpaid parental leave arrangements to include long-term and permanent foster care placements
 - Creating additional leave entitlements for emergency/short term and respite carers up to 1 or 2 weeks of leave per year

- ¹ PSA CPSU NSW Inaugural What Women Want Report 2020 <https://psa.asn.au/women/what-women-want-survey/>
- ² David Hetherington and Warwick Smith, *Not So Super, for women: Superannuation and Women's Retirement Outcomes* (Melbourne: Per Capita and the Australian Services Union, 2017 at p6
- ³ Australian Human Rights Commission *Older Women's Risk of Homelessness: Background Paper* April 2019 <https://humanrights.gov.au/our-work/age-discrimination/projects/risk-homelessness-older-women>
- ⁴ https://www.ato.gov.au/uploadedFiles/Content/SPR/downloads/covid19_early_release_of_super_report_infographic.pdf
- ⁵ PSA Domestic Violence Assistance <https://psa.asn.au/how-to-look-for-help/>
- [i] State of the sector p3
- [ii] State of the service p 66
- [i] Tuohy, Wendy, "This is laying the groundwork for some pretty serious poverty for women", *Sydney Morning Herald*, May 24 2020 <https://www.smh.com.au/lifestyle/gender/this-is-laying-the-groundwork-for-some-pretty-serious-poverty-for-women-20200522-p54vp0.html>
- [ii] Ibid.
- [iii] Commonwealth Parliament; Parliament House, Canberra, ACT, 2600; [online] www.aph.gov.au. Available at: https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2020/April/Coronavirus_response-Free_child_car
- [iv] mozo.com.au. (n.d.). *Childcare costs and Covid-19: Can you afford to pay daycare fees?* [online] Available at: <https://mozo.com.au/family-finances/childcare-costs-and-covid>
- ⁶⁶[v] www.psc.nsw.gov.au. (n.d.). *Flexible working arrangements - Public Service Commission*. [online] Available at: <https://www.psc.nsw.gov.au/employment-portal/joining/flexible-working-arrangements>
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- [iii] Ribar 2019 et al.
- [iv] Australian Institute of Health and Welfare. (n.d.). *People with disability in Australia: in brief, How many are employed?*
- [v] International Labour Organisation (n.d.). *Disability: Facts* [online] Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_421676.pdf
- [vi] Ibid.
- [vii] www.un.org. (n.d.). *Women with Disabilities Fact Sheet | United Nations Enable*. [online] Available at: <https://www.un.org/development/desa/disabilities/resources/women-with-disabilities-fact-sheet.html>
- [viii] Women With Disabilities Australia (WWDA). (n.d.). [online] Available at: https://www.pc.gov.au/data/assets/pdf_file/0014/230900/sub016-disability-agreement.pdf p 8
- [ix] Ribar, (2019) et al.
- [x] Australian Institute of Health and Welfare. (n.d.). *People with disability in Australia: in brief, How many are employed?*
- [xi] humanrights.gov.au. (n.d.). *The Rights of People with Disabilities: Areas of Need for Increased Protection: Chapter 2: Employment | Australian Human Rights Commission*. [online] Available at: <https://humanrights.gov.au/our-work/rights-people-disabilities-areas-need-increased-protection-chapter-2-employment#barriers>
- [xii] Ibid.
- [xiii] Female carers. (n.d.). [online] Available at: <https://www.carersnsw.org.au/Assets/Files/Female%20Carers.pdf>
- [xiv] www.psc.nsw.gov.au. (n.d.). *Disability - Public Service Commission*. [online] Available at: <https://www.psc.nsw.gov.au/reports---data/state-of-the-nsw-public-sector/previous-editions/state-of-the-sector-2014/chapter-1--workforce-capability-and-diversity/disability>
- [xv] www.psc.nsw.gov.au. (n.d.). *State of the NSW Public Sector Report*.
- [xvi] Ibid.

APPENDIX 1

PSA CPSU NSW WOMEN



YEARS STRONG

INAUGURAL WHAT WOMEN WANT REPORT 2020





We would like to acknowledge the traditional owners of all the Nations that PSA/CPSUNSW members work on, acknowledge the Gadigal people of the Eora Nation on whose land this document was printed on, and pay our respects to elders past present and emerging.

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Foreword

I am privileged to be the General Secretary who launches the inaugural PSA/CPSU NSW *What Women Want* survey. This is the first large-scale survey of women in our industry in NSW, and I am proud our union continues to find new ways to ensure the security and advancement of women in our workplaces.

Our members in NSW Government work for the largest employer in the country and make up over 80% of our membership. The remainder of our growing membership work in critical tertiary education, disability, utility and community workplaces, ensuring we are safe, educated, and cared for with dignity. We represent a workforce that ensures our community flourishes, and with the majority of our members being women, our union is well placed to lead our sector as we face the challenges of the future.

Whether it be a pandemic, bushfires, floods, or the work we do every day to serve the people of NSW, the women of our union, led by our Women's Council, are at the forefront of our plans. As we grow as a union and a sector, we can be proud that *What Women Want* will guide our way – together.

Stewart Little
General Secretary



A message from our President

As the union's President, I am proud to be a member of our Women's Council. In 2019, we passed a motion recommending to our Central Council that we undertake our first *What Women Want* survey.

This is a fitting way to commemorate the 90th anniversary of the union's Women's Council and honour the pioneering women who went before us.

I would like to thank Melissa Donnelly, now the National Secretary of our federal counterpart union, the CPSU (PSU Group), who addressed our conference in 2019 on their *What Women Want* report and how it helps that union.

COVID-19 has meant that we have adapted and changed how we do business. But one thing never changes: we work together, in the best interests of our women members and our union as a whole.

I commend the *What Women Want* report to you.

Kylie McKelvie
President



A message from our Chair

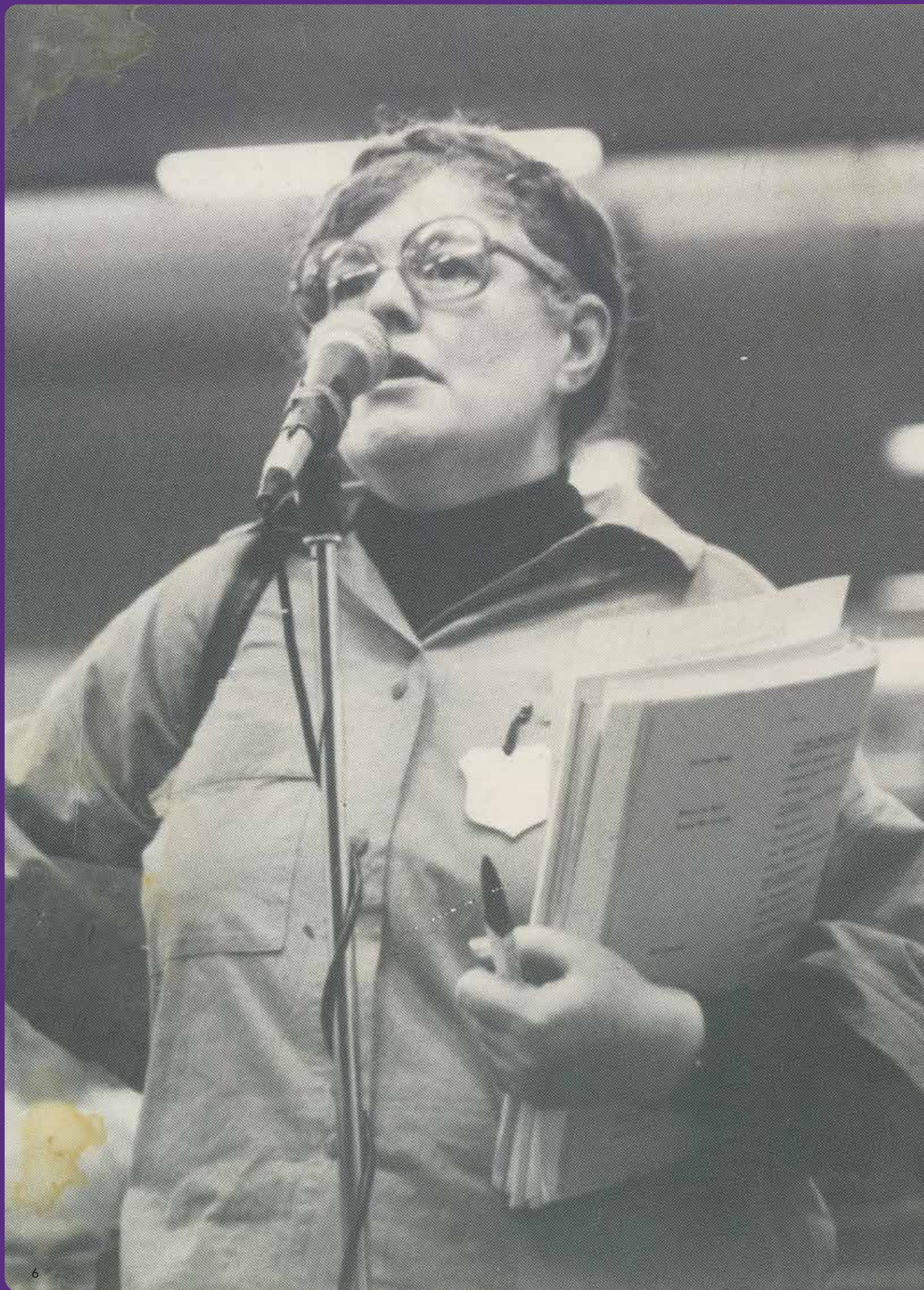
It gives me great pleasure to be the Chair of the Women's Council that releases the first *What Women Want* report.

This report showcases the breadth of work our members do every day and the extraordinary pride we take in looking after the people of NSW. It shows us how well informed our growing membership is, and how ready we all are to unite to change the parts of our workplaces that leave women behind. I have the same confidence we can take on the big challenges that still remain for women in Federal and State laws and policies too.

I want to thank all the women who participated in this survey and shared their insights with us. These insights, both before and after the beginning of the COVID-19 pandemic, show us the way forward.

I would like to thank the Women's Council for their support and work in the survey. I look forward to continuing our work – together.

Trish O'Brien
Chair, Women's Council



WHAT WOMEN WANT REPORT 2020

KEY FINDINGS

Women want greater flexibility in their workplaces, to better manage their care and other responsibilities.

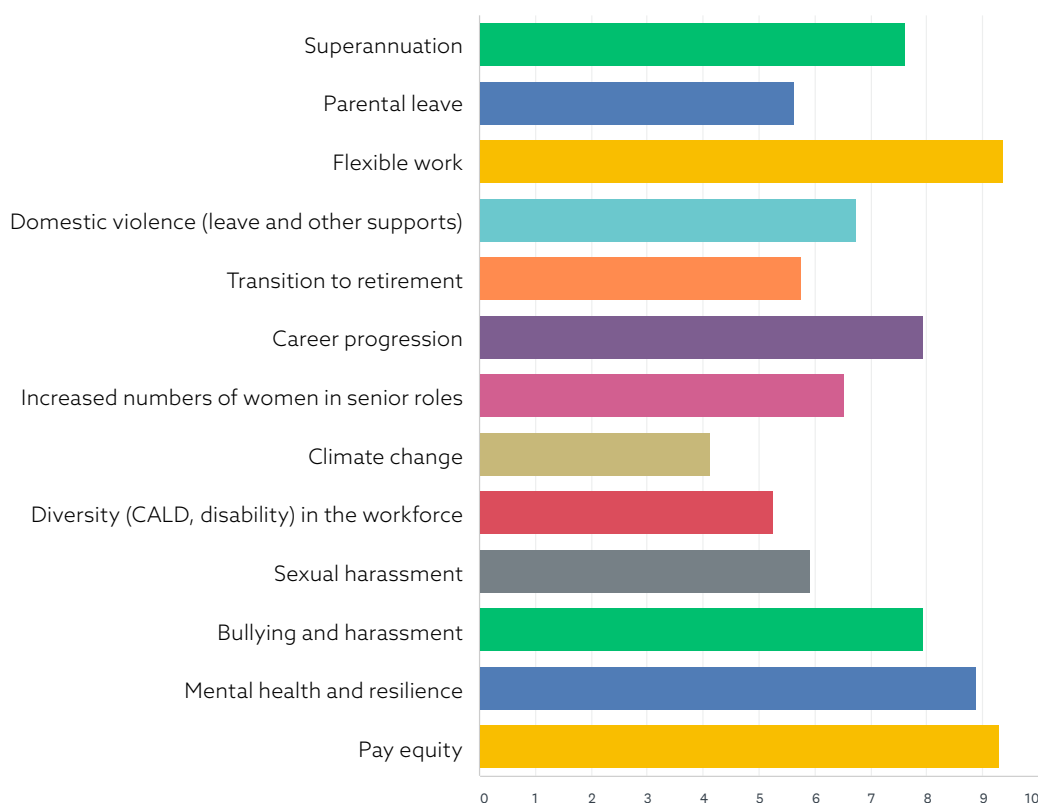
We want pay equity so we are paid fairly, and in a way that gives us dignity at work and in our retirements.

We know we deserve career progression and to have workplaces that are safe, free from bullying, harassment and sexual harassment. We want our employers to support us to have good mental health and reduces risks of every kind in our workplaces.

The top six issues for members were:

- Flexible work
- Pay equity
- Mental health and resilience
- Career progression
- Bullying and harassment
- Superannuation

In the next 12 months, what are the key issues your union should focus on for women?



INTRODUCTION

WHY WHAT WOMEN WANT?

PSA/CPSU NSW has always been a union by, of, and for women. Our Women's Council was founded 90 years ago this year by trailblazer Jean Arnot, whose name graces our library and research resources today. In its 90th year, our elected women leaders continue to set agendas and lead the union movement and their workplaces towards fairness and a better deal for working people.

As a union that represents an industry dominated by women, we know that our women members deserve control in their workplaces and a union that represents their interests to achieve that. Women workers face different challenges to

male counterparts. The burden of unpaid care and domestic work mainly falls to us. We are paid less for the same work, and promoted less often. Both of these mean we retire without adequate savings because our careers are interrupted and underpaid.

Our workplaces are not always safe for us and we face discrimination. There are things about our workplaces we want to change.

PSA/CPSU NSW conducted this survey both before the COVID-19 pandemic lockdowns and during the early stages of the pandemic. These changing times are creating a new normal of uncertainty as employers, out of necessity, enforce flexible work practices such as work at home that previously, we had to fight to access.

We tell some of these stories in our report.

While we have won access for some of our members it remains only an aspiration for many. But even where it is still in place it is a flexibility that can be taken away, and in many cases has been combined with additional home responsibility such as home schooling. Not all employers have faced COVID-19 well in those workplaces where workers have no option to work at home, and our members have done incredible work keeping our communities safe despite this.

Job security loomed large for women in our industry before the pandemic, and our survey shows it began to feature more heavily as the full impact on the economy began to show. Women understand our work is not always seen as important the way men's work is and they told us they understand just how much could go wrong for women as we face the first recession in decades.

Women also told us how they had been supported by their union to make their workplaces safe and win pay rises that resolve gender inequities. The women who generously helped us gather this data and the women in our industry know that together we can shape our workplaces, our economy and our lives to give women fairness and dignity at work and outside it. Our members and the women in our industry have the solutions, and you will find them in this report.

***Welcome to the Inaugural PSA/
CPSU NSW What Women Want.***

PSA CPSU NSW WOMEN



YEARS STRONG



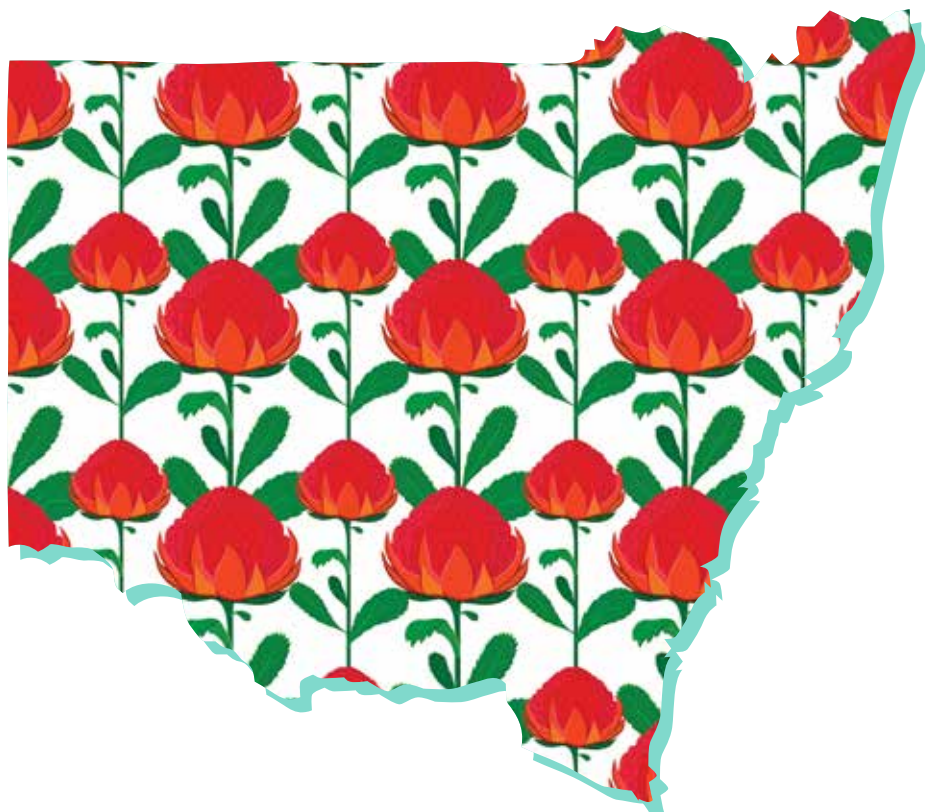
WHO WE ARE

WHERE WE WORK

Our respondents come from across all areas of the public sector. The largest groups were from the Department of Education (34.4%) and the Department of Communities and Justice (30.77%), which corresponds to the high number of PSA/CPSU NSW members in those areas. The third and fourth highest respondent groups were from the Department of Planning, Industry and Environment (8.63%) and the Department of Customer Service (6.24%), with all other areas accounting for 5% or less of survey participants.

OUR LENGTH OF SERVICE

The majority of those who responded to our survey are long-serving public sector workers – more than 50% (52.98%) have been with their current employer for 10 years or more. The most common period of service is 10-20 years (30.96%), followed by 22.04% who have worked in their current workplace for more than 20 years. 18.1% have been at their workplace for 5-10 years, 18.08% for 2-5 years



and 10.84% for 2 years or less.

Those who responded to our survey are a little older than the average Australian – most commonly in the age brackets above the median age in Australia (37.9 years), with 73.02% of those who responded over the age of 45. The largest cohort was aged 45-54 (33.35%), 31.01% aged 55-64, while

4.33% were 65 or older. 17.72% respondents were aged 35-44, while 11.07% were under 35.

Our industry is ageing. Compared to the NSW workforce as a whole, the public sector has lower proportions of employees in younger age groups and a higher median age of 45 years, compared to 40 for the general workforce¹. Our survey reflects our industry with the survey responses correlating closely with the Public Service Commission Workforce Profile data.

Whilst the long tenure is a positive feature of public sector employment opportunities to recruit younger people into the sector should be explored to prevent a possible brain drain in the near future with the older workforce.



OUR HOURS OF WORK

A large majority are in ongoing employment (84.73%). 86.16% are employed full-time, while 13.84% are employed part-time. This may reflect the national workforce trend, where women's full-time employment growth outpaces men's full-time employment growth². Of those who work part-time, the most common hour range is between 10-24 hours per week (46.42%), closely followed by 24-35 hours (42.59%). Concerningly, 7.78% of those surveyed said they are in part-time work but work more than the full-time rate of 35 hours per week, given the increasing international evidence that over-employment worsens worker mental health³. This may be indicative of high workloads, multiple part-time employment roles, or significant overtime (paid and unpaid).



WHAT WE EARN

Members are relatively well-paid, with a significant cohort (40.93%) earning the national average wage (\$89,428.854) or above. 22.19% of these survey respondents earn \$100,000 or higher. 24.02% earn between \$60,000-\$79,000, while 21.76% earn between \$40,000-\$59,000. Less than 10 per cent of members earn below the minimum wage (\$39,332)⁵.

WE ARE UNLIKELY TO TELL OUR EMPLOYERS WE ARE DISABLED WORKERS

5.17% of those who completed the survey identify as a person with disability. Given that 4 million Australians, or around 18% of the population, have a disability, this percentage is well below what we could expect on a population-average level.

However, the NSW public service in particular has a very poor record on employing people with disability. The number of workers with disability employed by Australia's largest employer, our public service, has declined steadily for over a decade. While in 2019 it 'levelled out' at 2.5%, this is well below even the low 'Premier's Priority' target of 5.6%⁶.

Working-age people with disability have a much lower labour force participation rate than working age people without disability (53% and 83% respectively)⁷. Measures of job quality are lower for workers with disability⁸. More than one million working-age people with disability participate in the workforce, but more needs to be done – particularly given employment is not only linked to income and economic security, but to wellbeing⁹.

Disability is a gendered issue. The International Labour Organisation (ILO) reports that women are at increased risk of becoming disabled during their lifetimes due to neglect in healthcare, poor workforce conditions, and gender-based violence¹⁰. Disabled women are at greater risk of poverty than men with disability¹¹. Women and girls with disability are three times more likely to experience gender-based violence than non-disabled women¹².

It is well known that women and girls with disability have a reduced ability to participate fully in economic, social and political developments, and to make

decisions concerning their circumstances and conditions¹³. Workers with disability have measurably lower job quality¹⁴, and the overall unemployment rate for disabled workers is twice that of non-disabled workers¹⁵.

Like with many things, the COVID-19 pandemic represents an opportunity for employers in our sector to innovate in ways that foster greater inclusion and diversity. The Australian workforce has a sadly lengthy history with employer negative attitudes towards people with disability¹⁶. One human rights study defined the problem as: "employers seemed unable to consider an employee with disability" and only 25% of those surveyed expressed themselves as willing to hire a worker with a disability¹⁷.

One survey respondent told us of their experience as a worker with disability:

"I fear being unsupported to access flexible working arrangements or reduce to part-time hours because of health issues, that when I gave some information that I was having some health issues related to my back, rather than offering support my employer wanted me to fill out WHS (work health and safety) paperwork and spoke about that if this was something that was to affect me long-term then they would not be able to accommodate me at work – despite at the time of discussion never having taken time off for my health issues or affected my quality of work."

Women are more likely to be carers for others with disability, too¹⁸.

All of this points to why survey respondents seem more likely to tell their union they are disabled than their employer – workers know exactly how their employers view workers with disability and what that might mean for their jobs and

careers. The NSW Government has identified this under-reporting as a problem for many years¹⁹, but does not yet seem to have addressed it. The 2019 State of the Sector report states: *"The sector will need to create inclusive workplaces where employees feel safe and supported to disclose their disability"*²⁰.

It is clear at the moment this is not the case. As the NSW Government reported, *"the 2019 People Matter survey revealed an existing area of concern: of the people who said they needed an adjustment at work, around 36% said that the adjustment was either unsatisfactory or incomplete"*²¹. This would be a fruitful starting place for women (and all workers) with disability.

For many of our workplaces, the reasonable accommodation of work at home, where appropriate, cannot now be held up as the barrier it once was. This too will recognise gains for employers in increased productivity, reduced rents and utility and travel costs. This should be a gender equity employment priority for our employers with safeguards to prevent the negative consequences of working at home such as isolation and possible sweating of the public service.





OUR EDUCATION AND QUALIFICATIONS

There was a wide range of levels of educational qualifications among those who completed our survey.

Higher levels of educational attainment tend to be associated with increased likelihood of being employed, being in good health, and life satisfaction²². In the past two decades, the share of the Australian population that hold a bachelor degree or above has more than tripled, reaching 28.2%²³. There has been a 46% increase in the proportion of Australians with postgraduate qualifications in the past five years. More than 80 per cent of those with non-school qualifications aged 20 to 64 are employed, compared with 63% of those who do not have such qualifications²⁴.

Women represent more than half of enrolments in higher education and complete their higher education at higher rates than men²⁵.

Higher education is more common for those living in metropolitan

areas. Almost half those with qualifications in capital cities held a bachelor degree or above, while only 30% of those outside capital cities had the same²⁶. While there was an increase between 1996 and 2006 in the proportion of people with a non-school qualification across all geographic regions, the gains were greatest in major cities (from 44% in 1996 to 57% in 2006) and smallest in very remote areas (from 30% in 1996 to 36% in 2006). In 2006, the proportion of people with a non-school qualification declined with increasing levels of remoteness²⁷.

Of those who completed the survey, 15.42% have a Year 12 Certificate or below. The most common qualifications are Certificate III or IV (24%), Bachelor degree (20.69%), and Advanced Diploma/Diploma (16.71%). 17.66% have a post-graduate qualification.

Our survey makes it clear that our employers should be providing better support for those women in

our industry who want to take on more training and qualifications – particularly those in regional areas. At a time when governments are slashing the budgets of our tertiary education sector, it is more important than ever that training be supported for individual workers and as a sector. Our survey respondents had a lot to say about training in our survey.





OUR BACKGROUND

In terms of cultural background, those that completed the survey overwhelmingly identify as Anglo-Celtic at 62.31% – though this is likely much higher as many wrote ‘Australian’ in the ‘other’ category.

The second most common cultural background of members is European, with 9.39% identifying as Southern and Eastern European (for example, Greek, Italian, Polish, Russian, Spanish) and 7.67% identifying as North-West European (for example, French, German, Dutch). 6.28% of members identify as Aboriginal or Torres Strait Islander, while 3.04% identify as Oceania or Pacific Islander. 4.77% identify as from an Asian cultural background, while 1.56% identify as from an African background and 0.78% as Latin American or

Caribbean Islander.

NSW Government research found NSW public sector employees are welcoming of diversity in the workforce – understanding both the strength and benefit diversity brings to the workplace. This research also found strong support for diversity as the ‘right thing to do’, in alignment with the core values of public service²⁸. This same research identified that workers said there was a lack of top-down support for diversity and inclusion.

27.6% of the population of NSW was born overseas²⁹ but in the NSW public sector less than 20% (18.3%) of workers identify as speaking English as a second language. As your union recently highlighted in a Parliamentary submission³⁰ and evidence before a Parliamentary

inquiry³¹, ensuring our workforce reflects the diversity of NSW is critical to delivering effective services, which our members care about deeply. Ensuring good quality, secure jobs are available to everyone in NSW in our public sector is critical to gender equity.



ABORIGINAL AND TORRES STRAIT ISLANDER WOMEN

6.28% of survey respondents identified as Aboriginal or Torres Strait Islander women. 3.5% of employees in the NSW public service are Aboriginal, from a NSW working population of which 2.6%³² of people identify as Aboriginal or Torres Strait Islander.

Australia's largest employing sector is the health care and social assistance industry, and a proportion of our members are employed in workplaces across this sector. This sector of the Australian economy is the largest employer of Aboriginal and Torres Strait Islander people in the Census, rising by 22% from 21,500 in 2011 to 26,200 in 2016³³. This is particularly true for women, with health care and assistance the most common employment industry for Aboriginal and Torres Strait Islander women aged 15 to 64 years, followed by education and training (14 per cent) and public administration (11 per cent) – all PSA/CPSU NSW areas of coverage.

The NSW Government sees itself

as a leader in Aboriginal employment:

*"The NSW public sector is a national leader in Aboriginal employment, with workforce representation that exceeds representation in the NSW general population and the NSW working population. By attracting and developing Aboriginal employees, the sector can improve the services it provides, and grow social and economic participation in Aboriginal communities"*³⁴.

However, these numbers are not the full story, with Aboriginal and Torres Strait Islander women and employees not reporting positively on what working in our industry is like.

OUR FAMILY AND CARING RESPONSIBILITIES

Women are more likely³⁵ than men to have caring roles, in childcare, care for a relative, or elder care, or some combination. While there are positive aspects to caring, many of the negative impacts are more pronounced for women. In NSW, 56% of all carers and 68% of primary carers are women. Most are of working age, with the largest proportion in their middle years aged 45-64³⁶.

36.91% of those we surveyed have regular caring responsibilities for other people, such as parents, adult children, partner, other relatives or step children. This is mostly childcare, with 32.11% of those we surveyed have at least one dependent child under the age of 18. This figure fits with the fact that the majority of those surveyed (and in our industry) are in older, parent-age-range age cohorts.

Women primary carers are more likely than their male counterparts to be the parent of the person they are caring for³⁷. Women are more likely to be caring for more than one person than men, and many are 'sandwich carers', providing childcare and elder care simultaneously³⁸.

"I look after my autistic 22-year-old sibling and my 92-year-old grandparent"

Most respondents to our survey with dependents have either one (39.34%) or two (42.26%) children. 14.53% have three, 2.98% have four, and 0.89% have five or more.

22.08% are single parents and almost 58% (57.67%) of these single parents have sole custody of their child or children. Of the 35.08% who share custody, 78% have majority custody, while 18.67% share equal custody, and just 3.33% have minority custody.



"I'm a grandmother who looks after two young children three nights per week as my daughter is a single parent working three night shifts in disabilities"

For those we surveyed in parenting partnerships, 53% said that they have an equal split of caring responsibilities with their partner. However, for the 47% of members who said there is a primary carer and a secondary carer, 93% said that they considered themselves the primary carer. This is consistent with entrenched gender norms regarding the feminised nature of care work, and the social expectations that women will perform this unpaid work. Women are more likely to reduce their hours of work and limit their career progression to accommodate caring responsibilities³⁹. This unpaid care work is a key driver of workforce gender inequality⁴⁰. This survey data suggests that

whether members are single parents, co-parents, or the family member that other carer responsibilities fall to, women in our industry continue to share an overall greater, gendered caring load.

Over time, our ideas of the structure of paid work outside the home and unpaid work inside the home have changed. Overall, international policy trends demonstrate a departure from policies supporting a male breadwinner model. From the 1960s onwards, women began to enter the workforce, but without institutional support for the balancing of their unpaid care work with their paid employment. Historically, this led to a 'second shift' scenario with declining fertility⁴¹.

"I care for my disabled husband and intellectually disabled daughter"

After some institutional adaptation, policies around part-time work and job share were introduced, as was unpaid, then paid, parental leave. In countries that handled this transition well, universal childcare was provided at a low cost to facilitate this shift⁴². Australia did not make this policy choice, leaving childcare to the private sector.

For many policy makers, unions, and other advocates, the goal has been to accommodate or promote women's employment and the creation of an adult worker model for both genders, rather than a 'breadwinner/supplementary income' dynamic. This has been only partially successful, as men's roles have only marginally changed, precluding gender equality in both the labour market and the home. These changes amount to a modification of the traditional male model of work and welfare and its generalisation to women, rather than a revising of the picture of the 'ideal' worker⁴³.

To better achieve balance in who

undertakes unpaid care work, the labour market and unpaid care work of men will need to change. The policy settings to allow this will be discussed further in this report, along with the insights provided from the leave patterns of our survey respondents. International evidence suggests men's engagement in domestic work and caregiving has increased but nowhere does it match women's influx into paid employment. The timing of changes is likely to be particularly important for fertility outcomes⁴⁴, which we also dive into further with our survey data.

"I look after my partner with a significant degenerative disease and I have an adult child with a serious health condition"

National policy settings and decisions made by Federal governments have a direct impact on the work and life decisions women are able to make when it comes to hours of work and unpaid care responsibilities. Childcare, aged care and disability services funding are Federal government

responsibilities and directly impact the entry of women into, and progression through, the workforce.

"I take my mum shopping for groceries and take her out as she is 83 and a stroke survivor"

A universal childcare policy is likely to be a precondition for gender equality by reducing the total amount of care done by families in an unpaid home setting and favouring a more gender-equal sharing of care and wage work⁴⁵. As the COVID-19 pandemic has shown, Australian governments can make universal access to free childcare a priority⁴⁶. Women's employment disproportionately suffers when childcare is expensive or difficult to obtain by disincentivising primary carers, mostly women, to work⁴⁷.

Policy settings that do not explicitly support gender equity in unpaid care work can favour the male breadwinner model. These policy choices come at a cost to government – but an even higher cost to workers, and a cost of lost productivity. As the Grattan Institute found, "while the increased support would cost the Federal Government an extra \$5 billion per year, this would be offset by an \$11 billion-a-year increase in GDP from the workforce participation boost"⁴⁸. There is a clear need for a free, national, accessible childcare system.

"My child has a chronic illness, I support them and share care of my grandchild"







OUR PARENTAL LEAVE

Nearly 16% (15.81%) of those we surveyed have taken parental leave while at their current workplace. Just under 76% (75.98%) of this leave was taken as maternity leave, 0.76% as adoption leave, and 23.26% was 'other' leave.

Just under 59% (58.66%) of members took this leave after 1 January 2011, which is when the Rudd/Gillard Governments' national paid parental leave (PPL) scheme was introduced, which paid for 18 weeks of leave at the minimum wage. It is only the leave of these members that the survey examined further, as the introduction of this scheme is considered a watershed moment in Australian parental leave policy, and current and future paid parental leave policies continue to be built within the context of this framework. While

many of our workplaces had existing parental leave provisions for workers before this scheme, it was the first in Australia to provide for universal paid parental leave. It can be taken in combination with employer-provided leave – though previous conservative governments have tried to remove some, or all, of this provision⁴⁹.

The most common period of leave taken by survey respondents was between 49 and 52 weeks (28.43%). Of those who took up to 52 weeks' leave, the average period of leave to take was between 29 and 32 weeks. 16.39% of survey respondents took more than 52 weeks' leave.

The most common period of leave paid for by the employer was 13 to 16 weeks. Of those who took up to 52 weeks' leave, the average period paid for by the employer was 17 to 20 weeks. While the *Crown*

Employees Award that covers approximately 80% of the PSA/CPSU NSW's membership entitles workers up to 14 weeks of paid maternity leave, almost 36% (35.9%) of members say they were paid 12 weeks or less of leave.

The most common form of 'other' leave taken in combination with parental leave was recreation leave (54.22%), followed closely by leave without pay (50.12%). 28.19% took extended leave, 10.84% took 'other' leave, while 1.69% took purchased leave. 17.83% did not combine any other form of leave with their parental leave.

Just under 75% (74.21%) took the Australian Government's Parental Leave Pay during their parental leave period. A majority (70.36%) of survey respondents took the full 18-week entitlement, while 3.13% took some of the 18 weeks' pay but

not all and 0.72% took some of the 18 weeks' pay and transferred the rest of the leave to their partner.

The majority (54.22%) of those we surveyed said their partner took two weeks or less of parental leave. 10.84% took three to four weeks, 3.86% took five to eight weeks, 1.45% took nine to 12 weeks and 2.89% took more than 12 weeks.

"Although we try to be as equal as possible as I am maternity leave and my husband works [in paid work outside the home] it is more like primary and secondary carers, once we are both working we intend to try for equal"

In the *Crown Employees Award*, paid parental leave is only available to women. Men cannot take time off to be the primary carer, and the drafting of the Award prevents accessing the Federal Government's Dad and Partner Pay (DAPP) scheme. The only paid leave men can access at the time of the birth of their child is two weeks, unless they use other forms of leave.

One survey respondent reported her partner had annual leave booked to take when their child was born, but he was sacked three days prior to the leave commencing. Another reported their partner used six months of long service leave to become the primary carer of their child. Only 20% of men ever take leave to become primary carers⁵⁰ and one survey respondent simply asked: "why do dads only get two weeks?"

Increasing the amount of parental leave available to men is a critical part of closing the gender equity gap. For men to take an increasing responsibility for care and domestic work, and for their labour market involvement to change, it must be easier for men to access paid caring

leave⁵¹. Policies supporting these changes include the promotion of fathers' leaves and adapting the work environment to the growing caring role of men – such as shorter working hours or more flexible time schedules. Where these are available in our workplaces, as our survey shows, women make more use of them than men⁵².

Increasing rates of women in paid employment have narrowed the gender gap in labour force participation, but gender differences persist in such areas as career breaks, occupational segregation, working hours or pay.

Research suggests that an increase in PPL and DAPP entitlements for mothers without access to employer-paid and unpaid leave entitlements, particularly those in less secure employment, may further reduce postnatal depression and improve health equity in Australia⁵³.

As well as addressing gender inequity, increasing the participation of men in care work has two other positive economic effects: increasing women's economic participation and increasing fertility.

Australia's fertility rate has been at below replacement rate for some time, and population and economic growth has been made up through immigration, rather than births⁵⁴. Subsequent Australian governments have tried policy settings to encourage fertility by providing cash bonuses⁵⁵, but fertility continues to decline, particularly in the big cities which are otherwise engines of economic growth⁵⁶.

Research has shown paid parental leave and an increase in gender equity in caring work to be one of the best ways to encourage childbearing. A reduction in men's standard working hours is associated with a sharp increase in completed fertility⁵⁷.

Research also shows the

introduction of paid parental leave sees the number of children intended increase by 0.34, a 16% increase. As fertility intentions predict fertility outcomes, these results suggest that even modest paid parental leave programs can increase the fertility of working women and so moderate the declines in fertility rates seen in many developed countries⁵⁸. Australia's net migration rate will fall into the negative as a result of COVID-19 border closures for the first time since World War Two, and fertility is expected to decline as a result of the pandemic and recession uncertainty⁵⁹.

"It should be equal but trying to iron out gender stereotypes we both grew up with is difficult!"

We are best placed to lead the way on gender equity in care work and paid parental leave. Fathers who want to be primary carers face stigmatisation, with additional penalties such as poor performance evaluations and being considered an untrustworthy worker. Fathers who request flexibility, therefore, are more likely to work in large, public-sector, female-dominated workplaces than in the private sector, as the public sector may have more liberal gendered expectations and be more likely to accommodate fathers' requests for flexibility⁶⁰.

By facilitating role compatibility and reducing the gendered costs of childrearing, policies that support gender equality lead to an increase in fertility levels and to a reduction in fertility differentials by the level of education⁶¹. As such, the case for a more generous and gender-equitable paid parental leave scheme in every workplace in the country is clear.



HOW WE MANAGE OUR RESPONSIBILITIES WITH FLEXIBLE WORK

Workplace flexibility allows workers to decide how they balance work and other commitments and should enable carers to work, or work more. Our survey respondents had a lot to say about workplace flexibility.

Women are more than twice as likely to access flexible working provisions than men⁶². Men who work flexibly are able to be more active and engaged fathers, take a greater share in unpaid work and create opportunities for women to increase their paid work. Although many Australian men want to work flexibly, they are almost twice as likely as women to have their request for flexible work declined⁶³. One survey respondent simply reported "my partner's place of work refused to allow him to take leave."

We asked what sort of access women in our industry had to flexible work provisions, and what was most important to them. By far the two flexible work arrangements most important to members are the ability to access leave when needed (81.62%) and having flexible work hours (80.05%). The ability to work from home/off site during normal work hours is also a significant issue, with 52.79% of survey respondents marking this as important.

Being able to negotiate part-time work is important to 35.92% of those we surveyed, the opportunity to job share is important to 20.70%, while having paid maternity/paternity leave is important to 17.96% of and assistance with childcare, to 9.26%.

56.39% of those we surveyed have requested access to flexible working arrangements of some kind. Of them, 87.44% had their request agreed to, suggesting that there is a workplace understanding

that women (but not men) need flexibility to facilitate caring and other unpaid responsibilities. This still means that over 12.5% of women's requests for flexible work are being refused.

Flexible work is key to women having sustainable careers in our industry. As one survey respondent said, "The ability to access flexible work arrangements (and having a manager who supports me doing so) has meant I haven't had to reduce my work time and inevitably be the one to 'sacrifice' my career."

"It [flexible work] has been invaluable to me in that I was supported to care for my child by being able to make arrangements for school pick ups. I would have no other option but to reduce hours or cease employment otherwise"

For almost 20% of those refused flexible work (19.94%), no reason for this refusal was given. For the rest,

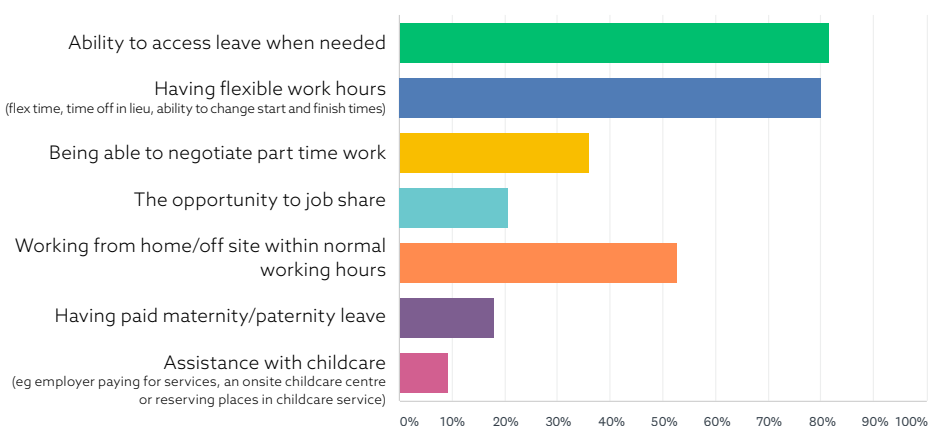
the other refusal reasons were 'operational requirements' (41.64%) and 'other' (38.42%). Some declined requests were granted after workers contacted their union. A number of survey respondents said things like:

"I've been denied every time, because 'if we allow you to work remotely it will set a precedent'. [Employer] has been dragging its feet for years regarding flexibility to either compress the work week or work remotely" and "I have never requested it only because it's been made clear this will not be accepted" and "nothing has ever been discussed around possibilities [of flexible work]."

Others said there was an expectation in their workplace that flexible or part-time work was only available for medical reasons, and that requests "for more flexible work were not well received".

Those who completed our survey were well aware of the possibilities opened up by COVID-19 and work-at-home arrangements, with many reporting they get more work done,

Which if the following flexible working arrangements are important to you?



feel more effective and find a better balance of care responsibilities, with school-aged children most often mentioned.

Survey respondents are aware that some managers often confuse work performance with work location, and that extra reporting against performance 'milestones' was a price worth paying to work at home and better manage unpaid care responsibilities and pandemic safety. As one respondent put it,

"There is a sense of distrust among management that if you are working from home that you aren't working. It's very frustrating that management focus on presenteeism over productivity, being present in the office doesn't mean your productivity or output is high".

Another said,

"I requested work from home for over three years, it was finally agreed to for one day per fortnight. It took a lot of negotiation and involvement from PSA to achieve this. Funny

how we are all working from home now during COVID-19, but took years to approve one day per fortnight."

Survey respondents often pointed to the key role of local management with some managers and supervisors being praised for their approach. Others were identified as the cause of flexible work being denied, with local 'rules' being put in place that do not comply with the 'if not, why not' ethos of the *Making Flexibility Count: Strategic Framework for the NSW Government Sector*.

A common theme was, "Typically management only supports this in theory, not when it comes to the practice. Management rarely adapts their management style to help flexible working to work well".

Another noted wryly, "I have had two different managers with to different outcomes. One was not willing to offer flexible hours, whilst the other was". There were several responses detailing such circumstances - where a change in manager meant flexibility was

suddenly available. Some respondents reported having their requests approved but being frustrated in other ways, for example not being provided with a laptop to actually allow the work to be done.

"It has improved my health because I am not having to spend time travelling, and therefore I get more sleep, and I am generally in a better mood which improves my professional interactions. I am hoping these arrangements can continue post-isolation"

Another survey respondent simply said of their managers, "they don't trust us and they can't be bothered" when describing their senior staff's attitude to non-senior staff and work at home. It is clear more work needs to be done to provide managers with the tools to properly respond to flexibility requests, and



streamlined processes for making those requests. The executive will to ensure this throughout the workplace is critical too, and will help address gender inequality. One respondent told us, "I had asked for flex leave to care for my mother for one day. Flex leave was declined as a staff meeting was on that day. I had in excess of 40 hours flex leave accrued." This is not 'if not why not'.

The most commonly used flexible work arrangement was flex leave (flex time, TOIL), with over 55% (55.38%) of those surveyed who accessed flexible working arrangements accessing this type of flexible work. Almost 10% of those surveyed have negotiated part-time work (9.7%), but less than 3% (2.64%) can access job share. Several respondents reported an 'informal job share' arrangement, which left workers with an option to return to full-time. More than 35% (35.34%) can work from home or offsite during normal working days – a figure that may change due to the pandemic. A number of respondents said their workplaces

had become more flexible due to COVID-19: that flexible work applications that had previously been rejected were now possible. One survey respondent said,

"I requested to work from home one day a week on three separate occasions and was rejected each time. I was most aggrieved given various internal communications noting we were an 'agile' workplace. I am now work from home like everyone else given COVID, but would really like to continue a regular option to do so if/when we return to normal."

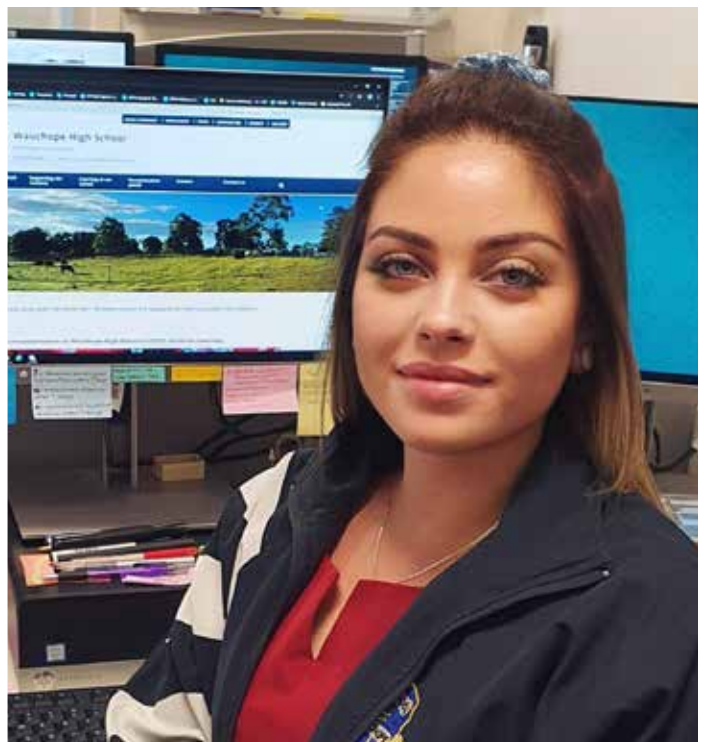
Several survey respondents highlighted local agreements where formal requests for flexible time were denied, but some requests were granted if made 'informally'. Others highlighted that managers seem more comfortable with individual leave request, rather than putting more permanent flexibility arrangements in place. One respondent said, "I have to justify it each week and I think that's ridiculous because it makes me feel guilty for

doing something the government is asking me to do [utilising flexible work], I feel like I'm working for an employer with 1950s attitudes."

25% (25.12%) of those surveyed have negotiated flexible work hours: Something we will monitor in future surveys for post-pandemic responses.

Working from home during the period of isolation for COVID has allowed me to demonstrate that my productivity is not reduced by being outside of the office, and this fits the needs of my family far better.

As almost 30% of those who completed the survey (28.95%) have not accessed flexible working arrangements, there is more work to be done to give effect to the 'if not, why not' provisions and take full advantage to deliver flexible work for workers in our industry. Given the possibilities the



pandemic has revealed, we expect to see workers, particularly women, in our industry focus more on this where their type of work permits it. As a survey respondent said,

"It is a bone of contention for many staff who would love the flexibility to balance their work against their own personalised life commitments and preferences. The [employer] policy is extremely outdated and stubbornly resistant to the expansion of flexibility arrangements despite the Whole of Government initiative spruiked in NSW⁶⁴ [the Strategic Framework]".

Flexible work is also a key disability accessibility issue, and the proper implementation of the 'if not why not' framework would no doubt go some way to addressing the poor numbers of disabled workers employed in our industry, particularly by NSW Government. One worker said, "I have been denied work from home days which would have allowed me to maintain my chronic back condition without having to take sick leave" – a good explanation of why workers are reluctant to disclose to their employer and why disabled worker employment is low and dropping.

Not all our work allows all types of flexibility – but our survey has made it clear our employers can do much better.



OUR SICK LEAVE – WE USE IT TO PROVIDE CARE FOR OTHERS

Members report to PSA/CPSU NSW they use their sick leave as carers' leave, and we wanted to test the prevalence of this among women, who shoulder more of the unpaid care burden of families. We hypothesised that women mostly use their leave to care for others. This proved correct.

Over 46% of those we surveyed have had to use their sick leave for something other than them being sick, like taking care of another person. As one respondent put it, "most of my sick leave is utilised for my children." A 2017 survey found that 90% of the time, it is women who stay home with ill children as opposed to men⁶⁵.

One respondent said, "I cannot afford to use my sick leave for myself. I only take sick leave as a last resort and work while I am sick". Another: "the only sick leave I have used is for my children. I go [to work] even when unwell as I need to keep my sick days for them".

"That is where my sick days go [caring for sick children], when my kids need me I use my sick days, otherwise how would I both work and be a single parent. It is not easy"

Survey respondents are caring for parents who have cancer, are immune compromised, for their grandchildren, or family members with disability. This care is ongoing, such as taking family members to medical appointments, and acute, such as after surgery.

Survey respondents identified that with more than one person to care for, either multiple children or a combination of elder and childcare, their sick leave does not last and they often have to take annual or other leave to look after their families, and if they fall ill.

Survey respondents did not feel supported to access this leave to provide care and this effects how they provide care to their families. One said,

"I do not always take my children to the doctors when are sick if it is not a serious issue. because I don't have a medical certificate my leave is counted as unsupported sick leave and I get letters from HR reminding me that more occurrences of unsupported sick leave could result in me having sick leave without pay."

"I cannot afford to go to a doctor if it isn't urgent and hence for me to avoid being threatened with sick leave without pay I have to go to the doctors and pay a fee just to satisfy [employer]"

Several respondents reported that because of their sick leave they were denied promotion or places in a talent pool. This impacts

women far more than men, as the primary providers of care, and restricts the access of women to more senior jobs.

Attending the workplace when sick is a workplace health and safety risk – now more than ever – but the gendered nature of care and employer inflexibility often leaves women with no other choice.



WHEN WE TAKE TIME OFF WORK TO DO UNPAID CARE AND DOMESTIC WORK – HOW DO OUR EMPLOYERS RESPOND?

Just over 28% of those we surveyed agree or somewhat agree that taking time to deal with family matters is frowned upon. However, 34.07% disagree, pointing to different experiences in different workplaces. 65% of survey respondents agree or somewhat agree that their current entitlements are sufficient to enable a balance of work and non-work commitments.

Almost 50% (48.46%) report that the male model of working extra hours or taking work home gets a worker ahead. 23% aren't sure. 40% of those surveyed agree or somewhat agree that putting work ahead of family gets you noticed for promotion, while over 27% aren't sure. Almost 31% (30.96%) of survey respondents report that their managers frown upon flexible work provisions- but over 46% somewhat disagree or disagree.

The numbers suggest those that think conforming to a male breadwinner model without care responsibilities helps women advance their careers are right. In virtually all sectors of the paid

workforce, women are underrepresented in leadership positions⁶⁶. In NSW Government, women comprise two-thirds of the workforce but only one-third of senior positions⁶⁷. Similar significant imbalances exist in higher education⁶⁸ and complexities and imbalances exist in the community sector⁶⁹.

This all suggests that while women's unpaid care duties are sometimes accommodated in the workplace through flexible work provision, women pay a career price for it. Just over 38% of those we surveyed reported that their workload is adjusted when necessary to account for family or caring responsibilities. 40% are unsure if both men and women are encouraged to make use of flexibility and caring provisions.

There is good news in that over 50% of those women surveyed felt comfortable taking the leave and flexibility they are entitled to. However, leaving aside the career price they may pay for this, the experience is not the same for men requesting access to flexibility,

which hinders gender equity in the workplace.

12.84% of the women we surveyed think they were discriminated against because of their family or caring responsibilities. Almost 28% report they aren't able to take leave when they want to.

One respondent said,

"I have just come back to work from maternity leave. I feel like I have been penalised for having a child as I did not get put in a higher position that I had been acting in for five years when it came up for someone being placed permanently in it. I was even on a talent pool for that level of position. I never had negative feedback from management in the 22 years I have worked for the same department but I now am on edge that that management are waiting for opportunity to performance manage me. I am unsure why suddenly this is the case and only thing that has changed is I had a child and my focus is not 200% on work like it used to be".

About the same numbers of respondents are satisfied, neutral or dissatisfied with their current career development opportunities (23%, 25%, 22%). Less than 5% are very satisfied, and less than 10% are happy with where they are in their career.





OUR LIVES AT HOME

Almost 50% of those we surveyed report spending between five and 14 hours per week on unpaid domestic work in the home. The Household Income and Labour Dynamics in Australia (HILDA) data suggests a very different experience for men, who have almost two hours more free per week, or 99 hours per year⁷⁰.

Over 40% of those we surveyed report they feel rushed or pressed for time 'almost always'. This likely reflects the time spent in paid work,

unpaid domestic and care work, and the mental load of managing this.

Just over 40% of those we surveyed are satisfied or very satisfied with their current life balance. Over 26% are neutral, and over 30% are dissatisfied or very dissatisfied. Future surveys, which incorporate the impact of COVID-19 changes to workplaces, the recession, and job losses being borne primarily by women will be of great interest.

TRAINING AND CAREER DEVELOPMENT

In the past 12 months, almost 30% of those we surveyed have had one or two days' training. 27% had three to five days, and 24% had less than one day.

17.5% of survey respondents have had a training request denied in the past 12 months, while almost 23% haven't applied. Of those denied training, staffing constraints were the main (32.61%) reason given for denying training. As one worker described, "I was told workload constraints was key issue – the key issue. Previously there were two people at my level in my team. The other position was cut but the work load remains."

Cost was the second most frequently given reason for denying training, along with budget pressures (26% and 21%) – meaning cost and budget pressures are the most common reason for denying training to members. As one respondent said, "I don't bother applying for external training any more, as we are always told that there is no budget. this has been the case for about the last two years or more". Another told us, "I wanted to complete a course to upskill a qualification which was 10 years old, initially my manager said there was probably no point in applying because there was no

budget available for training."

For over 21% of denials of training, managers did not give a reason. Survey respondents report occasionally they are met with hostility for asking, like one who was told, "why would I even ask. Do I think I am better than others?" and another who reported, "my Director said to me 'I don't know why people have this expectation that the organisation is going to pay for their training'.. that's because training and ongoing professional development is a policy of both the NSW government and our agency!" One respondent said she was told when she asked for training, "you're a bright girl. You'll pick it up." Concerningly, several respondents reported being denied first-aid training and refresher training they needed to do their jobs.

The State of the Sector has few mentions of training, preferring to rely on the less descriptive term 'development'. However even this report acknowledges the importance of development in creating a culture that is positive for employees and building the critical skills our industry needs⁷¹. The same report highlights the 'stark' differences in agency performance in providing staff with development plans.

The report states,

*"Consistent with previous years, the 2019 People Matter survey data show that career development is the most substantial driver of employee engagement in the sector. Just over half of employees (50.8%) were satisfied with the career development opportunities in their organisation. A similar number (52.3%) said their organisation is committed to developing its employees. Variation across agencies and little improvement from the previous year suggests that all parts of the sector have work to do in this space"*⁷².

Training and development is a key component of good quality work and in ensuring women have the skills to remain part of our industry and thrive within it.



OUR WORK AND WHAT WE LIKE ABOUT IT

By far, the thing women in PSA/ CPSU NSW workplaces like the most about our jobs is the work we do. Many nominated 'all of the above' or several of the options in their comments, like "my workmates, my role and the location" and "the pay, the people I work with and the work I perform."

Several responses highlighted COVID-19 specifically, and that they liked that it had allowed them to work from home and they wanted this to continue. Several mentioned excellent managers, and that they had flexible work to be with their children. A strong sense of service was clear – in that respondents said they liked helping customers and finding solutions for them in these difficult times, liked working with inmates, liked working with children with behavioural issues, that they liked that they were able to pick up work where needed to help out due to the bushfires or COVID-19. "Giving back to the community" was a clear theme.

Many expressed satisfaction at having permanent secure jobs, particularly those responses that came in late March, April and May as the scope of the pandemic was becoming apparent. One said, "That it is permanent and full-time (which is more than many Australians have right now)." Another said, "I feel lucky to have a job at all because unemployment is so high in my area. Also, I worry about employment because of the economic impacts of COVID-19 so hanging on to any employment is good right now."

More than 56% of survey respondents feel secure or very secure in their jobs. We expect this



to change in the next survey, as many of our survey responses were received before COVID-19 began to impact our workplaces. All responses were received before the NSW Government elected to freeze public servant pay⁷³, before the disability employers started to restructure out our higher paid privatised former ADHC members, and before the Federal Government refused to properly support or tertiary education sector through the pandemic⁷⁴.

We know that austerity policies like those adopted in freezing wages have a highly gendered effect; austerity was the economic policy response of various governments to the global financial crisis of 2008 and it has been extensively studied. It was claimed the austerity measure of a public sector pay

freeze in the United Kingdom would prevent the loss of more jobs, but the reality is austerity has a deeply gendered negative impact. According to the WBG, 73% of those affected by the pay freeze, which in real terms represents a reduction in pay, are women⁷⁵."

Such cuts impact women more because women are more likely to use public services, and more likely to work in the public sector. Women are more likely to do the unpaid work to compensate for cuts in services – such as caring for children or older family members – with consequences for their own employment and earnings.

A study for the International Trade Union Confederation showed that investing 2% of GDP in the care industry would create twice as many jobs compared to equivalent



investment in construction. Moreover, in the mid-term (15 years down the line) public debt and deficits would be reduced more effectively through these kinds of expansionary policies than through austerity⁷⁶. In part, the NSW Government tried to justify its wage freeze by asserting it would spend the money on infrastructure projects during the Salaries case. When pressed on which projects this was in evidence, it was unable to name them. Later evidence referred to projects already approved and funded. Construction industry is highly insecure male dominated work, with major infrastructure projects often having profits funnelled to overseas shareholders.

Researchers have identified women are "particularly sensitive to budget cuts⁷⁷". Austerity has a number of

social impacts through its disproportionate effect on women. One of the flow-on effects of recessions and austerity is a decline in fertility rates: "as the demand for labour collapsed during the transition but changes to caring services also negatively affected women's employment. These changes in services to support families meant that public childcare facilities were less available; childcare fees increased, and stay-at-home parenting was promoted. These are among the contributory factors that led to the declines in fertility rates⁷⁸."

Any government response must recognise that any of its policy choices, including cutting public service wages, will have gendered effects. There is already a gender pay gap in the NSW public service

of \$2,002 on median salary – more than double that of 2018⁷⁹. This figure belies a much larger gap in reality, with women cloistered away from higher salary bands, which remain dominated by men. This continues a trend from 2018⁸⁰. Research from the European Union shows that "in terms of women's employment, government policy has led to fewer jobs for women in the public sector in five countries"⁸¹. Almost everywhere that introduced austerity the gender pay gap is opening rather than closing, attributable to austerity policies.

As Australia's Sex Discrimination Commissioner has noted, the COVID-19 pandemic and response have already begun to negatively affect women, and will cause greater poverty for women without a gender-specific response⁸².



Australian research has established that employers do not meet crises well, and do not use them to address the gender gap in the workplace, and often exacerbate it. In reference to the Global Economic Downturn (GED), Cooper et al write:

"The GED may have passed for Australia but the reverberations for many women workers continue. The suggestions in the media that work became more flexible and that employers were more open to job sharing and alternative patterns of work were exaggerated. Rigidity, insecurity and intensification of work seemed to predominate. The opportunity afforded by the economic crisis to make genuine workplace change was lost and a chance to focus on improving both equity and performance at work was also wasted⁸³".

European austerity cuts were being introduced without reference to the impact by gender or to the longstanding commitment to close the gender pay gap⁸⁴. The effect on gender wage inequity of austerity can be summarised as follows: "In short, austerity policies have not been gender mainstreamed, in part because any evaluation would point to their strong and negative gender equality implications⁸⁵".

Like in Australia, and NSW specifically, recovery efforts to mitigate the effects of a downturn have favoured industries which traditionally employ men, "rather than in segments such as health and care where women are concentrated⁸⁶".

Women in our industry have not only big reasons to worry, like whole-of-government wage freezes and a lack of support for their

sector in the current recession, but reasons particular to their workplace, too. By far the largest reason for feeling insecure at work given by survey respondents was organisational restructuring, at over 50% (51.85%). One tertiary education respondent said "[employer] has kept us in restructure limbo for five years and now is promising a wholesale reorganisation with lots of job cuts after June."

The next largest cause of insecurity at 30.73% was budget cuts. It should be noted these survey responses all predate the decision of NSW Government to freeze public servant pay. This comes on top of the current government policy of imposing a 'labour expense cap' and an 'efficiency dividend' on the public service. These are in essence an arbitrary

cap on employees (so the public service cannot grow except in media release ready roles, even as our population grows) and a budget cut in real terms. Our survey respondents experience this as insecurity in their jobs and are acutely aware of the effect of constraints. As one said, "being a temp [means I am] very much at the whim of budget cuts even though I have been temp in the position for many years". This has a particular impact on women, particularly those supporting themselves alone or supporting families. Many feel the uncertainty in employment make it harder to negotiate the flexibility they need. One said, "I have a child with chronic health and I am a single mum. I have had to negotiate flexible hours and this is not being received so well. I am on an annual contract." Respondents identified repeatedly that the pandemic would be used as an excuse to cut even further into staffing.

Both state and federal governments are making funding choices that will increase the negative impacts of the pandemic and recession on women in our industry, and take us backwards instead of forwards in gender equity.



OUR WORK AND WHAT WE WANT TO CHANGE ABOUT IT

OUR SAFETY: DO WE FEEL SAFE AT WORK?

A majority of those we surveyed feel extremely safe (22.82%) or safe (52.39%) at work.

6.36% said they felt unsafe, and 1.31% said they did not feel safe at all. What made women we surveyed feel least safe was management action, at 65.25%. Next was colleague behaviour, including bullying and sexual harassment, at 57.56%. Unsafe work practices made 34.48% of us feel unsafe, and almost 28% (27.59%) felt unsafe because of citizens or clients. In the 22.81% who feel unsafe, there is a variety of issues, reflecting the diversity of our workplaces.

For many, of course, COVID-19 is that 'other', particularly coupled with long commutes and the fatigues that accompanies them. Survey respondents talked about being made to continue hot-desking throughout the pandemic, and being ridiculed if they raised this as an issue.

Different workplaces have different security issues, with suspicious vehicles entering some workplaces. Survey respondents report being physically attacked by students, clients, or inmates, and a lack of adequate security.

Several respondents highlighted that their office or workplace does not have a policy for dealing with vexatious clients or citizens. Others described unsafe plant and equipment or inadequate ventilation, or no equipment they needed such as to assist disabled students. Others referred to direct discrimination, that they work in workplaces that are culturally unsafe and racist or workplaces that discriminate against disabled workers. A common theme was unrealistic workloads – our survey

respondents are well aware of the psychosocial risks they are exposed to in their workplaces. Often, this was through the removals of positions or posts, but no decrease in workload.

OUR SAFETY: BULLYING AND HARASSMENT

Just over 43% of members have experienced bullying in the workplace in the last 12 months. The majority (54.76%) of survey respondents did not report it. Of those that did, almost 62% were not satisfied with the response. Less than 10% (9.19%) were happy with the response they received.

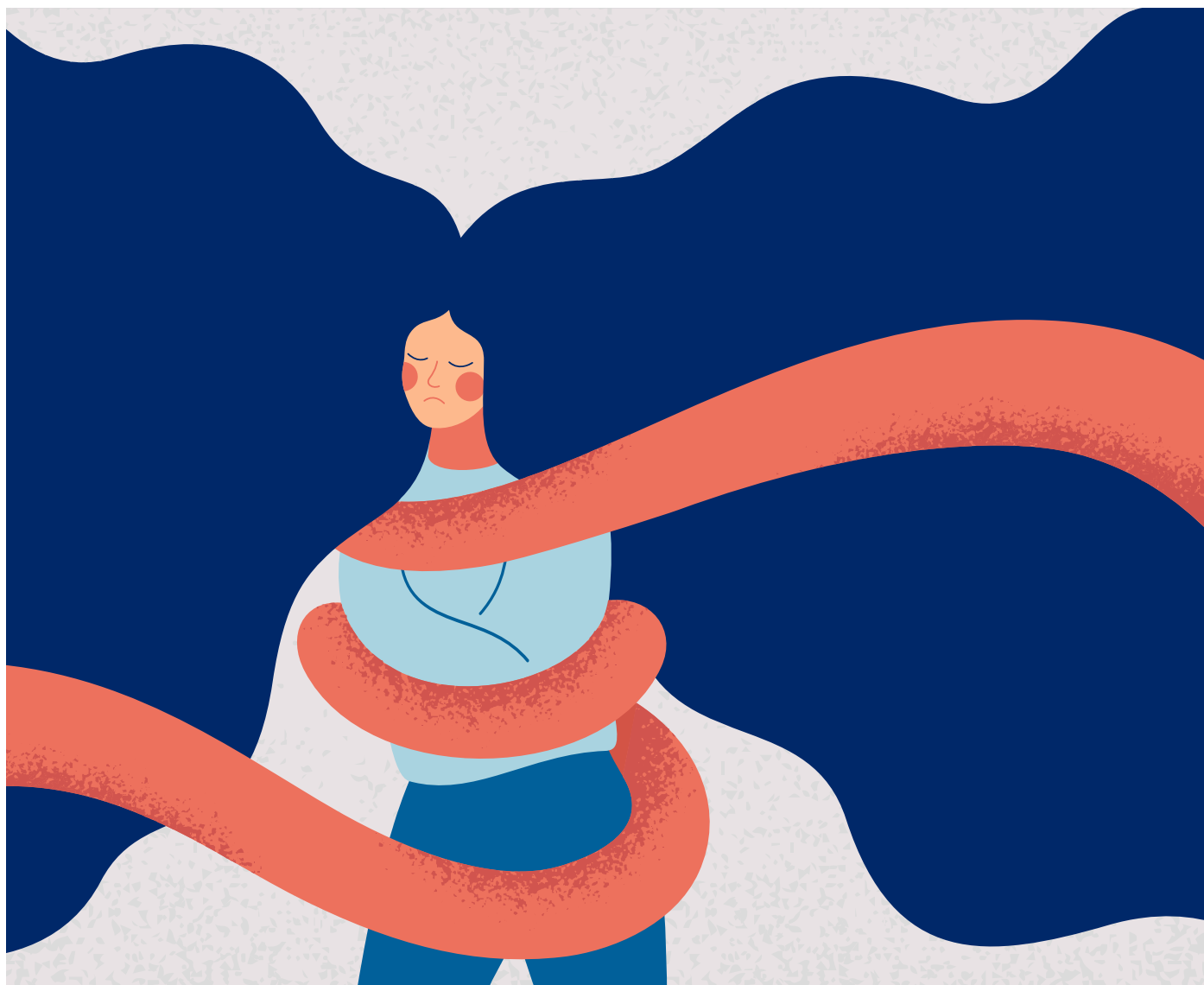
Almost 55% of members are aware of bullying and harassment policies and procedures in their workplace, but only 16.53% think complaints

are dealt with quickly and appropriately by management. Over 20% of survey respondents don't know if management places importance on eliminating bullying and harassment.

Just over 8% of those we surveyed feel unsafe or not safe at all at work. Their concerns are from all parts of their work – citizens and clients, unsafe work practices, bullying, harassment and sexual harassment, and management action.

Around 18% of workers in the NSW public sector reported to the employer they had experienced bullying, and that this was worse for people with a diagnosed mental health condition, people with disability, and Aboriginal and Torres Strait Islander people⁸⁷. This suggests that, like with disability, workers are more comfortable





reporting to their union than their employer.

Micromanagement featured heavily as a concern. One respondent said, "when my manager is in a bad mood, they go looking for things to criticise. It could be as simple as a dash saved in a document instead of an underscore. I spend my days waiting to be counselled for a mistake. Over 20 years of awards and good work reports and now I work in fear of making a typo".

Respondents reported they feared the repercussions of reporting bullying, with one calling it "professional suicide". Another said they didn't report because if they had, they would be overlooked for promotion or future opportunities in training and professional development.

36.21% of respondents said bullying or harassment makes them feel insecure at work, and this was very

clear from the responses our respondents gave us that they do not feel safe and secure in their workplaces when it comes to bullying and harassment. One said, "my line manager didn't encourage me to report it and said it was normal when I brought it up."

"I am scared of the ramifications" was a common theme in response to this question. Respondents said they were fearful of being yelled at, they were made fun of in group settings for raising issues, and that they "had seen the results and consequences of reporting bullying." Another wrote: "history has proven that those who report it quickly lose their job."

Another common theme, was that there was a lack of support from human resources within the organisation, with respondent saying they were told that nothing much could be done, either because that person was their

superior or it was "he said, she said" or "they thought he was a nice bloke."

Respondents were not impressed with how their concerns and complaints were handled if they made them. Several reported waiting more than six months to hear back about where their matter had progressed to. One said they were still waiting four years later. No respondent said the process was handled well, with references to a lack of confidentiality, a lack of timeliness, and in some cases, not even an acknowledgement a complaint had been made.

"I have reported it in the past and it continues to occur"

One said, "The process is more traumatic than the harassment." Several respondents identified

gendered aspects to the treatment they received, including being dismissed in loaded terms like "you're too sensitive".

Respondents said: "you just have to put up with it. It is a male-dominated workplace and women are treated very poorly".

"The manager bullies female staff, senior management and HR do nothing. One woman moved to another location and another resigned due to the bullying. I am currently seeking counselling due to depression and anxiety from being bullied and intimidated by a male manager".

"[I experience bullying] from men in senior rank who are uncomfortable with my success and comment on my work in a way (passive aggressive, belittling) they never would of another man. They also think I'm younger than I am [and comment on my age]."

One woman said, "I was the only woman in a male-dominated project and my input was often ignored, then championed when later offered up by a male member of the team (who got the credit for thinking of it)".

Respondents identified negative attitudes and behaviour towards those who use their sick leave – which as we know women are more likely to do, to provide care to others. One survey respondent said, "there is a negative intimidating attitude from [employer] to people using sick leave- to the point where people come to work sick to avoid confrontation".

The above commentary illustrates just a sample of the types of experiences of women in the sector. These experiences outside of work or in a family scenarios are not tolerated, but the sector seems unable to deal with these behaviours effectively, exacerbating the risk for women at work.

OUR SAFETY: DISCRIMINATION

The most commonly reported form of discrimination by survey respondents was age, and references to age discrimination appear throughout the entire survey. Over 8% of respondents said they had experienced age discrimination. Members commonly refer to their age being a factor in decisions about them and their workplaces. Given the older age profile of our industry, this should be something our employers pay more attention to, but references to it are scant and it does not appear to be on the radar of our employers.

The next most common form of discrimination was family and caring responsibilities, at almost 13% (12.84%). This continues our theme of women's careers being impacted by the gendered responsibilities imposed by unpaid care work.

Almost 6% (5.87%) of respondents reported discrimination on the basis of their race or ethnicity. One respondent said, "as an Aboriginal person, racism is everywhere".

3% reported discrimination on the basis of disability, though this figure is likely to be higher. In the 'other' field of this survey question, survey respondents raised issues that are disability discrimination, such as being treated differently because of their mental health. It appears from this that survey respondents are not given information by their employer about what constitutes discrimination and the rights they have.

"Part of office culture - makes life more difficult to report"

A great many survey respondents took the opportunity to raise other issues that do not meet the legal definition of discrimination, but trouble them in their workplaces.

Several themes emerged.

The first is that "frank and fearless" advice is not welcomed. One said, "being completely honest in the work I do" saw her treated less well than more deferential workers.

Another issue that troubled our survey respondents was hierarchies in the workplace, with their work looked down on or seen as less valuable than others. One put it as, "someone looked down their nose at me and I found out later that they think admin people are there to get them coffee only". Several respondents described their work as being seen as unskilled or less worthwhile than the 'visible' trades in their workplaces, such as police officers or teachers. None of these responses argued for pay equity across classifications or a reversal of the informal hierarchy – just for mutual respect in the workplace.

Many respondents pointed to the lack of opportunities for development and advancement outside metropolitan areas referring to regional discrimination through limited workplace structures.

"I have reported incidents before and been told rudely that there is no proof"

Another thorny theme was that managers appear not to manage flexibility in the workplace well for those without children. Several respondents talked about the assumption that women without children or 'only' with elder care responsibilities were less deserving of flexibility or accommodation than those women who have children. While childcare does affect women's experiences in the workplace as a cohort, each individual is different and as deserving of equitable workplace treatment. One respondent said, "I'm a bit tired of the focus on women's needs being attached to child care. It isn't always". Survey respondents

were clearly frustrated that their managers are not equipped to balance this in their workplaces.

Respondents also told us that stepping up as a PSA/CPSU NSW delegate or intervening as a unionist to stop bullying and harassment, of themselves or others, saw them treated differently.

OUR SAFETY: SEXUAL HARASSMENT

Australia now lags behind other countries in preventing and responding to sexual harassment⁸⁸. The Sex Discrimination Commissioner, Kate Jenkins, said in a landmark report last year that the current legal and regulatory system is simply no longer fit for purpose⁸⁹. This report followed the National Inquiry into Sexual Harassment in Australian Workplaces. She proposed a new model that is "evidence-based, victim-focused and framed through a gender and intersectional lens. It is also based on existing legal frameworks to avoid duplication, ambiguity and undue burden on employers"⁹⁰. She described this as a shift from the "current reactive model, that requires complaints from individuals, to a proactive model, which will require positive actions from employers"⁹¹.

The legal onus has always been on employers to create workplaces that are equal and safe, free from harassment of any kind, including sexual harassment. Yet the report found,

"Overwhelmingly, the Commission heard that the current system for addressing workplace sexual harassment in Australia is complex and confusing for victims and employers to understand and navigate. It also places a heavy burden on individuals to make a complaint. Yet most people who experience sexual harassment

never report it. They fear the impact that complaining will have on their reputation, career prospects and relationships within their community or industry"⁹².

As our survey respondents told us, a complaints-based system where people do not feel supported fails. Workers who may be more likely to experience sexual harassment in the workplace include:

- young workers aged less than 30 years
- lesbian, gay, bisexual, transgender, queer or intersex (LGBTQI) workers
- Aboriginal or Torres Strait Islander workers
- workers with disability
- workers from culturally and linguistically diverse (CALD) backgrounds
- migrant workers or workers holding temporary visas
- people in working arrangements described as 'precarious' or 'insecure'⁹³.

"I would be ridiculed and / or frozen out and /or made to wait for keys and other things I need"

Workplace settings where there is a higher risk of experiencing sexual harassment include those that:

- have been found by the 2018 National Survey to have a higher prevalence rate of sexual harassment than the rate across all industries of 31% (for example, the information, media and telecommunication industry and the arts and recreation industry)
- are male-dominated (for example, the construction and mining industries), because of:
 - the gender ratio
 - the over-representation of men in senior leadership roles » the nature of the work being

considered 'non-traditional' for women
– the masculine workplace culture

- involve a high level of contact with third parties, including customers, clients or patients

- are organised according to a hierarchical or rank structure⁹⁴.

Those people who shared their stories and participated in the research for the Inquiry said workplace sexual harassment can affect individuals, including with:

- negative impacts on health and wellbeing
- negative impacts on employment (both day-to-day and in relation to career progression)
- significant financial consequences. The impact of workplace sexual harassment is not only limited to individual victims but extends to their families, friends, bystanders and other co-workers.

Sexual harassment also costs Australian employers through:

- lost productivity
- staff turnover
- negative impact on workplace culture
- resources associated with responding to complaints, litigation and workers' compensation
- reputational damage⁹⁵.

Accordingly, the Commission recommended changes to the (Federal) *Sex Discrimination Act* that ensure:

- the objects include achieving substantive equality
- the definitions of 'workplace participant' and 'workplace' cover all people in the world of work, including those who are paid, unpaid and self-employed
- that public servants are covered
- sex-based harassment is expressly prohibited
- creating or facilitating an

intimidating, hostile, humiliating or offensive environment on the basis of sex is expressly prohibited⁹⁶.

"The culture of our office is extremely sexist and sexual harassment is laughed off"

How sexual harassment regulation interacts with other workplace laws was considered by the inquiry. One finding was that the lack of a positive duty in the Sex Discrimination Act to prevent workplace sexual harassment means that employers place a higher priority on compliance with employment law and work health and safety laws than discrimination law. In this instance, employers still adhere to an old-fashioned notion that work health and safety is primarily about physical risk⁹⁷.

It was recommended that Ministers agree to amend State and Territory work health and safety laws to deal with psychological health and develop guidelines on sexual harassment⁹⁸.

Those we surveyed have a clear grasp of the problem. Almost 7% of those surveyed have experienced sexual harassment in the past 12 months. Consistent with the national data, of those that had experienced sexual harassment, almost 77% did not report it. Over 52% of those who did receive a response were unhappy with it.

A majority (62.15%) of workers surveyed are aware of the sexual harassment policies and procedures in their workplace. However, only 21.94% think complaints are dealt with quickly and appropriately by management, Almost 60% don't

know if complaints would be dealt with quickly and appropriately by management. Less than 30% agree management places importance on eliminating sexual harassment in the workplace. One reported the problem was simply moved elsewhere: "I advised my manager informally. I was told that similar incidents involving the same person had been reported but unless I made a formal complaint no further action would be taken. I agreed with this and I believe the person has been moved to another office."

"Nothing would be done anyway"

Survey respondents talked about a fear of reprisal or revenge if they raised issues of sexual harassment, or that they had raised complaints



**STOP
sexual
HARASSMENT**

and nothing was done. One told us, "Pointless – it is a boy's club and the male involved is a mate of the boss." Others referred to previous reports they, or other workers, had made that were ignored.

One respondent described, "I did report sexual harassment that was witnessed by a number of male colleagues once. The manager decided to interview all of the witnesses, which was incredibly humiliating for me especially when it was decided that the man who harassed me 'just has a bad sense of humour' and I had been 'too sensitive'. I learned from this that reporting harassment is not going

to end well for the woman."

One respondent in a hierarchal workplace said, "waste of time in the [employer] – you get called a trouble maker and your career is stymied at every point".

"Afraid of retributions"

When we asked if women were happy with the responses they received after making a complaint, the majority were not. One said, "the last incident reported was ignored and life in that office became worse."

Women are similarly unhappy about complaints handling for sexual

harassment for the same reason they are unhappy about the handling of bullying and harassment. They said:

"I am still awaiting the outcome from January 2020."

"Nothing was done. The people involved got better relationships with management and given extra high responsibilities (AKA rewarded)".

"I felt too intimidated to take it further. I was told that since local decisions were supported by the Department in relation to complaints made by administration staff".

"I was told, prepare yourself to be public enemy no.1".

"I was validated by my supervisor and told that it was inappropriate but there were no repercussions for the staff member".

"My 2 up manager that I reported sexual harassment to then bullied me into keeping quiet about both the harassment and their inaction by threatening that I would lose my job".

The National Inquiry has given us a way forward in our workplaces on sexual harassment, and our Women's Council are already working to address how we can make our work free from sexual harassment, and address issues quickly and well when they arise.





GENDER PAY GAP

There is already a gender pay gap in the NSW public service of \$2,002 on median salary – more than double that of 2018⁹⁹. This figure belies a much larger gap in reality, with women cloistered away from higher salary bands, which remain dominated by men. This continues a trend¹⁰⁰, and reflects the reality in other parts of our industry.

Almost equal numbers of those we surveyed are aware and unaware of the gender pay gap in the NSW public service (50.81% aware, 49.19% unaware). 73% percent of those we surveyed are unsure if their employer is doing anything to address the gender pay gap, and only 9.68% think their employer is doing any work to narrow the gender pay gap.

“When I started, a male graduate with a Masters degree was offered a higher starting wage than me, even though I have a Doctorate”

The gender pay gap persists because male graduates are paid more, feminised work and skills are

undervalued, there are differences in the types of jobs held by men and women and the method of setting pay for those jobs, and structures and workplace practices which restrict the employment prospects of workers with family responsibilities¹⁰¹. Women are paid less even in the same role¹⁰², and men are more likely to be promoted to senior roles with better pay.

“All high-grade team members are male”

Many survey respondents expressed surprise that there was still a pay gap in our industry, and presumed it was happening in places other than their workplace. Unfortunately, the Women’s Gender Equality Agency (WGEA) and NSW Government’s own data is clear: there is a persistent gender pay gap that is unrelated to anything other than gender bias¹⁰³. PSA/CPSU NSW fought hard for pay equity for our schools members, and we are always looking for ways to narrow this unfair gap. Respondents mentioned our schools win often.

One respondent neatly captured why the gender pay gap will persist unless government policy changes:

“I do not believe that agency heads have the capacity to narrow the gender pay gap in the context of the current Wages Policy by NSW Treasury. The Commonwealth and State Governments need to lead this agenda and recognise the role and importance of removing gender inequity in the context of remuneration levels across the sector”.

“They say so [management want to address the gender wage gap] but keep appointing men to high-paid positions and management even when there are good women around. It’s a boy’s club and it’s hard for women to do well in sexist environments”



SUPERANNUATION

Almost 15% of our members are unsure how much they have in superannuation. Less than 13% (12.58%) may have the amount required to retire in modest comfort – the lump sum needed at retirement to support a comfortable lifestyle is \$640,000 for a couple and \$545,000 for a single person. This assumes a partial Age Pension¹⁰⁴. Many of our survey respondents made it clear that their retirement depends on their male partner's income and superannuation balance.

Respondents are right to be concerned about their superannuation.

- Women currently retire with 47% less superannuation than men
- Women live five years longer than men on average
- Women only receive one-third of the government tax concessions on super (men receive the other two thirds).

"I lost a lot of super due to COVID-19"

40% of older single retired women live in poverty and experience economic insecurity in retirement. 44% of women rely on their partners' income as the main source of funds for retirement.

8.5% of women between 65 and 74 still have a mortgage¹⁰⁵.

Superannuation is lower for women because of (on average) lower paid jobs, and broken work histories as a result of caring responsibilities.

Had key superannuation reforms introduced by the Rudd-Gillard government been allowed to continue in place, all workers would now be paid 12% superannuation, instead of 9.5%. This reduces everyone's superannuation balance, and accelerates the superannuation gender pay gap. Many of the recommendations to increase the adequacy of women's super (get financial advice, make greater



individual contributions) are individual solutions aimed at a structural problem. Women are not paid enough superannuation to retire and this is a policy decision. While individual solutions are useful, bigger changes need to be made. In the meantime, union members are well served by their industry super funds, but more needs to be done.

"Not at all super came in too late for me and a permanent injury to my husband meant that he has no super and I have had to support us on my wage for 36 years"

Most women we surveyed (over 68%) do not salary sacrifice into their superannuation. Almost 90% (88.73%) do not self-manage their super. 64.39% have never been to an information session or training about their superannuation.

Unsurprisingly, almost 60% of members aren't confident they will have enough superannuation to live comfortably on once they retire. Many said they have kept working past retirement age and will continue to do so. One said, "I know I do not have sufficient to live off when I retire, which is why I need continuing employment. I am already at retirement age but not able to retire". Another: "I have nowhere near enough to ever consider retiring. I cannot ever retire".

One said: "I'm 61. I'll be working til I'm dead".

Respondents also noted the impact of Covid-19 on their retirement savings, and how this has negatively impacted their balances. One said, "this is my biggest worry. It keeps me up at night".

"Separated, divorced women are particularly vulnerable because their employment has been interrupted by family expectations, then divorce has further eroded super. Many become homeless, despite having professional jobs and tertiary education"



MENTAL HEALTH

Mental health was among the top six issues women raised in our survey. We work in varied workplaces, from schools to prisons to offices to farms, and each has its own mental health challenges. Evidence suggests women are better placed than men to deal with this.

There is a well-established gender divide among people who do and do not seek professional help from mental health professionals. Females are typically more likely to report, and seek help for, mental health problems. Results suggest that male-dominated occupations may negatively influence help-seeking among males¹⁰⁶.

Beyond seeking help, there are structural factors that can positively influence worker mental health. Improving job security is strongly associated with decreasing

depression and anxiety symptoms, so policy and practice intervention to improve job security could benefit mental health¹⁰⁷.

Given the breadth of work we do, the range of responses to resolve mental health risks will depend on our workplaces- different risks require different solutions.

We all have similar constraints in our budgets, though, which directly impacts what our employers can put in place to assist us with dealing with the stressors of our jobs. Government policy decisions about how we are funded directly impact what is available to us to look after ourselves and each other at work.

This makes fighting budget cuts and freezes directly related to our mental health and wellbeing at work and our work together more important than ever.

METHODOLOGY

Total responses varied by question, bouncing around in a range 5,000 +/- . Some questions had skip logic that mean not every person was required to answer every question.

With its approx. 39,000 members PSA/CPSU NSW received 5,081 responses to its WWW survey. Given this was PSA/CPSU NSW's first survey and done during a pandemic when both IWD and May Day promotion space were lost, this is a good response result

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APPENDIX 2

WORKPLACE SEXUAL HARASSMENT CHARTER

We all deserve safe workplaces.

Sexual harassment, sexual assault and gendered violence have never been acceptable- but for too long victims were kept in silence and paid the price for unsafe workplaces. That's changing, and we are part of the change.

In PSA CSU NSW's landmark *What Women Want* report workers share their experiences of sexual harassment and the workplace responses that failed them. As part of our response, we have developed the Workplace Sexual Harassment Charter. It is a signal of intent and a practical plan for how we will make our workplaces safe for everyone. It sets out employer and employee obligations, remedies, and puts prevention at the heart of every response. It empowers workplace leaders, workers and employers with the tools to make workplaces safe.

We are proud to be a workplace that has a workplace sexual harassment charter.

1. Principles

- 1.1 [Employer] recognise that sexual harassment, gendered violence, third party violence, and sexual assault are all unacceptable in the workplace.
- 1.2 To behave in these ways is a breach of an employee's contract of employment.
- 1.3 [Employer] recognise that sexual harassment, gendered violence, third party violence, and sexual assault are all serious health and safety hazards and that no worker should experience these hazards.
- 1.4 [Employer] has an obligation to provide a working environment that is safe and without risk to health and safety. This includes dealing with preventable risks and mitigating risks to health and safety. This includes an obligation to take all reasonable steps to remove sexual harassment, gendered violence, third party violence and bullying from the workplace.
- 1.5 [Employer] acknowledge that gender inequalities, asymmetrical power structures, misogyny, racism, homophobia, and transphobia at work drive workplace sexual harassment and gendered violence.
- 1.6 [Employer] commits to a process of cultural and workplace change to eliminate sexual harassment, gendered violence, third party violence, and sexual assault, and will make decisions and act accordingly in its management of workers.
- 1.7 [Employer] will take positive steps ([Employer] 's positive obligation') to:
 - 1.7.1 Eliminate gender inequalities that exist in the workplace;
 - 1.7.2 Eradicate cultures of workplace sexism and misogyny in the workplace;
 - 1.7.3 Eradicate homophobia and transphobia in the workplace;
 - 1.7.4 Eradicate racism in the workplace;
 - 1.7.5 Eradicate ableism in the workplace;
 - 1.7.6 Promote the ease of reporting such risks and hazards.
- 1.8 [Employer] acknowledges that reporting and data on instances of sexual harassment, gendered violence, third party violence, and sexual assault will be a key part of addressing them in the workplace. The obligation for transparency falls on the employer. Workers will have their confidentiality, dignity and safety protected by the employer.
- 1.9 [Employer] recognises that employees have a right to take action to remedy any unsafe work conditions and/or seek relief through Work Health and Safety legislation, Anti-Discrimination legislation, Workers Compensation legislation, or any other relevant instrument, in addition to the rights conferred by this agreement.

- 1.10 The reduction of sexual harassment, gendered violence, third party violence, and sexual assault and be set as a KPI against which [senior/executive/CEO] performance is assessed.

2. Definitions

- 2.1 'Sexual harassment and gendered violence' is any behaviour, action, system, or structure that causes physical, sexual, psychological, or economic harm to a worker because of their sex, gender identity, sexual orientation, or because they do not adhere to dominant gender stereotypes. Examples of gendered violence include but are not limited to:

2.1.1 Violence experienced by women because they are women;

2.1.2 Violence experienced as a person because they identify as LGBTIQ+;

2.1.3 Witnessing gendered violence directed at someone else, such as a co-worker.

- 2.2 'Sexual harassment' is any unwanted or unwelcome sexual behaviour which makes a person feel offended, humiliated, or intimidated. Examples include of sexual harassment include but are not limited to:

2.2.1 Leering;

2.2.2 unwelcome touching;

2.2.3 stalking;

2.2.4 intimidation or threats;

2.2.5 verbal abuse;

2.2.6 ostracism or exclusion;

2.2.7 rude gestures;

2.2.8 sexualised or aggressive language;

2.2.9 undermining;

2.2.10 suggestive comments or jokes;

2.2.11 unwanted invitations to go out on dates or have sex;

2.2.12 intrusive questions about a person's private life or body;

2.2.13 unnecessary familiarity;

2.2.14 the display of sexual imagery.

- 2.2 'Third parties' refers to those people in the workplace who do not have a direct employee-employer relationship to the workplace, including but not limited to contractors, clients, customers, consultants, students, stakeholders, or visitors.

- 2.4 'Positive obligation' refers to [Employer]'s obligation to not only provide a safe workplace free of gendered violence, sexual harassment, third party violence and sexual assault but to take positive steps to prevent their occurrence and to mitigate risk.

3. Risk Mitigation Plan

- 3.1 [Employer] agrees to negotiate a risk mitigation plan within six months of the date of this [agreement/award] to assess and mitigate the risks of sexual harassment, assault, bullying, and gendered violence.

- 3.2 [Employer] will adequately resource the production of the plan, and allocate resources to the implementation, monitoring and improvement of the plan. The risk mitigation plan will:

3.2.1 be developed in negotiation with the union, and other relevant stakeholders by agreement between the employer and the union;

3.2.2 mitigate the risks of asymmetrical power imbalances that make people unsafe at work;

3.2.3 mitigate the risks associated with sexism, misogyny, racism, ableism, homophobia, and transphobia;

3.2.4 ensure that job design and systems of work do not cause or increase the risk of sexual harassment, assault, bullying, and gendered violence, or perpetuate gender inequality;

- 3.2.5 ensure that job design and systems of work do not create barriers to reporting incidents of sexual harassment, assault, bullying, and gendered violence;
- 3.2.6 implement strategies to mitigate the risks of gendered violence or sexual violence from or against third parties, including ensuring that complainants do not suffer reprisals;
- 3.1.7 The plan will assess and address the risk of exposure to sexual harassment and gendered violence:
 - 3.1.7.1 In the work environment, with a clear definition of the work environment;
 - 3.1.7.2 In the way work is designed and managed;
 - 3.1.7.3 In the workplace policies and procedures and practices, which will be developed in conjunction with the union; and
 - 3.1.7.4 include measurable monitoring and evaluation guidelines to ensure best practice implementation;
 - 3.1.7.5 Include mandatory training regarding sexual harassment, assault bullying, and gendered violence for all employees and third parties;

3.2 Progress reports on the implementation of the risk mitigation plans will be a standing item of discussion at [WHS Committee and Joint Consultative Committee- regular consultative mechanism] meetings and:

- 3.2.1 Progress reports against the measurable monitoring and evaluation guidelines will be regularly made available to all staff via a method agreed with the union;
- 3.2.2 The risk mitigation plans will be regularly reviewed in with the union; and
- 3.2.3 The progress reports will include any recommendations for additional funding or other measures to improve the success of the risk mitigation plans.

4. Organisational reporting and recording

- 4.1 After the risk mitigation plan has been implemented and reporting mechanisms agreed, [Employer] will communicate to employees how to report incidents of sexual harassment, assault, bullying and gendered violence. This communication will include outlining that the employer will:
 - 4.1.1 Effectively and efficiently deal with instances of sexual harassment or gendered violence without blaming or persecuting the victim, or allowing others to do so;
 - 4.1.2 address the behaviours that constitute sexual harassment and gendered violence;
 - 4.1.3 Reinforce that a perpetrator is responsible for their behaviour and choices;
 - 4.1.4 Ensure reporting and investigative processes are efficient, confidential and do not harm or penalise those employees who have experienced or witnessed sexual harassment or gendered violence in the workplace;
 - 4.1.5 Ensure that the investigative processes apply the principles of natural justice and procedural fairness, and do not penalise or cause further harm to employees who have experienced or witnessed sexual harassment and gendered violence;
 - 4.1.6 Allow any employee who is involved in an investigative process to have access to a representative of their choosing.
- 4.2 [Employer] and union will negotiate and publish guidelines on solutions to overcome sexual harassment and gendered violence in the workplace.
- 4.3 All instances of sexual harassment, gendered violence, third party violence, and sexual assault will be immediately reported to the [CEO equivalent].
- 4.4 All instances of sexual harassment, gendered violence, third party violence, and sexual assault will be reported in [Employer's] regular reporting publications, such as in the annual report.
- 4.5 [Employer] will ensure incident reports pertaining to sexual harassment and gendered violence are recorded in order to assist in and identify instances or patterns of sexual harassment and gendered

violence and to review progress towards achieving a sexual harassment and gendered violence free workplace.

- 4.6 [Employer] will ensure this data is kept secure and only accessible by the list of positions agreed between the union and [Employer]. Employees of these positions will be required to sign a confidentiality agreement not to share the identifying details of incidents or employees.
- 4.7 This data will be made available in a suitably anonymised form to the [consultative mechanism- Employee Consultative Group, and the workplace health and safety committee].
- 4.8 Incident reports will be maintained and recorded. Quarterly WHS reports should report on instances of sexual harassment and gendered violence in the workplace.

5. No adverse action

- 5.1 [Employer] will ensure that no adverse action is taken against any employee by the employer, employees or any other party who reports or complains about workplace sexual harassment, assault, bullying, or gendered violence, including when an employee's attendance or performance suffers as a result of them experiencing or witnessing workplace sexual harassment, assault, bullying, or gendered violence.
- 5.2 [Employer] will ensure that no adverse action is taken against any employee by the employer, employees or any other party or any employees who witnesses or reports witnessing workplace sexual harassment, assault, bullying, or gendered violence, including when an employee's attendance or performance suffers as a result of them witnessing and reporting workplace sexual harassment, assault, bullying, or gendered violence.

6. Contact Officers

- 6.1 [Employer] will introduce the role of Harassment Contact Officers (HCOs) and develop a plan to appoint as many HCOs as would be necessary to assist in mitigating and addressing the risk of sexual harassment, assault, gendered violence and bullying. This will form part of the mitigation plan negotiations.
- 6.2 The nature of the number, locations, appointment, and/or election of HCOs will be developed in consultation with and finalised in agreement with the union.
- 6.3 HCOs will receive face to face training on paid time regarding:
 - 6.3.1 Clear instructions on the manner of reporting, including the identity, locations, and contact details of relevant HCOs and
 - 6.3.2 information regarding the role and entitlements of HCOs and
 - 6.3.3 the meaning and operation of this clause;
 - 6.3.4 the meaning and operation of other industrial instruments and laws that are relevant to the application of this clause;
 - 6.3.5 understanding the nature, effects and management of sexual harassment, assault, gendered violence and bullying in a workplace context;
 - 6.3.6 how to provide adequate support to a person who is making a complaint regarding sexual harassment, assault, gendered violence and bullying;
 - 6.3.7 how to prevent being subject to additional risks and hazards when supporting a person who is making a complaint regarding sexual harassment, assault, gendered violence and bullying; and,
 - 6.3.8 how to respond to and report incidences of sexual harassment, assault, gendered violence, and bullying.
- 6.4 HCOs will be entitled to receive paid time to support workers who have sought their assistance and support to make, or decide whether to make a complaint or report of sexual harassment, assault, gendered violence, and/or bullying;

- 6.5 With the consent of the complainant, HCOs will be entitled to accompany a complainant to any interviews, or other meetings regarding their complaint, in addition to any other worker representatives that are already entitled to accompany the complainant.
- 6.6 No adverse action will be taken against an HCO for carrying out their role, including when their actions involve taking steps to mitigate the risks and hazards they may face as a result of carrying out their role.

7. Making a complaint or report

- 7.1 A part of the Mitigation Plan agreed at 3, [Employer] and the union will agree on a complaint process suitable to the circumstances of the workplace, or modify one in place in the workplace. This process will include:
 - 7.1.1 That an employee is not obliged to make a complaint or report of sexual harassment, gendered violence, third party violence, and sexual assault if they experience it, but will still be provided with the full suite of support available to them if requested as if they had made a complaint or report;
 - 7.1.2 That a victim may choose for their complaint not to be acted on, and that it only be recorded as an escrowed complaint, and that following this the employer will act only to mitigate the risk as required by their duties under this clause and others that may arise (including but not limited to as PCBU, or to prevent discrimination);
 - 7.1.3 That any employee who witnesses sexual harassment, gendered violence, third party violence, and sexual assault is obliged to make a report at the risk of failing in their workplace duties;
 - 7.1.4 That complainants and witnesses be given explicit assurances around reprisals, and that any risk or adverse behaviour that flows from a report of suspect report is treated with the utmost speed and gravity by the employer;
 - 7.1.3 That all complaints will be treated with the strictest confidentiality to the extent possible while balancing the positive duty of the employer, both under this clause and as PCBU, to act to mitigate and manage risk;
 - 7.1.4 That workers are not obliged to report to their manager or through any established hierarchy, but can do so to a HCO or other employees as they feel comfortable;
 - 7.1.4 That investigations will take place with all due speed and conclude no later than eight weeks after a complaint or report is made;
 - 7.1.5 That in the first instance, if removal of a worker or workers from the workplace is required to make the workplace safe, the complainant should not be adversely affected;
 - 7.1.6 Ensuring that the investigative processes apply the principles of natural justice and procedural fairness, and do not penalise or cause further harm to employees who have experienced or witnessed sexual harassment and gendered violence, including by ensuring an investigation and report is completed within eight weeks of the complaint or report being made;
 - 7.1.7 Allow any employee who is involved in an investigative process to have access to a representative of their choosing
 - 7.1.9 Provide access to appropriate counselling services, including on paid time, and ensure that information about services available is readily visible throughout the workplace including posters and updates to the intranet.

8. Training for staff

- 8.1 Training will be included as part of the induction of new staff regarding:
- 8.1.1 the nature of sexual harassment, assault, bullying and gendered violence;
 - 8.1.2 The manner of reporting sexual harassment, assault, bullying and gendered violence;
 - 8.1.3 The identity, role, locations, contact details, and entitlements of relevant HCOs; and,
 - 8.1.4 That no adverse action will be taken against a worker for experiencing, witnessing, or reporting workplace sexual harassment, assault, bullying and gendered violence.
- 8.2 This training will be trauma-informed and agreed between [Employer] and the union.
- 8.3 Regular refresher training will be available to staff on a not less than 6-monthly basis, and more frequently as needed as agreed by the union and [Employer].

Union signature

Employer signature

If this Charter has raised issues or concerns for you, please contact one of the below support services:

Workplace EAP contact

Lifeline: 13 11 14 <https://www.lifeline.org.au/>

PSA: 1300 772 679 www.PSA.asn.au