

Pay Equity Cases in New South Wales and Queensland

NSW

Librarians

In [*Crown Librarians, Library Officers and Archivists Award Proceedings – Applications under the Equal Remuneration Principle \(2002\) 111 IR 48*](#), the union and employer parties agreed that Librarians, Library Technicians and Archivists (collectively referred to as “Librarians”) had been undervalued, and after examining a range of evidence the New South Wales Industrial Relations Commission (NSW IRC) concurred.

Librarians were found to be engaged in a profession (they exercised skills based on theoretical knowledge, were required to have tertiary qualifications, were eligible for membership of independent professional associations, were subject to standards of competence and were required to follow ethical codes of conduct) yet they received lower pay rates than other professional groups in the NSW public service.

The NSW IRC determined appropriate pay rates for Librarians by comparing them with other (mostly female-dominated) professional public service groups.

Childcare Workers

In [*Re Miscellaneous Workers’ Kindergartens and Child Care Centres etc \(State\) Award \(2006\) 150 IR 290*](#), the NSW IRC found that childcare workers had been undervalued on a gender basis, but determined that it was not necessary to compare their pay with predominantly male-dominated occupations to set appropriate rates.

The NSW IRC ultimately found that teaching (another female-dominated occupation) was an appropriate comparator group, and utilised teachers’ rates of pay when determining appropriate pay scales for childcare workers.

Queensland

Dental Assistants

In 2003, the Liquor, Hospitality and Miscellaneous Union (LHMU) brought a case on behalf of private sector dental assistants (DAs) employed under the State *Dental Assistants’ (Private Practice) Award* - see [*Liquor Hospitality and Miscellaneous Union \(Queensland Branch\) v Australian Dental Association \(Qld Branch\) \(2005\) 180 QGIG 187*](#).

In this matter, comparisons were made to male-dominated occupations in assessing gender-based undervaluation. After finding that DA’s were undervalued on a gender basis, the Queensland Industrial Relations Commission (QIRC) first aligned the work value of DAs with the tradesperson rate in the State *Engineering Award*. It then added an Equal Remuneration Component (set at 1.25 per cent of the base rate per annum) in recognition of the fact that most DAs were unable to engage in enterprise bargaining. It also made various award amendments, including a revised classification structure to recognise the career path of DAs and the role of practice managers.

Childcare workers

In Liquor Hospitality and Miscellaneous Union (Queensland Branch) v Queensland Union of Employers (2006) 181 QGIG 568 (interim decision) and [*Liquor Hospitality and Miscellaneous Union, Queensland Branch, Union of Employees v Children's Services Employers Association* \(2006\) 182 QGIG 318](#) (final decision), the LHMU sought to vary the *Queensland Child Care Industry Award – State 2003*.

The QIRC eventually found the work performed by childcare workers had been historically undervalued based on the gender of those workers. Following on from the *Dental Assistants* case, it established that a Certificate III gained for a predominantly female occupation had the same value as a Certificate III gained for a predominantly male occupation - attracting payment of the 100 per cent rate (C10) in the *State Engineering Award*.

Social and Community Services

The Queensland Services Union applied for a new award covering community services and crisis assistance workers in April 2008: see [*Queensland Services, Industrial Union of Employees v Queensland Chamber of Commerce and Industry Ltd* \(2009\) 191 QGIG 19](#). The first stage of the application resulted in the creation of the *Queensland Community Services and Crisis Assistance Award – State 2008*, by consent.

The second stage saw the QIRC award increased pay rates to workers covered by the new award, to correct historical undervaluation. It also awarded a 1 per cent Equal Remuneration Component in recognition that the relevant employees had experienced a low level of access to the higher wage rates that were available by way of enterprise bargaining (the Equal Remuneration Component was only made applicable until 2015).

In considering the rates to be applied in the new award, the QIRC was guided by the rates in industrial instruments in local government and the Queensland Public Service, which also covered a largely female-dominated cohort of workers.

Disability Support Workers

In [*Australian Workers' Union of Employees, Queensland v Queensland Community Services Employers Association Inc* \(2009\) 192 QGIG 46](#), the Australian Workers' Union sought to increase the rates of pay in the *Disability Support Workers Award – State 2003*. The union and the respondent agreed that employees covered by the award had been historically undervalued for similar reasons to community services workers. The QIRC ultimately agreed, and awarded pay increases to employees under the award.

In deciding new pay rates, the QIRC gave consideration to two relevant (female-dominated) comparators: the newly created *Queensland Community Services and Crisis Assistance Award – State 2008*, and the *State Government Departments Certified Agreement 2006*. The pay increase was phased in over five adjustments.