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Dear Ms Galton

CPSU Submission to Northern Territory Women's Policy

Please find attached a submission from the Community and Public Sector Union (PSU Group) to the Northern Territory Women's Policy.

The CPSU appreciates the opportunity to make a submission to the NT Government on its women's policy, and would be pleased to further discuss our recommendations.

Should you wish to discuss this submission any further you can contact me at kay.densley@cpsu.org.au, or on (08) 8982 8506.

Yours sincerely

Kay Densley
A/g CPSU NT Regional Director

Introduction

The CPSU represents public sector employees who work and generally reside in the Northern Territory (NT). CPSU members working for the NT Government are employed primarily in clerical, administrative, managerial and professional roles. In the NT, the CPSU also covers employees of the Australian Public Service (APS) and Commonwealth Statutory Authorities and employees working throughout the communications industry, including Telstra and other telecommunications companies such as Primus and Vodafone, and in public and private sector broadcasting.

The CPSU congratulates the Northern Territory Government on the work it has done to date to develop and implement a women's policy framework. The CPSU is eager to work with the NT Government, through an updated Framework, to bring about further improvements for women in the Territory.

In preparing this submission the CPSU has been mindful of the Government's role as an employer. The Northern Territory Government should be a model employer for women and the NT Women's Policy should establish outcomes it seeks within its own employment to promote the position of women in NT society.

This submission has been prepared after consultation with CPSU NT Government Section Council members. It addresses a number of areas relating to work/life balance as well as matters of pay equity, superannuation and secure employment.

Work life balance

Compared to the rest of Australia, the NT has a high workforce participation rate for women. The Territory has a young population with a median age of 31 years and Australia's highest fertility rate. Women in the NT are more likely than elsewhere to be working full time and have young children.¹ Therefore, access to flexible working arrangements and the ability for women to balance work and family commitments must form an essential part of the policy.

The CPSU commends the current policy that makes it a priority to implement strategies and policies in the Northern Territory Public Service (NTPS) to assist employees achieve work/life balance.

There is clearly more work to be done in this area with the annual CPSU women's survey revealing that one out of five women in the NTPS do not think that their current entitlements are sufficient to balance their work and non-work commitments. In addition, more than 40 per cent of women say it is not easy to combine work and family responsibilities.² Almost one third of women in the NTPS perceive that other employees resent their use of flexible

¹ NT Government Office of the Chief Minister, Building on Our Strengths: A Framework for Action for Women in the Northern Territory 2008- 2012, p 5

² CPSU, What Women Want Survey 2010

work arrangements to meet family responsibilities and one quarter of women agree that unless they put work before family or personal matters they don't get ahead in their career.³

Career paths in part time work

Four out of five part time employees in the NTPS are female⁴, and the proportion of NTPS employees engaged on a part time basis has been increasing. In 2010, 12.5 per cent of employees were part time, up from 9.4 percent in 2000⁵.

The general trend is for part time positions to be concentrated at lower classifications. Exact numbers for the Territory cannot be quoted because the NTPS does not publish statistics that show numbers of part time employees by classification. However, the APS provides a good example of public sector practices. The APS experience outlined below, combined with what CPSU members working in the NTPS tell their union, suggests that ensuring real career paths are provided for part-time employees is an important issue, particularly for women.

In the APS, part-time work becomes less available in higher classification levels. One out of five APS 1-4 employees are engaged part-time while only one in ten APS 5-6 and EL employees are engaged part-time. Only one in fifty SES level employees is employed part-time⁶.

Where part time positions exist in higher classifications it is often due to a request by the employee in the position to be moved to part time rather than the position being advertised as a part time position.

The reduction in availability of part time employment at higher classifications limits the career progression opportunities for part-time workers. Part time employees are predominantly women; therefore the lack of part-time opportunities for employees at higher classifications has negative consequences for the career prospects of many women.

The NT Government should publish statistics on the number of part time positions by classification and gender. As part of a pay equity audit in the NTPS, the way positions are classified and advertised as either full-time or part-time should be examined and some analysis undertaken of how women in higher level part-time roles have been able to secure those working arrangements.

³ CPSU, What Women Want Survey 2010

⁴ Office of the Commissioner for Public Employment, State of the Service Report 2009-10, p 71

⁵ Office of the Commissioner for Public Employment, State of the Service Report 2009-10, p 71

⁶ Australian Public Service Commission, Australian Public Service Employment Database, 2011

Right to request part time work

In addition to the development of career paths for part time employees, a more expansive right to request part time work is required to improve the work life balance of employees.

Currently the right to request part time work or other flexible working arrangements, as provided in the *Fair Work Act* and the NTPS enterprise agreement, only exists in circumstances where an employee is returning from parental leave. In that circumstance the employee may request part time work until the child reaches school age (or the age of 18 if the child has a disability). The request must be based on parental responsibilities and the employer may refuse the request on reasonable grounds related to the effect of the request on the Agency's business, including cost, lack of adequate replacement staff, loss of efficiency and the impact on customer service.

The current provisions give an employer too broad a scope to refuse requests to return to work part time following a period of parental leave. NTPS employees should have an absolute right to return to work on a part time basis until their child reaches school age. Such an entitlement should be included in the next NTPS enterprise agreement.

In addition, managers should be supported in accommodating the part time return to work of employees in the NTPS and ensuring that the workload of the part time employee is appropriate and their part time status does not place a greater burden on other employees.

The NTPS should also investigate other circumstances in which a right to request part time work should apply. There are many other circumstances that could necessitate a need to work part time for example caring responsibilities for a parent or other family member.

Childcare

Availability of appropriate, good quality, affordable childcare is a priority in the current NT women's policy. The NT government has offered subsidies in addition to those offered by the Commonwealth, and the NT Government has pledged to increase the number of locally trained qualified childcare staff.⁷

However, there is still a shortage of affordable childcare in the NT. In some remote areas there are no childcare facilities at all. The NT government should continue to prioritise the availability of good quality affordable childcare. In the CPSU What Women Want survey, approximately one third of women in the NTPS said that assistance with child care was important or very important to them in their work life – this reflects the median age of the NT population and the relatively high proportion of working parents.

⁷ NT Government Office of the Chief Minister, Building on Our Strengths: A Framework for Action for Women in the Northern Territory 2008- 2012

The NT Government can encourage employer support for childcare facilities by leading by example as an employer of the NTPS. Where appropriate, onsite childcare should be made available at NTPS workplaces. This would not only assist employees returning from parental leave through its convenience but it can also benefit employees by providing access to salary sacrifice arrangements for childcare expenses.

In addition, the NTPS should develop employer sponsored childcare for NTPS employees. This would benefit employees as well as having benefits for the NTPS in terms of retaining employees and increased workforce participation after the birth of a child.

Breastfeeding Arrangements in the Workplace

Workplace breastfeeding arrangements such as lactation breaks and access to suitable facilities are important in assisting women who are returning to work after having a baby.

The NTPS does not currently provide for lactation breaks or have a requirement for the employer to provide suitable facilities for breastfeeding. Nor is there a policy in the NTPS which addresses these issues.

The CPSU recommends that a policy that establishes entitlements for lactating mothers be developed in consultation with employees and unions, and implemented in the NTPS. This policy should be introduced as a temporary measure before including these entitlements in the next NTPS enterprise agreement. The policy should provide for the following entitlements:

Lactation breaks

Employees who are lactating mothers should be provided with lactation breaks for breastfeeding, expressing milk or other activities related to the act of breastfeeding or expressing milk. These breaks should be in addition to any other rest period or meal break. Employees should be entitled to lactation breaks up to a total of one hour per day.

A flexible approach to lactation breaks should be taken by mutual agreement between an employee and their manager, which would allow the employee to divide the total lactation break time in to several shorter breaks.

Suitable facilities

The NTPS policy should also guarantee employees who are lactating mothers access to a suitable, private space with comfortable seating for the purpose of breastfeeding or expressing milk.

Other suitable facilities, such as separate refrigeration and a sink, should be provided where practicable. Where it is not practicable to provide these separate facilities, discussions between the manager and employee should

attempt to identify reasonable alternative arrangements for the employee's lactation needs.

Access to other arrangements

Employees experiencing difficulties in effecting the transition from home-based breastfeeding to the workplace should have telephone access in paid time to a free breastfeeding consultative service, such as that provided by the Australian Breastfeeding Association's Breastfeeding Helpline Service or the Public Health System.

Employees needing to leave the workplace during time normally required for duty to seek support or treatment in relation to breastfeeding and the transition to the workplace should be able to utilise personal/carer's leave or access to the flexible working hours arrangements in accordance with the relevant provisions of this agreement.

In addition to establishing a policy for the NTPS, the NT Women's Policy should encourage employers in other sectors to offer similar arrangements for employees who are lactating mothers.

Other flexible work arrangements

In modern workplaces, standard 9-5 working hours are less common than they were many years ago. While in some circumstances this may provide flexibility which is beneficial to employees, it is often problematic for employees with caring responsibilities for children, who are disproportionately women.

There are a number of strategies that could assist women in this position. Childcare could be made more readily available outside of regular working hours and, where possible, employees with young children should have the right to request working hours that align with school hours.

Another solution is to enable employees to work from home. In the CPSU What Women Want survey, almost half of the women surveyed in the NTPS stated that the ability to be able to work from home is important to them. Yet only 2 per cent stated that they regularly work from home.⁸

As the National Broadband Network (NBN) is rolled out, the increased availability and capability of tele-working and video conferencing resources will make working from home much easier. The report on the role and potential of the NBN by the House Standing Committee on Infrastructure and Communications recommended that the Government lead by example in the use of broadband technology through practices such as encouraging tele-working arrangements for staff.⁹ In addition, a 2010 study by Access Economics found that growth in tele-working will lead to: time and cost

⁸ CPSU, What Women Want Survey 2010

⁹ House Standing Committee on Infrastructure and Communications, *Report on the role and potential of the NBN*, 2011 p 251

savings from avoided travel, reduced office expenses, recruitment and retention gains, increased workforce participation, and infrastructure savings¹⁰.

As a model employer for women, the NTPS should encourage the increased use of tele-working and examine current work practices to ensure this is possible. Other employers in the Northern Territory should be encouraged to make these options available to employees.

Pay Equity

In the NT, average weekly earnings for females are \$1172.80 compared to \$1385.40 for males¹¹. This puts the average male wage 18 per cent higher than the average female wage.

For NTPS employees, according to the 2009/10 State of the Service Report, despite improvements, there continues to be a significant difference in the profiles of male and female earnings. Figure 49 from the State of the Service Report illustrates the significant difference in the profiles of male and female earnings.¹²

Figure 49: Distribution of Men and Women in the NTPS by Salary Level - June 2010



Figure 49 illustrates that a large number of women remain at the lower salary levels. The large predominance of women in the \$40 000 to \$50 000 brackets consist of 79 per cent administrative staff.

The CPSU notes the release of the paper on Pay Equity by the NT Office of Women’s policy which includes a model for pay equity audits.¹³

¹⁰ Access Economics Pty Limited for Department of Broadband, Communications and the Digital Economy, *Impacts of teleworking under the NBN*, 2010

¹¹ Australian Bureau of Statistics, *Average Weekly Earnings*, Australia, May 2011 (Cat. No. 6302.0)

¹² Office of the Commissioner for Public Employment, *State of the Service Report 2009-10*, 30 September 2010, p49

¹³ NT Office of Women’s Policy, *Occasional Paper 2 – Creating Equity: Gender Pay Equity Audits in the Northern Territory*, August 2011.

The CPSU understands that the Office of the Commissioner for Public Employment (OCPE) is in the process of seeking approval to conduct a pay equity audit of the whole of the NTPS.

The CPSU welcomes this move as pay equity is a major issue to be addressed in the Territory, and looks forward to working with Government throughout the audit process.

To be effective, the scope of the pay equity audit should be broad and clearly defined. The pay equity audit mechanism needs to be fully funded to ensure pay equity at a NTPS agency level. Funding needs to be set aside on an ongoing basis to continue to address this issue and to provide annual progress reports. The NTPS should also ensure that agencies are adequately funded to close any pay gaps identified.

Superannuation

An issue that affects all employees but has particular importance for women is employer superannuation contributions. One of the key factors influencing women's superannuation outcomes at retirement are the career breaks that occur as a result of caring responsibilities. Another issue in the NTPS is the employer contribution rate of 9 per cent, a rate which is widely acknowledged as insufficient to provide adequate retirement incomes.

Superannuation payments during unpaid parental leave

Research by the Association of Superannuation Funds of Australia (ASFA) shows that there is a large inequity between men and women when it comes to superannuation balances and superannuation final amounts. The average superannuation balance for women at 2006 was \$35,520 compared to an average of \$69,050¹⁴ for men. For superannuation balances at retirement, the figures reflect a similar pattern with men receiving an average of \$136,000 and women receiving only \$63,000 in 2005-06¹⁵.

The reasons why men receive higher superannuation payouts are complex. Many women have significant periods of time away from the workforce, work part time and are often employed in lower classified/paying jobs. However, one of the reasons many women have low superannuation balances is that employers are not required to make superannuation contributions for periods of unpaid parental leave. Many women take parental leave at a relatively young age and the compounding effect of superannuation means that loss of superannuation contributions at this time will make a large difference to the final balance received on retirement.

The CPSU is pleased that under the current NTPS the NT Government has committed to make superannuation contributions for the first six months of

¹⁴ Ross Clare, Director of Research. *The Age Pension, superannuation and Australian retirement incomes*. ASFA Research and Resource Centre. December 2008. pg 21

¹⁵ *Ibid* pg 22

parental leave. This is an important first step to address gender inequality in superannuation.

To be a model employer for women, the NT Government should extend this entitlement and make superannuation contributions for NTPS employees for the entire period of unpaid parental leave. The NT Women's Policy should also encourage other employers to offer these arrangements.

Other measures that address this inequity should be investigated, including for example a scheme in which the NTPS matches the top up superannuation contributions of women who return from unpaid parental leave.

Employer superannuation contributions in the NTPS

The NT Government's superannuation contribution for employees in the NTPS is inferior to the superannuation contributions for APS employees and inadequate to provide secure retirement incomes for employees.

The default superfund for employees who have joined the NTPS since 1999 is AGEEST, to which the NT Government's employer contribution is 9 per cent. This is in contrast to the APS where employees join the Public Sector Superannuation Scheme Accumulation Plan (PSS(ap)) with an employer contribution rate of 15.4 per cent.

In the CPSU What Women Want survey, more than four out of five women employed in the NTPS said that superannuation contributions of more than 9 per cent was an important factor in their career decisions.¹⁶ This goes to the ability of the NTPS to attract and retain women workers in a tight local labour market and something the NT Government should consider as part of the Women's policy.

Insecure Work

The NTPS has a high proportion of employees engaged in non-permanent work. In June 2010, 29.4 per cent of NTPS employees were engaged on a temporary or casual basis. NTPS had the highest levels of temporary employment of all public sectors/services for which records were available.¹⁷

In the NTPS, there has been a fall in the proportion of permanent staff over the past 10 years of 6.2 percentage points from 76.9 per cent to 70.7 per cent. Since 1994 the percentage of permanent employees has fallen 10.8 percentage points from 81.5 per cent.¹⁸

¹⁶ CPSU, What Women Want Survey 2010

¹⁷ Office of the Commissioner for Public Employment, State of the Service Report 2009-10, September 2010, p71 – temporary employment rates for other States and Territory public Services were: ACT 23%, APS 8.3%, NSW 28.6%, QLD 19.2%, TAS 22.2%, no figures were available for Vic, WA or SA.

¹⁸ Ibid, p70

This shows a clear and worrying trend towards a decline in permanent work. In the past five years, this decline has been greater for women than it has for men. Currently there are a greater proportion of women engaged on an insecure basis in the NTPS than there are men.¹⁹ Women engaged on a casual or temporary basis have little social and economic security, and little control over their working lives.

This type of work does not foster a committed and motivated workforce. These employees do not stay the NTPS for any significant period with an average length of service of less than 11 months²⁰. This poses an additional problem for the NT when there is a current skills shortage and issues with retention of staff.

The CPSU welcomes the current review of the use of temporary contracts in NT government being conducted by the OCPE. Recent figures show a marginal (1%) reduction in the use of temporary contracts from August 2010 to March 2011. This is a step in right direction but the NT remains the jurisdiction with the highest use of temporary contracts in the public service and there is still a lot more work to be done to reverse the trend towards temporary employment and to provide job security for NT employees.

The NT women's policy framework should make it a priority to reduce the use of temporary and casual work arrangements for women in the Territory.

Sexual harassment/discrimination

The NT Government should continue to work to prevent sexual harassment and discrimination in the workplace. Although measures are in place to prevent incidents occurring, approximately 15 per cent of surveyed women in the NTPS said that they believed they had suffered discrimination in the workplace. In addition, almost one third of women in the NTPS believed that training about discrimination in their workplace was not sufficient and almost one in five women believed training on sexual harassment was not sufficient.²¹

The NT Women's Policy should make this a priority in the NTPS and other employment sectors.

Conclusion

In developing a new NT Women's Policy, the NT Government has the opportunity to assess the success of programs to date in this area and consider key policy objectives for the future. Despite the efforts made to date, in a range of areas women in the NT are still falling behind men.

¹⁹ Ibid, p 76

²⁰ Office of the commissioner of Public Employment, data provided to the Public Service Consultative Committee, May 2011

²¹ CPSU, What Women Want Survey 2010

To improve the position of women in the NT, the CPSU believes that the NT Women's Policy should focus on work/life balance measures, steps to address pay equity, superannuation and secure employment arrangements. Improvements in these areas will have significant flow-on effects for women, in terms of their financial security, wellbeing and health.

The NT Government is a significant employer of women in the Territory and the NT Women's Policy should focus on establishing the Government as a model employer of women. Accordingly, the NT Women's Policy should establish specific outcomes that it seeks in the NTPS to achieve this goal