All eyes on library workers as test case decision looms

Phil Teece

Advisor, personnel & industrial relations
phil.teece@alia.org.au

With pay equity momentum increasing in Australia, librarians and technicians in New South Wales are the centre of national industrial relations attention.

New South Wales was the first Australian government to introduce major legislative and procedural changes to eliminate gender-based pay discrimination. Tasmania soon followed. Now, a decision by the Beattie Government to adopt all twenty recommendations made by Commissioner Glenys Fisher in her recent Queensland Pay Equity Inquiry adds a third. All three states have, among other things, moved to adopt a new equal remuneration principle as a mandatory part of wage-fixing in their jurisdictions.

But encouraging as these moves are in establishing a much fairer framework, the real measure of progress will be whether improvements in wages and conditions flow to real people in real workplaces. So there is keen interest in the first pay claim to be conducted under the new arrangements. It covers library workers and archivists in the New South Wales public sector, and has been progressing for most of this year. Unusually for ALIA's members, they are at the absolute forefront of a critical industrial relations issue. Rather than taking a backseat behind traditionally higher-profile groups, library workers are 'front and centre' in a pay case with major national ramifications.

Proceedings before the state Industrial Relations Commission [NSWIRC] are now well-advanced. Several hearings have been conducted, workplace inspections are in train and a Full Bench of the Commission hopes to reach a decision this month. The Pay Equity Inquiry conducted by NSWIRC in 1998 was, of course, the basis for the changes the state government has made to its wage fixing procedures. And the Inquiry's recommendations for re-evaluation of the work value of librarians have spawned the present test case.

In her decision, Inquiry presiding judge Leonie Glynn found that public sector librarians are seriously disadvantaged. It is important to recognise here a number of facts surrounding that decision. First, the Inquiry was conducted at the direction of the New South Wales government. Second, in proposing employment categories for study by the Inquiry, the government endorsed and supported librarians as its preferred professional group for analysis. Third, the case in support of librarians was put directly by the government. And fourth, that same government is in fact the employer of the librarians concerned. In these circumstances, it would be remarkable if significant pay rises did not result from the Test Case.

It is particularly important to recognise that the proposed *Library and Archives Award* is the vehicle for redressing an inequity *which has already been identified.* This is not just any old pay claim. Librarians have been seriously undervalued in NSW state government agencies for many years.

Speaking at the 2001 National Convention of the Australian Industrial Relations Society in September, vice-president of NSWIRC, Justice Michael Walton made some interesting observations on the background to librarians' disadvantage. They destroy arguments that poor pay results merely from a particular type of industrial award, or that recent decentralised bargaining is the prime cause or that esoteric work evaluation mechanisms 'accidentally' discriminate against librarians. All of these may well make things worse. But, indisputably, the pay inequity suffered by librarians in the State Library of New South Wales (and by implication other government agencies) results directly from gender factors.

Justice Walton, who was also Counsel Assisting the NSW Pay Equity Inquiry, told the convention that historical analysis of wage fixation is always vital. Speaking about the State Library Case Study put before the Inquiry, Walton outlined compelling evidence that in 'earlier days', when the occupation was dominated by men, it was very well paid. As the gender of librarians changed and women took most positions, real pay rates fell sharply. Justice Walton suggested that many employers are actively opposed to historical analysis, not least because it is likely to reveal that some have deliberately refused to use available mechanisms to remedy inequity. In other words, employers have been aware of disadvantage but have chosen to hide it. In the present context, Justice Glynn made it clear that the failure of the employer to conduct proper work value assessment was a prime factor in continuing pay discrimination experienced by State Library workers. And this was all the more regrettable, in her view, given the major increases in work value caused by the need for librarians to embrace new technologies and the information advances of the past decade.

The chance of genuine progress toward greater pay equity for ALIA members and other library workers is now beginning to look like more than pie in the sky. The impending Full Bench decision in New South Wales will clearly be hugely important in determining just how far improvements might go. With Tasmania and Queensland having relied so heavily on New South Wales developments in framing their own decisions, stakeholders in at least those states can be expected to move quickly if, as expected, the decision is favourable. ■

...library workers are 'front and centre' in a pay case with major national ramifications...