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Raising Library Salaries in New South Wales, Australia

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Introduction

In 1997 librarians embarked on a campaign to win wage justice in Australia's most populous state, New South Wales. A long and complex struggle followed. When it ended nearly three years ago there was both relief and exhilaration. The case took six years off the lives of those

involved. But it has been well worth it. The result was and remains a great victory for Australian librarians. It is the strongest possible endorsement of their value and their occupation.

For the individuals covered by the findings of the Industrial Relations Commission, it produced total pay rises of up to thirty-seven per cent, the largest ever won by Australian library workers. For the occupation generally, it rejected attempts to deny librarianship full professional status. For librarians everywhere it confirmed that developments in information management and retrieval over recent years have enhanced the importance of librarians' work and greatly increased their formal work value. For those union members who drove the campaign untiringly it proved that great things could be achieved by determination and constant effort. And for ALIA, the decision confirmed our central role as guardian of qualification standards and skill recognition.

Background to the campaign

For many years, Australia's highly-feminised library workforce has felt the effects of gender differences in earnings. For all its talk of equal opportunity, the last decade has seen virtually no change in aggregate wage relativity between men and women in this country. Total weekly earnings for adult males still exceed those of women by at least twenty-five per cent. All the same, the centralised Australian wage-fixing system which applied until recently still produced far-better wage outcomes for women here than in most similar countries. Britain, the USA and Canada, for example, all show much greater gender inequity than Australia. We have one of the smallest female-male wage differentials of all industrialised countries. So it could be worse.

But nobody can be complacent, especially since the system that traditionally provided some protection for women workers in this country has been virtually abolished. Over recent years, our unique centralized wage-fixing system has been heavily deregulated. Now there are fears that, as Australia's industrial relations system becomes more like that of those other countries, our wage outcomes will also come to resemble theirs. It was that fear which spawned establishment of a Pay Equity Taskforce in New South Wales — the first step on the road to the outcomes under discussion in this paper.

In late 1996 the New South Wales Government deregulated its system and adopted new industrial laws. Later, the government agreed to establish a state pay equity strategy after concerns about the effects of new enterprise level bargaining on women were expressed. Five key result areas were identified:

- redressing the undervaluation of women's skills and occupational segregation and providing access to other forms of remuneration;
- facilitating equitable workplace change;
- eliminating discrimination in industrial instruments;
- increasing access to career paths and training; and
- promoting the state public sector as a model of excellence.

A Taskforce was established and soon produced an important discussion paper. At this time ALIA's National Office made contact with the Taskforce secretariat and urged consideration of library workers as a focus group for policy considerations and recommendations to the

government. Later, ALIA supplied a range of information about library work to assist the Taskforce. At the same time, librarians began informal lobbying of sympathetic politicians.

The NSW Pay Equity Inquiry

After receiving recommendations from the Taskforce, the state industrial relations minister in late 1997 formally directed the Industrial Relations Commission of New South Wales to conduct a full pay equity inquiry. Terms of reference were lengthy but, in summary, required the Inquiry to establish whether work in female-dominated industries is undervalued when compared with male-dominated sectors. In doing so, presiding judge Glynn was to review work-value tests and job evaluation procedures and to consider all matters concerning discrimination by reference to the NSW Anti-Discrimination Act 1977 and relevant international labour conventions. Having done so, the Inquiry was asked to then recommend a framework for remedial measures and to establish principles for subsequent pay cases. Critically, the Minister asked Justice Glynn to identify particular occupational groupings as the focus for study of wage levels and job evaluation processes. ALIA argued strongly for inclusion of librarians. Political lobbying was intensified.

Formal hearings began in early 1998. Soon after, the Crown solicitor advised the Inquiry that the government had chosen just three occupational groupings as the basis for the case it would put to the Inquiry. They were: at the trade level, hairdressers; at the para-professional level, child-care workers; and at the professional level, librarians. This was, of course, an absolutely vital achievement.

The state Premier's department and the office of equal employment opportunity then developed the Government's submissions. ALIA's industrial relations adviser was asked to act as a consultant in preparation of the case and did so. An important evidentiary component was a points-factor work value case study in which a representative sample of professional librarian jobs was compared with professional scientist jobs. The results confirmed that librarian and scientist positions of equal work value were paid very differently.

After a mammoth case, Justice Glynn handed down her keenly anticipated findings in December 1998. Forty working days were spent in public hearings. 450 exhibits were presented. More than 100 witnesses gave evidence. Her three-volume report took almost six months to complete. For ALIA members and other librarians, its critical finding was that the work of librarians was seriously undervalued. Moreover, the judge found that this undervaluation had continued despite librarians having experienced in the past decade what she described as 'work value changes of the highest order'.

Justice Glynn made numerous other important and fascinating findings, reflecting the Inquiry's broad terms of reference. She rejected suggestions that pay equity should be considered separately from the industrial relations mainstream. On the contrary, she determined that the existing industrial relations system — with some fine-tuning — was absolutely the most suitable, and thus potentially the most effective, mechanism for redressing gender-based inequity. This was a most welcome outcome. In particular, it removed the possibility of pay equity issues being shunted off onto a branch line, away from the industrial relations system's real action. The adoption of formal equity principles by the Industrial Commission ensured that equal pay issues became an integral element of all wage-fixing processes. In this regard, the Inquiry's formal adoption of Article 1 of International Labour Organisation (ILO) Convention 100 (remuneration)

is particularly important for librarians and other female dominated categories everywhere. It means, for purposes of determining equal pay for work of equal value, 'pay' must be defined very broadly — 'salary ... and any additional emoluments payable directly or indirectly...in cash or kind'. This makes illegal any action that discriminates between otherwise equal employees by awarding non-cash benefits to one group while denying them to another.

As far as the role of discrimination in actual pay equity cases is concerned, Justice Glynn's findings are even more significant. She determined that discrimination should not be a precondition for seeking a remedy. Rather, the criterion would be whether there is equal worth based on work-value criteria. This removes the need for arguments about intention and eliminates complications arising from debate on whether discrimination is direct or indirect. In future, it will simply be a matter of determining the value of the work relative to that of others.

The equal remuneration principle's first test case

The Report's proposed changes to the industrial relations system, and especially its proposed new Equal Remuneration Principle, paved the way for early cases to seek remedies for the wage inequity identified. After they were adopted, these changes allowed librarians' trade union to mount the lengthy wage case that culminated in the new salary levels discussed earlier. The case was a watershed for library workers. For the first time, they found themselves leading a major industrial relations development. Heard by the Full Bench of the state's Industrial Relations Commission, the wage case on behalf of librarians, library technicians, library assistants and archivists was the first run under the revised state labour laws and the new equal remuneration principle. For the first time, librarians were setting industrial standards rather than following them. The result was the new **Crown Employees [librarians, library assistants, library technicians and archivists] Award**.

Salaries

The decision to grant unprecedented wage increases was based on two quite separate findings. First, it was demonstrated that major gender-based disadvantage had occurred over many years. Second, it was established that disadvantage had been compounded by the extensive changes in information management that have taken place in recent years.

It is critical to understand that this was not merely a gender decision. The fact that librarianship is a highly feminised occupation certainly was found to have been very significant as far as historic pay relativities were concerned. But the size of increases was strongly based on the Commission's finding that work value had increased markedly in recent years. It is the latter finding that offered real potential for library workers everywhere. At middle levels in particular, wage increases were better than most of us could have dreamed of when the campaign began. That is the area in which librarians have previously been most disadvantaged. Compared with other professional groups, librarians traditionally found it much more difficult to achieve reasonable salary progression as their skill levels and experience increased.

The NSW judgement focused strongly on that problem. As a result, a Grade 3 Librarian with 12 months in the job moved from \$A48 376pa to \$A60 771pa immediately. That is an increase of twenty-six per cent. By July the following year, she was advanced to \$A66 362pa. If anybody doubted the wisdom of allocating resources to this campaign over the preceding six years, they had only to look at those two numbers: \$A48 376pa in March 2002 and \$A66 362pa in July

2003. It was an overall increase of thirty-seven per cent; and a very clear demonstration of just how severely disadvantaged highly trained, experienced librarians had been.

Classifications, definitions and education standards

Librarians had often found great difficulty in demonstrating their increased work value as skill levels increase. This had been a significant factor in compression of wage rates in the profession. Frequently, this was made worse by poor delineation between work at ‘beginning professional’ and ‘seasoned professional’ levels. The new Award improved things markedly in this area. It contains perhaps the most detailed job descriptors in any award for library workers. They are based extensively on ALIA’s Work Level Guidelines. The Award’s definitions embody educational standards acceptable to ALIA as the standard for employment at all levels of library work.

Despite earlier efforts to challenge the full professional status of librarians, employers have now accepted the re-emphasis of that status. In effect, the case has drawn together all the strands of the ‘what shall they be called’ debate. Some employer advocates made lengthy submissions in an attempt to remove the titles ‘librarian’ and ‘library technician’ in favour of what was described as a ‘seamless structure’. Their preferred classifications were ‘library and information officer’ and ‘learning resource officer’. On this argument, all library workers [from library assistants at one end to senior librarians at the other] would be placed on a single-spectrum structure with common title, distinguished only by gradings. The Full Bench rejected these submissions. The Bench held that librarians are to *‘be recognised by the name of their profession’*. Anything less would in the Bench’s judgement be *‘inappropriate ... [given that] failure to adequately recognise professional qualifications held by librarians’* was the major element in the serious pay disadvantage identified. Moreover, the Full Bench asserted most strongly that *‘it is necessary to ensure the professional status and standing of librarians is clearly established in an industrial award sense’*. To achieve that objective the Full Bench insisted that this be achieved by *‘a separate classification structure for professional librarians’*.

It is quite clear from this that the Industrial Relations Commission strongly endorsed the view that any move away from the title ‘librarian’ and any concomitant move toward diminished separation of para-professional and professional categories will work against the broader interests of the profession. The strong likelihood, in wage, conditions and status terms, is that such a development would see the lower level status proving dominant in the end. This particular case has made that abundantly clear. One need only peruse the extensive evidence lead by some employer advocates to pose the question: ‘are librarians really professionals?’ Thankfully, the Full Bench answered with a resounding ‘Yes, they are’. But the danger is evident. If the profession does not strongly assert the view taken by the Bench and promulgate it widely, the counter view will reappear and gather momentum.

As far as qualifications are concerned, it is clear that the Commission wished to use ALIA as gatekeeper, with its educational requirements as the dominant standard. Any weakening of standards will soon compromise the provisions of the award and will quickly lead to its misapplication, to the profession’s detriment.

Conclusion

The NSW case has been a major success. For the first time, librarians and archivists have been the sole focus of the selected test case for a major new piece of labour law and practice. No other employment category has yet gained the benefits of the NSW Equal Remuneration Principle. In addition to gaining recognition of pay disadvantage, major findings on work value have also been issued. Extremely important judgements about the work value effects of recent developments in our industry have been formally made. These potentially have relevance far beyond NSW.

The professional status of librarians has finally been fully endorsed without ambiguity. For the first time, the pre-eminent industrial award for library workers now has

- definitions based on ALIA membership categories
- classification descriptors based heavily on ALIA's Work Level Guidelines and
- a qualification clause in which ALIA's educational standards are the prime determinant of eligibility.

The pay equity campaign in New South Wales was a triumph for librarians, their representatives and the profession in Australia. So what were the major elements in achieving this success? What lessons can be taken from it?

- Plan ahead; have well-developed arguments ready
- Be alert to broad trends before they have taken on a life of their own; get 'ahead of the wave'
- Identify opportunities to be directly involved in the process of policy development and change
- Grasp every chance to create relationships with politicians, decision makers and their staff
- Don't wait to be asked to contribute
- Make a nuisance of yourselves; don't take no for an answer
- Exploit your knowledge; present yourselves as 'the experts'
- Be persistent
- Ignore the doubters and doomsayers

In this Australian case, the most important component of success was the contribution of library workers themselves. They bullied politicians. They drove their union to run the case. They stood fast against attempts to diminish their standing. They never gave up. Library workers everywhere need to show similar determination.

References:

NSW Pay Equity Inquiry IRC6320 of 1997: Report Volumes 1-3

Equal Remuneration Principle Re [2000] NSWIRC 113

Crown Librarians, Library Officers and Archivists Award Proceedings, Re [2002] NSWIRC 55

Pay Equity Case Study: Librarians and Geologists, Office of the Director of equal opportunity in Public Employment, 1998