



**QUEENSLAND WORKING  
WOMEN'S SERVICE INC  
ANNUAL REPORT  
2012/3**



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**QWWS Inc. Mission Statement**

QWWS provides a service that empowers and advocates for the attainment of social justice for women in the workplace.

YWAS provides a service that educates and advocates for the attainment of social justice for young people in the workplace.

**QWWS Inc. Vision Statement**

Our vision is for equitable and fair outcomes for Queensland women and youth in their employment.

We strive to be a leading source of expertise in improving the status of women in the workplace.

**QWWS Inc. Value Statement**

*We promote equality in the workplace through:*

- challenging gender-based inequality
- challenging the exploitation of young people in the workplace.

*Our work is characterised by:*

Working with each other and those outside our organisation in ways that are inclusive, collaborative, consultative, respectful and consistent with a feminist approach.

### **QWWS Inc. Goals**

1. QWWS Inc. has best-practice governance systems and processes for service delivery, administration and sustainable management.
2. QWWS Inc. makes a significant contribution to systemic advocacy about workplace equity for women and young people.
3. QWWS Inc. has strong networks with relevant government and non-government agencies.

### **QWWS Inc. Objectives**

- Provide accessible services that support women from diverse backgrounds throughout Queensland to make informed choices about issues that affect them in the workplace.
- Take appropriate action to assist women to achieve workplace justice.
- Increase both women's knowledge and confidence in the workplace and community understanding of workplace issues.
- Foster complementary relationships with women's sector organisations and other work-related services provided by unions, government and other agencies to enhance the status of women.
- Seek opportunities to build the capacity and sustainability of the organisation to further the above objectives.

**QWWS was funded to deliver industrial relations advisory services to vulnerable women workers for the 2012/3 financial year by Federal Government Fair Work Ombudsman and the Office for Women.**

## **From the Chair**

Alison McClintock – Acting Chair (Shanti Thompson was Chair until July 2013)

The past 12 months have seen QWWS again meet some significant challenges and come out the other side with a renewed passion for providing services to the most vulnerable working women in Queensland. A complete loss of state funding, even with a recent increase in federal funding saw an overall reduction in service provision, service size including staffing and some intense planning to ensure continuity of access with minimal disruptions.

Despite these challenges we have again this year been at the forefront of policy around women's work issues and has contributed to Government enquiries and social debates and has provided support and advocacy to over 2000 individual women.

The Young Workers Advisory Service auspiced by QWWS until July 2012 sadly closed due to a complete removal of state funding.

Despite our uncertainty, being a model employer in the community sector forms part of the QWWS strategic vision and the 2012 QWWS Certified Agreement, which was approved by Fair Work Australia (now Fair Work Commission) in December 2012 maintains support for flexible employee-initiated work arrangements, provides for training as well as up to six months paid parental leave and wage increases for employees.

On behalf of the Management Committee I would like to thank Kerriann Dear and all the staff who have delivered such professional and competent services to the women who access the service.

I would also like to acknowledge the hard work of our Management Committee in providing support and solutions to the problem of working in such a challenging funding environment as the recent 12 months have provided.

## **Management Committee**

The QWWS has now operated since 1994 with the ongoing commitment and work of a volunteer Management Committee, which oversees QWWS governance and operations. The Management Committee is made up of representatives from a broad range of organisations and individuals, and the service relies on the volunteer efforts of this group of women who provide strategic direction and support for the service.

## **Committee Achievements**

Planning meetings conducted August 2012 and February 2013

Annual General Meeting October 2012

QWWS Certified Agreement – approved December 2012

## **Elected Management Committee 2012/2013**

Shanti Thompson (Chair)	Individual member
Alison McClintock (Deputy-Chair)	Individual member
Samanthi Gunawardana (Secretary)	Griffith University
Leah Mertens (Treasurer)	Individual member
Alana Heffernan (Assistant Secretary)	Individual Member
Anna Herzog	Australian Services Union (Services)
Rosslyn Monro	Women's Legal Service
Jan Sheppard	Together Union
Kerriann Dear	Management Rep (Director)
Lee Matahaere	Staff Representative

## **Director's Report**

Queensland Working Women's Service Inc. continued to deliver advisory and advocacy services to vulnerable working women during 2012/3 with funding from the Commonwealth provided through the Fair Work Ombudsman and the Office for Women.

The reduction in total funding while dictating an overall reduced service capacity, including the very notable gap left by the closure of the Young Workers Advisory Service in July 2012, has also brought a honing of the way we target services to the most vulnerable and marginalised female workers. These groups include older women, young women, Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women (CALD), regional women; and women with disabilities.

Clients who contact QWWS for assistance are seeking information on their rights and options on courses of action available to them to redress unfairness in the workplace. QWWS clients typically reflect the level of disadvantage that women often experience in their employment, still (in 2011 from the Census) earning 17.5% less than men on average and facing particular and sensitive issues such as pregnancy discrimination, sexual harassment and gender discrimination at work. An overview and analysis of the frequency and issues working women have raised with the service over the past year is contained in the QWWS Service Delivery Report.

## **Domestic Violence and Work**

This past year we were unable to sustain the role of convening the Domestic Violence Workplace Action Group, but continued to work closely with the The Domestic and Family Violence Clearing House for the consolidation of Commonwealth anti-discrimination laws with the inclusion of domestic violence as a ground of discrimination. This has not yet been passed by Parliament, however, an amendment to the Fair Work Act has meant that employees who experience domestic violence have the right to request flexible working conditions - which is significant recognition in itself of the impact of domestic violence as an industrial issue.

Two staff attended the Safe at Home, Safe at Work Conference booklet launch in Brisbane in December and then subsequently attended training to provide this training within workplaces for employers and employees. The new QWWS Certified Agreement 2012 also has provisions for family and domestic violence leave and support for staff.

During the coming period QWWS will be aiming to deliver this training to small workplaces with low union presence that are female dominated and/or in the community sector.

### **Policy and Legislation**

QWWS as part of the National Working Women's Centres made submissions to both the Senate and House of Representatives Enquiries in mid 2012 about the proposed amendments to the Fair Work Act, which included the Workplace Harassment Legislation.

We commented positively in relation to:

- An increase in concurrent parental leave to eight weeks
- The expansion of the right to request flexible working arrangements
- The extension of the transfer-to-safe job entitlement to employees with less than twelve months service
- A proactive move to begin to tackle workplace harassment as an industrial issue

However at the same time raised concerns about:

- the continued unenforceability of the flexible working arrangements provisions
- limiting of the anti-bullying measure to constitutionally covered business
- procedural and practical issues regarding the anti-bullying measures
- the lack of a recommendation to protect employees experiencing domestic violence against discrimination

Kerriann Dear and three staff attended the No 2 Bullying Conference at the Gold Coast in April 2012 and reported a high quality of presentations and interest in the issue, which was, in July, included in the Fair Work Act.

### **Economic Security 4Women**

QWWS is a long-term and active member of the National Women's Alliance (Economic Security 4Women), and through this alliance we network and share information with women around Australia as well as the Office for Women and national policy makers. ES4W held a seminar on women and higher education in Brisbane in June 2012 which was well supported and the Policy Officer, Sally Jope, visited QWWS to meet with staff and committee members to exchange information about the work of our two groups and seek future synergies.

### **Strategic Focus**

The strategic focus of QWWS has continued to be six priority areas, which are: capacity, financial governance, ideas and philosophy, internal relationships, sector development and partnerships and access to our services. The news of additional commonwealth funding via the Fair Work Ombudsman in May this year was very welcome and will assist us to maintain services and the strategic focus that was adopted earlier in the year to target vulnerable women as well as to continue to have a policy and systems advocacy presence where possible.

### **QWWS Inc. Staff**

With another year of funding uncertainty and some operational changes, the staff at QWWS remained committed and dedicated to service delivery and our service objectives. Our team was sadly reduced by about half with the loss of the Young Workers Advisory Service. Lee Matahaere, Jessie Westaway, Fiona Bucknall and Kate Flynn have continued in the Industrial Officer roles and Linda Gong in Finance/Administration and Kaitlin McCollow volunteering her time and providing some casual backfill. I sincerely thank all our staff, whom I value enormously, for themselves and for their efforts during this period.

### **QWWS Service Delivery Report 2011/12**

#### **1. Provision of a telephone advice "advisory-line" for women on employment matters**

During the reporting period, QWWS provided a telephone advisory service between 9am and 1pm on Monday, Tuesday, Wednesday and (until 4 pm) Friday. The office is closed on Thursdays. QWWS receives a consistently high volume of requests for assistance and



prioritises these through our triage/intake system. QWWS provided assistance to 2085 women during this period.

## **2. Casework assistance**

This includes assistance with responding to workplace issues, advice on contracts, negotiating conditions of employment or leave, mediation and dispute resolution as well as individual advocacy and representation in relevant industrial relations commissions where a claim is accepted.

QWWS assisted 230 women with casework, including representation, during the period. This was an increase from 176 last year. Through this service over \$440,000 was recovered from employers for women by way of entitlements or compensation for unfair dismissal, underpayment of wages or discrimination. Reinstatement, apologies and the provision of positive references were also sought and achieved by many clients.

## **Referrals and partnerships for industrial advocacy for women**

During the period, QWWS maintained and developed a number of referral partnerships to assist women with matters that could not be progressed by QWWS. This included clients who wished to take their complaints to a tribunal hearing, those who needed higher-level legal advice or callers who fell outside our target groups.

QWWS has maintained our referral relationships with Maurice Blackburn Lawyers and Rob Stevenson of Australian Workplace Lawyers. These organisations have provided assistance to QWWS's clients as well as to our Industrial Officers when we have needed expert legal opinions on industrial matters.

## **3. Community outreach to women on workplace issues**

QWWS delivers workshops and information sessions to groups of women in the community aimed at increasing awareness of workplace issues, preparing for and re-entering work and developing negotiating skills in the workplace. During this period, three workshops were

delivered with workshops planned in regional areas in the coming period.

#### **4. Client statistics**

From 1 July 2012 to 30 June 2013, QWWS received a total of 2085 client queries. These included:

- 1909 specialised assistance calls
- 230 new casework clients and
- 176 general inquiry clients.

#### **Client demographics**

- 2% of clients identified as being from Aboriginal or Torres Strait Islander backgrounds.
- 10% of clients identified as being from culturally and linguistically diverse backgrounds.
- 47% of women were in the age group 25-45.
- 60% of client queries came from outside the Brisbane metropolitan area
- 15% of women were employed on a casual basis.

#### **Issues for QWWS clients**

During the past year, the majority of enquiries to QWWS (733) concerned dismissal (unfair, unlawful or invalid). Discrimination (352) and workplace harassment (315) also represented a high proportion of enquiries. QWWS clients often present with multiple and complex concerns in relation to their employment.

The most common industries represented by QWWS clients during the period were health and community services (219%) and the retail and wholesale sectors (13%). These have consistently been the most common industries employing QWWS clients over the past seven years.

In a slight decrease (2%), 47% of our callers were permanent full-time employees, with 19%

casual and 16% permanent part-time employees. This compares to 49% full-time and 15% part-time and 16% casual clients last year.

In the period, (21%) of our referrals came from state government agencies (including Legal Aid). Federal government agencies, including the Fair Work Ombudsman, referred around 47% of callers. Calls referred by federal government agencies mostly originated from the Fair Work Ombudsman and Fair Work Australia info lines.

## 5. Media/promotional activities

QWWS engaged media and promotional activities this year, including:

- International Women's Day Breakfast
- Attendance at the *No2Bullying Conference*
- *Safe at Home Safe at Work Launch*
- IRSQ Women in IR High Tea
- Economic Security 4 Women National teleconference link up
- **Australian Centre for Leadership for Women Panel**- Kerriann was invited to be a guest panellist on panel exploring a range of issues that concern women who are experiencing disadvantage in Australian communities commences.
- QUT Alumni presentation on issues and trends facing young people in employment

## QWWS website ([www.qwws.org.au](http://www.qwws.org.au))

Website details:

- 9147 visits with 23 087 Page views (70.10% new visitors) over 12 months
- 62% of all visitors to the site came via a search engine such as Google, and around 15% of visitors came to the site by clicking a link on another website. Of the latter, 99 came via Legal Aid Qld website, 50 from Fair Work Ombudsman and 47 via Facebook.

### **QWWS client feedback**

QWWS conducted regular client evaluations of casework clients and education/information sessions. Over 98% of clients are consistently very satisfied or satisfied with the assistance they have received from QWWS.

### **Emerging issues for QWWS clients**

#### *Industry issues*

This year, as similar to last, clients working in health and community services, personal service, wholesale or retail and hospitality/accommodation represented over 38% of QWWS callers. These industries all have high rates of complaints about discrimination and dismissal, with the health and community services sector displaying the highest percentage of calls relating to workplace harassment. This last trend is one that has continued over the last four years and may indicate industry-wide and industry-specific problems regarding the management of workplace harassment. Incidents of reported workplace harassment overall decreased in the past two years from 462 to 315.

#### *2011/2 complaint comparisons:*

Over the past two years, pregnancy discrimination increased slightly from 2% to 3.5% to 5.7% of callers. Dismissal complaints rose from 33% to 38% of callers. Enquiries about redundancy increased from 8% to 9% of callers.

### **Case studies**

\* Names and identifying information have been changed

#### **Resolving issues at work**

Julia was experiencing serious problems with her supervisor at her workplace, who she felt was behaving aggressively towards her. In the past other workers at her manufacturing worksite had complained and nothing had been done. There was no grievance process in place.

QWWS assisted Julia to write her complaint and talked her through approaching the manager of the company to discuss her concerns.

Julia contacted QWWS a week later to express her thanks for the support and told us that management had taken her complaint seriously and were now investigating. As a result of our information Julia and 15 of her coworkers joined their union.

### **Return to work after pregnancy**

Angela was having difficulties returning to work after parental leave; she worked for a large hospitality group with over 100 employees.

Angela's employer was effectively ignoring her attempts to request a part-time return and was stalling their response, eventually declining her request and insisting that she return full-time or resign.

QWWS assisted Angela draft a formal request based on her right to request a flexible work arrangement, noting the legislation and her treatment so far.

Within two days Angela had received a positive response and was set to return to her position on a part-time basis.

### **Discrimination**

#### *Pregnancy*

Tina is aged between 26-45 and a single mother. Tina worked permanent full-time as a medical receptionist for a small business.

She informed her boss she was pregnant and over a period of two months prior to going on parental leave, she received warnings on various issues. She was at one instance given a written warning for not ringing herself when on sick leave (in circumstances where a medical certificate was supplied). Tina was also constantly told it would be better if she resigned.

Tina commenced maternity leave. Six weeks prior to returning to work, she sent an email to her employer to request returning to work permanent part-time. Her employer replied two weeks later that this was not possible. Tina then emailed back with four weeks of notice of intent to return to her permanent position. She then received an email from a solicitor requesting she send a letter of show cause around warnings she had received in the two month period prior to going on maternity leave. A QWWS Industrial Officer rang the solicitor to have an open discussion around coming to an outcome all parties would be happy with, but the solicitor was unresponsive and expressed that they were “insulted”, and eventually, over a period of three weeks, Tina’s employment was terminated for misconduct.

Even though Tina had a good adverse action claim, she elected to lodge for unfair dismissal. QWWS represented and the outcome was 15 weeks pay: amount \$17,100.00.

#### *Gender*

Our client was working for a large business; she had been employed for one to two years performing clerical work. She was constantly being undermined and targeted by her supervisor and other male members of staff who worked in a different area of the workplace.

Our client lodged a complaint with the Australian Human Rights Commission for less favourable treatment on the basis of gender. The client was then referred to our service by a conciliator at the AHRC in the hope of the client avoiding a face-to-face conference with the company, as she was still working there and she wanted the matter resolved quickly and amicably.

After speaking in detail with the client, she informed our Senior Industrial Officer that she no longer wanted to work for the company but could not afford to be out of an income. At this point, we contacted National HR of the company and informed the manager of HR of the events which had transpired and put forward an offer which included both monetary and non-monetary terms. The result of this was the client resigned from her position and received seven weeks’ compensation for her lost wages and all non monetary terms.

*Family responsibilities and victimisation*

Patricia was working as a chef for a large business for five months on a casual basis (regular and systematic hours). Upon receiving the position with the company, she had informed them of her family responsibilities and her availabilities as her partner worked away in the mines and was on a four weeks on/one week off roster.

Over time, Patricia became subjected to bullying by her direct manager, which she reported to HR at her soonest opportunity. Her manager found out about the complaint she had made and took her shifts from her the following week. When she enquired why this had occurred, her manager said there were no hours for her. After questioning this a second time, the manager then provided Patricia with two shifts on the days he knew she had family responsibilities and was unavailable.

Patricia then followed the internal grievance procedure and despite the number of calls and emails she had sent to HR about the matter, they refused to provide the client with information on their 'investigation'. The following two weeks after the grievance was lodged, Patricia's hours were taken off her again.

It was at this point the client made a complaint to the Australian Human Rights Commission due to less favourable treatment on the basis of family responsibilities and victimisation.

Our Senior Industrial Officer represented the client in her conciliation conference and the client provided her resignation letter to the employer. They provided her with a dollar figure for the hurt and humiliation she had suffered as a result of the less favourable treatment. This allowed Patricia to take time to look for alternative employment and not be without an income during this period.

**Unfair dismissal**

Helen is over 45, and Aboriginal. She was employed in a permanent administration role for a small indigenous organisation, for just over one year. She was subject to workplace bullying by one of the management committee, and made a complaint to the chair of the organisation about this continual workplace bullying. The complaint was never dealt with. Within six weeks

following the complaint, our client was terminated. The reason given was that she was on a temporary contract.

QWWS represented this client in an unfair dismissal conference where the employer failed to show documentation to support the reason for termination and where the employer agreed they did not deal with the complaint about workplace bullying because it was against a member of the management committee.

The outcome for our client was six weeks' wages.

### **Sexual harassment**

Abby, a 19 year old young woman working as an administrative assistant in a medium-sized office, experienced ongoing sexual harassment from two men in their forties who held more senior positions. The behaviours included displaying pornography on computers in front of her, sexual comments, and touching and slapping her bottom. The young woman felt completely intimidated by the behaviour which was usually collusive by the two men.

Abby made a complaint to the HR/Office Manager in writing after another manager told her that she was going to "get bashed" by the men for making a verbal complaint. Management did not support her and did nothing to respond to her grievance.

After several attempts to complain with a view to stopping the behaviour, a meeting was held with Abby, which focussed mostly on her work performance and failed to validate her concerns. Abby resigned, giving a month's notice as she still felt that she should do "the right thing." The employer then fired her a few days later via email. Her partner had also worked for the business and had been forced out as a result of harassment by the same two males. He made a number of complaints to the owner before resigning, but nothing was done. Abby and her partner had both lost their jobs.

Abby was diagnosed by her GP as suffering anxiety/depression, migraines, insomnia, and her relationship with her partner was affected. After several months she found a new job on significantly lower pay as a receptionist, at a significantly lower skill level in a small company.



QWWS assisted Abby to make a claim to the Anti-Discrimination Commission Qld, which resulted in a settlement of \$2,000 and a positive statement as Abby lacked the resources to take the matter to hearing. The two men who had sexually harassed kept their jobs.

### **Reinstatement**

Praemala was referred to QWWS by Fair Work Commission. Praemala is CALD. She was working on a s.457 visa as an assistant in nursing, in the aged care industry. She was dismissed for taking too much sick leave.

Praemala started working in a casual role (with regular and systematic hours) in an aged care facility in Western Australia. She had one month without work, moved to Queensland and was able to recommence work for the same company in a Queensland facility. She advised QWWS that she was dismissed for taking too much sick leave and was referred to QWWS on the same day of her dismissal. Praemala supplied contact details for her manager to our Team Leader Industrial Officer, who rang to negotiate on Praemala's behalf. It was learned that Praemala's employment had been terminated due to performance issues around client care as well as taking too much sick leave. Our Industrial Officer was able to negotiate with the line manager and with HR successfully and Praemala was reinstated.

### **Future directions**

QWWS will continue to deliver services to women in accordance with funding agreements with the Fair Work Ombudsman. We will also host the 5th *Our Work Our Lives Conference on Women and Industrial Relations* in May 2014. For more information about the conference please visit the QWWS website [www.qwws.org.au](http://www.qwws.org.au)