Underpaid — it's official

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Well, it's finally official. Librarians are underpaid — at least in New South Wales.

After a mammoth case, Justice Glynn of the New South Wales Industrial Relations Commission has handed down her keenly-anticipated findings in the landmark New South Wales Pay Equity Inquiry. Forty working days were spent in public hearings. 450 exhibits were presented. And more than 100 witnesses gave evidence. The Judge adjourned the case on 3 July 1998. Her three-volume report took almost six months to complete.

For ALIA members, the critical part of the report is its finding that the work of librarians is undervalued. While argument in support of some female-dominated occupational groups, such as nurses and certain clerical categories, was rejected, recommendations put forward on behalf of librarians were accepted. The judge, in fact, has found that the work of librarians continues to be seriously undervalued, despite their having experienced in the past decade 'work value changes of the highest order'. This finding is particularly pleasing for ALIA since the Association played an active part in development of the case.

Together with the Report's proposed new Pay Equity Principle, it paves the way for early cases to seek remedies for the wage inequity which is now a matter of official record. We can expect to see the state's major unions mount strong campaigns immediately to secure for librarians the revised classification and career structures which have already received the Government's in-principle support. In that respect, negotiations between the Public Service Association (PSA) and the Public Employment Office on a draft *Libraries and Archives Award* began in December. Those continuing discussions are likely to address the Pay Equity Inquiry's findings almost immediately.

Justice Glynn makes numerous other important and fascinating findings, reflecting the Inquiry's broad terms of reference. She has rejected suggestions that pay equity should be considered separately from the industrial relations mainstream. On the contrary, she finds that the existing industrial relations system — with some fine tuning — is absolutely the most suitable, and thus potentially the most effective, mechanism for redressing gender-based inequity. In ALIA's view, this is a most welcome conclusion. In particular, it minimises 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 will ensure that equal pay issues become an integral element of all wage-fixing processes in the State jurisdiction.

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. It means, for purposes of determining equal pay for work of equal value, 'pay' will be defined very broadly — *'salary...and any additional emoluments payable directly or indirectly...in cash or kind'*. This will make illegal any action which discriminates between otherwise equal employees by awarding non-cash benefits to one group while denying them to another. This is a concept which ALIA has strenuously advocated in support of members in specific cases in New South Wales. Again, it is heartening to have our view so strongly endorsed by the Inquiry.

As far as the role of discrimination in actual pay equity cases is concerned, Justice Glynn's findings are even more significant. She determines that discrimination shall not be a pre-condition for seeking a remedy. Rather, the criterion will 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. Further difficulty is removed by her Honour's proposals for the conduct of pay cases. She recommends that they be conducted on an 'inquiry' basis, rather than as adversarial proceedings between employee and employer bodies. In this way, a strict onus of proof is not required of applicants, potentially making success much more attainable.

Finally, arguments from employers and others about the economic impact of action to redress gender-based pay inequities have been given short shrift by the Inquiry. Much of this evidence is found to 'lack foundation' and to overstate the case. The Judge has accepted Treasury evidence that action will not create significant economic dislocation. Her report points out that conventional economic theory indicates removal of discrimination will improve community well-being. Justice Glynn adopts the view of Treasury that, contrary to employer submissions, pay equity adjustments will *improve* economic performance because there will be better allocation of resources, creating *increased* productivity. Such an outcome is in the interests of everyone, including employers, she says.

Space restrictions allow only a brief outline of this important judgement. But it should be clear to members that ALIA's decision to invest time and effort to support a case for librarians in the Inquiry has been a sound one. Of course, there is always the risk of slips 'twixt cup and lip'. But Justice Glynn's findings clearly offer the best opportunity for improvements in librarians' relative wages that we have seen for some time. ALIA will be doing all it can to encourage positive outcomes, and to spread the approach taken by New South Wales to other industrial jurisdictions. ■

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