



**QUEENSLAND WORKING  
WOMEN'S SERVICE INC  
ANNUAL REPORT  
2010/2011**



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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 for the 2010/2011 financial year by the Queensland Department of Justice and Attorney General and by the Federal Government Fair Work Ombudsman.**

## **From the Chair**

Alison McClintock

On behalf of the Management Committee of The Queensland Working Women's Service Inc., I would like to thank QWWS Co-Directors Sue Assad and Kerriann Dear and the staff who have delivered such professional and competent services to over 3500 women and youth who have contacted the service this year. The service has maintained high outputs and received extremely positive client feedback and service evaluations.

At the 2010 Management Committee planning day the committee implemented an internal service review examining our governance, staffing and service delivery structures. This was a significant project that has resulted in refinements to our service delivery structure in accordance with funding received for these services.

The Queensland Working Women's Service received the bulk of our funding for this financial year from the State Department of Justice (Private Sector Industrial Relations) to deliver services to women and young people on workplace issues. Additionally, the Federal Workplace Ombudsman provided a small amount of funding for casework, education and advisory services to women. We would like to thank these funding bodies for their recognition of need in the areas in which we work and for their support.

I would also like to acknowledge the hard work of our Management Committee in providing support and consolidating feasible planning strategies and solutions to the problem of working in an ever-changing environment of funding. I have enjoyed my six years as QWWS Chair and have learned much from the experience.

## **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.

Loretta Gibbs (QWWS Financial Controller) and Michelle Patterson (Dept Justice and Attorney General) also performed consulting roles on the committee during 2010/2011.

### Committee achievements

Strategic planning meeting conducted July 2010

Organisational Review August 2010 to January 2011

Annual General Meeting October 2010.

### Elected Management Committee 2009/2010

Alison McClintock (Chair)	Individual member
Kaye Broadbent (Secretary)	Individual member
Shanti Thompson (Deputy-Chair)	Individual member
Leah Mertons (Treasurer)	Individual member
Anna Herzog	Australian Services Union (Services)
Rosslyn Monro	Youth Advocacy Centre
Jan Sheppard	Australian Services Union (Clerical)
Kerriann Dear	Management Rep (Jobshare position)
Sue Assad	Management Rep (Jobshare position)
Alana Heffernan	YWAS Representative
Lee Matahaere	Staff Representative
Samanthi Gunawardana (temporary Secretary)	Individual Member

## Directors' Report

(Kerriann Dear and Sue Assad)

Reflecting on the year that was is a good opportunity to identify the achievements of the Queensland Working Women's Service Inc. for this period, which have included:

- Implementation and finalisation of the QWWS Review
- Launch of research into employment issues facing urban Indigenous women in Queensland
- Attendance at the *Our Work Our Lives Conference on Women and Industrial Relations* (#3) in Darwin (August 2010)
- Publication of a paper exploring domestic violence and legislative protections in the workplace
- Implementation of a working group (The Domestic Violence and The Workplace Action Committee) to examine legislative reform around protections for domestic violence discrimination at work.

## QWWS Review

An organisational review with the objective of establishing a sustainable and viable service delivery structure commenced in August 2010. The Terms of Reference for the review were developed in consultation with staff. The review was undertaken by Helen Twohill, an external consultant, and sought the input of staff, QWWS management Committee and YWAS Steering Committee.

The Terms of Reference for the report developed in consultation with staff at the planning day in July 2010 were as follows:

- 1. Recommend options for a sustainable structure for QWWS/YWAS and the relationship between both to best enable the meeting of stated service objectives and funded contractual obligations.*
- 2. Make recommendations about the effectiveness of QWWS and YWAS service delivery to clients and provide options for areas for improvement.*

3. *Provide guidance around any necessary improvements for service governance and management with particular reference to QWWS Management Committee's functioning.*
4. *Consider alternative funding sources e.g. grants, fee for service, and benefactors to provide guidance about possible directions to take.*

The review established that current service delivery was sound; however, it prompted QWWS to take action to address an increasing financial deficit by implementing a sustainable staffing structure. From the report the QWWS Management Committee endorsed:

- Direct youth sector representation into the Management Committee and the removal of the YWAS Steering Committee
- The introduction of a flatter structure by reducing the management layers
- The integration of the services currently delivered under the funding provided for the Young Workers Advisory Service program into the QWWS service delivery structure for the duration of the current (2010 to 2012) funding contract with the Department of Justice and Attorney General.

The Directors implemented a three-month transitional staffing and operational structure that commenced on 1 November 2010. This structure was considered once again at the end of January when some staff accepted secondments or left. While the review process brought a period of uncertainty and change, the outcomes for QWWS this year are identifiably consistent with our Mission, Purpose and Objectives. These include not only meeting our key performance indicators for funded service delivery but embarking on, and continuing with, systemic advocacy in areas where we have identified unmet need as well as highlighting areas for policy reform.

### **Systemic Advocacy**

QWWS has maintained comprehensive organisational knowledge and expertise in all areas of relevant industrial relations legislation and principles and their effect on women. This enables us to provide our clients with clear and easy-to-understand information about what the laws mean in their individual situation, as well as the options available to them. By working within a

feminist framework at QWWS we also play an important role in public policy development through the documentation of our work with an analysis of common issues and concerns for women. This information has been published in academic research and is disseminated through lobbying and activist channels to ensure that policy makers are informed.

Particular groups of women (including Migrant and Australian Indigenous Women) suffer disproportionate disadvantage and discrimination at work and do not often seek or receive the assistance that they require in relation to challenging their situations. To better understand the issues and barriers faced by these groups in accessing services such as QWWS, two research papers were commissioned during 2009. Griffith University funded and undertook this research and the findings were launched in January 2010.

The findings are presented in two reports, which are available on the QWWS website:

- (i) *Indigenous Women and QWWS, Report I: Queensland Working Women's Service* presents the findings of the research conducted by Indigenous Policy, Partnerships and Community Engagement with Indigenous (Aboriginal & Torres Strait Islander) working women in Queensland; and
- (ii) *Migrant Women and QWWS, Report II: Queensland Working Women's Service* presents the findings of the research conducted by the Business School with migrant working women in Queensland. (<http://www.qwws.org.au/petitions-reports-and-submission/>).

A follow-up report (Indigenous women's experiences of work, with a focus on key issues in urban Queensland) sponsored by ES4W was conducted during 2010 and launched on 9 June 2011. The report explored the issues that continue to impede Indigenous women's employment and promotion at work. (The report is on the QWWS website: <http://www.qwws.org.au/download-document/32-indigenous-women%E2%80%99s-experiences-of-work>).

These reports provided a series of recommendations that are relevant to the ongoing government-funded service delivery strategies of QWWS and ES4W, and while some strategies

and programs have already been introduced, QWWS is considering a broader and more strategic approach to enacting these recommendations in the coming financial year.

### **QIRC Pay Equity Test Case**

A considerable pay gap between the earnings of men and women in Australia continues to exist. Last year, women had to work on average an extra 66 days to earn what men earned at 1 July 2010. This is 3 days more than in 2009, representing an increase in the gender pay gap from 17% in 2009 to 18% in 2010.

In 2010, unions led by the ASU and supported by the ACTU and the Federal Government launched a test case in Fair Work Australia using the new equal remuneration laws embedded in the Fair Work Act. The case (once it is decided) will determine if wage increases for the community sector will be passed on at a national level and through the modern awards system. The case has implications for the pay levels and working lives of about 200,000 community workers.

In a preliminary decision Fair Work Australia said:

*"In this decision we have concluded that for employees in the SACS industry there is not equal remuneration for men and women workers for work of equal or comparable value by comparison with workers in state and local government employment. We consider gender has been important in creating the gap between pay in the SACS industry and pay in comparable state and local government employment."*

Fair Work Australia has now called for further evidence including:

1. The extent to which wage rates in the SACS industry are lower than they would otherwise be because of gender considerations, including how the amount of the gender-related undervaluation of the work of the classifications in the industry should be calculated and concrete estimates of that gender-related undervaluation.

2. The amount or amounts, either dollar or percentage, to be included in any equal remuneration order and estimates of the cost.

QWWS Inc provided letters of support for the test cases at both the state and federal levels and QWWS staff attended *The National Day of Action* Rally held in June. We hope that the Federal Government will follow the Queensland Government in providing adequate funding so that women working in this sector do not continue to be disadvantaged. We eagerly await the final decision of Fair Work Australia.

### **Our Work Our Lives Conference on Women and Industrial Relations - #3**

The national working women's centres have established a proud tradition of hosting national academic conferences on women and industrial relations through the *Our Work Our Lives* conference series. The first examined women and the impact of the Workchoices legislation in 2006 and was followed by a second conference in Adelaide in 2007. The Northern Territory Working Women's Centre hosted the third conference during August 2010.

The conference brought together academics, practitioners, unionists, legal officers and members of the public to examine issues surrounding women and industrial relations. Guest speakers included the Federal Sex Discrimination Commissioner, Elizabeth Broderick, and Senator Jacinta Collins.

A plenary panel of six Aboriginal women from the Northern Territory reflected on their working lives and the issues faced by Aboriginal women at work during a very interesting and inspiring session.

*For many in the room, it was their first glimpse into the complicated balancing act necessary for Aboriginal women, with family obligations far above and beyond the nuclear unit familiar to many Australians. Issues of systemic discrimination were touched on, but the panel's accounts of working life were overwhelmingly focused on the positives of working life and their achievements, emphasizing the importance of education, setting goals and working hard—and supporting each other. (From the NTWWC Newsletter December 2011)*

Seven members of staff attended this conference, and it certainly provided a great opportunity to listen, absorb, participate and network.

In September QWWS staff will attend the 4<sup>th</sup> Our Work Our Lives Conference on Women and Industrial Relations in Timor Leste and it is proposed that QWWS host number 5 in 2013.

### **Domestic Violence and Women's Employment**

QWWS Industrial Officers Lee Matahaere and Alana Heffernan recently presented a paper on women, work and domestic violence at the 3<sup>rd</sup> *Our Work Our Lives Conference on Women and Employment* in Darwin. Their paper was developed using QWWS data and called for increased workplace protection through legislative reform in the Australian human rights arenas.

QWWS is aware that experiencing domestic violence can have a negative impact both on women's participation in the workplace and their employment relationships. While paid work is an important and primary means of financial independence for women, some employers place employees with domestic violence issues in the "too hard basket", refusing to make adjustments or accommodations and, under some circumstances, terminating their employment. QWWS believes that there is currently no effective statutory redress for clients who are treated adversely in the workplace on the basis that they experience or have experienced domestic violence.

Through research, we have found that a number of countries across the world have enacted statutory measures to address adverse treatment in the workplace on the basis of being a victim or survivor of domestic violence. The paper highlights legislation in certain states of the USA that have amended human rights and anti-discrimination protections to include domestic violence. Further, the QWWS paper illustrated various measures that have been adopted to address the adverse treatment both globally and locally and considered how these reforms may be relevant to Australian women workers.

At a local level, some Australian workplaces have recognised the key role of the employment relationship in reducing the impact of domestic violence and have addressed adverse treatment in enterprise agreements and/or through internal policies and procedures.

In 2010, Lee and Alana attended the Equal Rights Alliance (ERA) roundtable in Canberra in December to discuss key points/principles for a gender-focused submission on domestic violence and work to the anti-discrimination *Consolidation Project*. Subsequently, QWWS has initiated a working group as a mechanism to explore and address the adverse treatment in the workplace of victims and survivors of domestic violence.

QWWS envisages that the goal of the group will be to drive proposals for legislative and workplace reform to benefit working women who experience violence as well as other affected members of the community at large. A link to the report is available on the homepage of the QWWS website:

<http://www.qwws.org.au/>.

#### **Economic Security 4 Women**

QWWS and the National Working Women's Centres continued to be actively engaged in the consultation and research conducted by the National Women's Alliance ES4W, which is one of six National Alliances funded by the Federal Office for Women. ES4W is concerned with the issues that impact on the lifelong economic well-being of Australian women and advocates that long-term economic well-being empowers women to make choices and enriches all aspects of their lives including education, health, employment, safety and financial well-being.

The work by the Economic Security4Women focuses on a number of key issues that impact on women. The major issues include Economic Wellbeing through the promotion of the *Viable Work Report*, The Australian Care Economy by undertaking an overall assessment and

economic valuation of the Australian care economy with the aim to develop a comprehensive measure of care work undertaken in Australia, advocating in support of the Pay & Gender Workforce Equity and Gender Statistics and Analysis – Data Disaggregation by Sex through the expansion of gender statistics and analysis in relevant statistical domains and for designated disadvantaged population groups.

A sample of the range of activities of this group include a commercial promoting the equal pay agenda was produced and screened during the week including the International Women's Day. A report has been completed and circulated on the Australian Care Economy. The 10thousand girl and women and superannuation projects commenced. The ABS now release some gender related data. Submissions have been made to the Productivity Commission. Additional funding has been approved for a special policy project. Issues within the Australian context were highlighted through attendance at the United Nation's Commission for the Status of Women 55th Session in New York. Approval to research '*Women's voice from the flood plains: an economic gender lens on responses in disaster affected areas in Queensland and Victoria*' has been given.

#### **QWWS Inc. Staff**

The staff at QWWS and YWAS are the lifeblood and backbone of the services. It is with their enthusiasm and support that we have continued to deliver high quality services to women and young people. During this year we have been pleased to have the services of Wendy Greenhill, Amelia Richardson-Dear and Marilyn Davis (these temporary staff are replacing permanent staff who are on leave).

QWWS continues to offer placements to students and volunteers in administration or information, referral, advice and support to women and young people on work-related matters. These students and volunteers make valuable contributions to both QWWS and YWAS.

The Community Jobs Placement program sponsored by the Multicultural Development Association has provided an opportunity this year for Peggy Khoshrang and Trisiana French to

work with us for 5 months each. Trisha-Kate Pagliaro, Katia Viguria, Aurora Richardson, Georgina Davidian and Manelle Isa also joined our casual pool of staff.

We thank all our staff, whom we value enormously, for their efforts during this period.

<b>QWWS Directors:</b>	Kerriann Dear and Sue Assad
<b>QWWS Senior Industrial Officer:</b>	Teresa Chase (until January)
<b>YWAS Coordinator:</b>	Deidre Morrow (until November)
<b>QWWS Team Leader:</b>	Lee Matahaere (from December)
<b>QWWS Industrial Officers:</b>	Alana Heffernan Andrew Marsden Fiona Bucknall Jesse Westaway Emma Treherne (until March) Wendy Greenhill Amelia Richardson-Dear Marilyn Davis
<b>QWWS Finance Officer:</b>	Linda Gong
<b>Casual staff:</b>	Katia Vigura Trisha-Kate Pagliaro Nahid Shemerani
<b>Young Workers Project:</b>	Georgina Davidian Aurora Richardson Manelle Isa Sandith Oyet Kep

### Acknowledgments

The QWWS 2010 AGM was held on Thursday 25 November at the Country Women's Association meeting place at Spring Hill. The Management Committee was voted in and we welcomed Leah Mertons, a long-time individual member to the committee. Alison McClintock has undertaken her sixth year as Chair, and this year we have supported the role with a Deputy Chair (Shanti Thompson). The Directors recognise the support from the committee for our job-sharing role, which we think leads the way in flexible work arrangements for management-level officers within the social and community services sector.

We would also like to thank the Griffith University investigators for the three research reports about Aboriginal and migrant women, which were launched during this period. These women are Professor Boni Robertson, Dr Hellene Demosthenous and Dr Catherine Demosthenous (who undertook the Aboriginal and Torres Strait Islander Women's research) and Dr Kaye Broadbent, Professor Glenda Strachan, Dr Janis Bailey and Ms Sue Ressia (Migrant Women's Report).

QWWS would like to acknowledge the funding from the National Women's Alliance ES4W (Economic Security for Women), which was directly provided to investigators at Griffith University to conduct the second Indigenous Women's report.

### **QWWS Service Delivery Report 2010/2011**

#### **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 4pm on Monday, Wednesday and Friday. The advice line is closed on Tuesday and Thursday to allow Industrial Officers to perform client work and attend staff and casework meetings.

QWWS receives a consistently high volume of requests for assistance and prioritises these through our triage/intake system. QWWS responded to over 2300 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 161 women with casework, including representation, during the period. Through this service over \$110,000 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 long-term referral relationships with Hall Payne Lawyers, Maurice Blackburn Lawyers and Rob Stevenson of Australian Workplace Lawyers. During the period QWWS also developed strong links with the law firm 'Workers First', who have accepted a number of referrals. These organisations have provided assistance to QWWS' 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, 14 workshops were delivered. Evaluations of the seminars indicated that over 95% of women agreed or strongly agreed that they increased their knowledge through attendance and that the information was easy to understand.

### **4. Client statistics**

From 1 July 2010 to 30 June 2011, QWWS received a total of 2323 client queries. These included:

- 2210 specialised assistance calls
- 161 new casework clients and
- 123 general inquiry clients.

### **Client demographics**

- 2.5% of clients identified as being from Aboriginal or Torres Strait Islander backgrounds.

- 11.5% of clients identified as being from culturally and linguistically diverse backgrounds.
- 53% of women were in the age group 25-45.
- 50.5% of client queries came from rural and regional areas.
- 19% of women were employed on a casual basis.

### **Issues for QWWS clients**

During the past year, the majority of enquiries to QWWS (738) concerned dismissal (unfair, unlawful or invalid). Discrimination (314) and workplace harassment (458) 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 (20.22%) and the retail and wholesale sectors (12.41%). These have consistently been the most common industries employing QWWS clients over the past 6 years.

Consistent with previous reporting periods, 50% of our callers were permanent full-time employees, with 19% casual and 16% permanent part-time employees. This compares to 50% full-time and 19% part-time and 16% casual clients in 2009/2010.

In the period, the majority (26%) of our referrals came from state government agencies (including Legal Aid). Federal government agencies, including the Fair Work Ombudsman, referred around 41% of callers. This was an increase from 27 % last year. Calls referred by Federal Government agencies mostly originate from the Fair Work Ombudsman and Fair Work Australia Info lines.

### **5. Media/promotional activities**

QWWS engaged in 24 media and promotional activities in the 2010/2011 year, including:

- International Women's Day Breakfast
- Revamp and update of QWWS website
- Participating in the Aboriginal and Torres Strait Islander Employment Expo
- Four radio interviews on paid parental leave with ABC Radio and Community Radio
- Sunday Mail interview on paid parental leave
- Attendance at the *Our Work Our Lives Conference on Women and Industrial Relations* in Darwin (August 2010) and presenting and chairing presentations
- Health and Community Services Workforce Innovation Conference
- Participation at the National Day of Action (SACS sector pay equity rally)
- Launch of the Aboriginal Torres Strait Islander Women and Employment Research (June 2011).

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

After initial findings in research conducted by Griffith University with migrant and Aboriginal and Torres Strait Islander women on their impressions of the QWWS website were made, a new website was developed and launched in mid 2009. The website has a new more inclusive appearance and provides access to women to make e-requests for workplace information or advice from QWWS Industrial Officers. The website contains updated information sheets, information about upcoming events and discussion of current issues facing working women.

#### Website details:

- 7,637 visits and downloads over 12 months
- 68% of all visitors to the site came via a search engine such as Google, and around 18% of visitors came to the site by clicking a link on another website. Of the latter, 5% came via links on the Queensland Department of Employment and Industrial Relations (DEIR) websites.

## **QWWS Client feedback**

QWWS conducted regular client evaluations of casework clients and education/information sessions. Over 95% 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, clients working in health and community services, personal service, wholesale or retail and hospitality/accommodation represented over 40% 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 3 years and may indicate industry-wide and industry-specific problems regarding the management of workplace harassment. Incidents of reported workplace harassment increased in the past 12 months from 414 to 462.

### 2010/11 complaint comparisons:

Compared with the previous financial year, pregnancy discrimination increased slightly from 1.6% to 2% of callers. Dismissal complaints rose from 23.25% to 32% of callers. Enquiries about redundancy increased from 3.7% of callers. Queries about workplace harassment increased from 17 to 20 % during the past 12 months.

## **Case Studies**

**Margo** worked as a receptionist for a large vet surgery for just under one year when she was made redundant. Although her position was no longer required to be performed by anyone due to a restructure, Margo did not receive any consultation in accordance with the relevant Award, and she believed she could have been redeployed. QWWS assisted Margo with an application for remedy for Unfair Dismissal in Fair Work Australia, on the grounds that the redundancy was not genuine. The employer conceded at conciliation that the correct procedure was not followed and the matter was settled.

**Marina** was a kitchen hand in a small catering business and was dismissed after taking 2 days off to attend a funeral. She contacted QWWS for assistance with an UFD case. She obtained 2 weeks pay and a good reference at conciliation and was pleased with the outcome, because the main motivation for taking her case was to make the employer think twice about treating someone else like that.

**Irene** worked as a drug representative for a pharmaceutical company. She had experienced workplace harassment and she said that after she lodged a WorkCover complaint, her employer started to question her about her previous WorkCover History. She was then dismissed after 5 months service. She came to QWWS and sought assistance in lodging a general protections action. Since Irene was a capable communicator, QWWS helped her to prepare some arguments for conciliation but did not represent her. QWWS later learned that Irene had success at conciliation as her employer agreed to pay her 2 months compensation.

**Parla** worked as a Retail Manager for 9 and a half years at a small business clothing store called Sell Out. Her employer terminated her for "serious misconduct". She was paid no notice, annual leave or long service leave. Parla came to QWWS and sought assistance to try and recover her "entitlements". QWWS represented her at a conciliation conference. The matter was not resolved satisfactorily by conciliation and QWWS referred Parla to a Lawyer.

### **Future directions**

The Strategic Planning Day in July 2011 will assist QWWS in determining our future directions beyond funded service delivery.

QWWS will continue to deliver services to women and young people in accordance with funding agreements with the Fair Work Ombudsman and the Queensland Department of Justice and Attorney General (Industrial Relations) for the period 1 July 2010 to 30 June 2012.

Discussions between QWWS and the Federal Government in relation to the development of a sustainable on going partnership with the State Government for funding and to identify the ongoing and future needs of the service were initiated in June 2011.

QWWS representatives attended the 4<sup>th</sup> *Our Work Our Lives Conference on Women and Industrial Relations* in Timor Leste in September 2011, and QWWS will host the next conference in 2013.

## Young Workers Advisory Service Report

### Mission Statement

To assist and support young workers in dealing with any workplace issue.

### Objectives of Young Workers Advisory Service (YWAS)

- Increase young workers' knowledge of conditions, legal requirements and government policies and programs relating to the workplace in both state and federal jurisdictions.
- Provide services that are accessible to, and appropriate for, diverse language and cultural groups and that respond to the needs of geographically isolated young people.
- Enhance existing work-related services provided by unions, government and other organisations to young workers while ensuring that there is no duplication of functions.

QWWS has sponsored the Young Workers Advisory Service (YWAS) since April 2002, and YWAS has operated alongside funded industrial relations services for women since that time. QWWS is the legal entity for the YWAS.

YWAS provides information, advice and advocacy to young people on work-related issues including employment entitlements, maternity leave, termination and redundancy, discrimination and sexual harassment, workplace bullying and employment contracts. The service handles client queries and provides a "case-work" service to assist with claims to workplace relations authorities, industrial tribunals and anti-discrimination commissions. In addition, YWAS provides resources, such as brochures and infosheets and delivers information sessions and workshops on rights entitlements.

YWAS continues to provide support and assistance to young people in approaching their employers about their employment entitlements or negotiating better outcomes at work.

YWAS also assists young people to make complaints to Fair Work Australia (FWA), the Fair Work Ombudsman (FWO), the Queensland Industrial Relations Commission (QIRC) and the Anti-Discrimination Commission Queensland (ADCQ) as well as lodge employment claims with the Magistrates Court where applicable.

From contact with young people, outreach to schools and data from a recent Australian Research Council (ARC) project partnership between YWAS and the Queensland University of Technology (QUT), there is significant indication that the awareness of young people as to their workplace rights and entitlements is low. Further, their understanding of how to take action to obtain this information or to redress unfair or unlawful treatment is minimal. The data collated also reveals numerous cases where young people have been exploited, underpaid, harassed or discriminated against and the high level of advocacy support they generally require for negotiating with their employers.

Young people are generally not members of unions and are unlikely to engage privately paid advocacy or legal advice in respect of employment rights. Further, the experience of YWAS is that members of this group are also not tenacious in exploring or seeking to uphold their rights at work, and without support in a manner that is developmentally appropriate many situations pass without redress to the disadvantage of young people.

The take-up of, and feedback about, services offered by YWAS from young people over the past 8 years is an indication that access to a youth-specific employment service is of significant value in upholding the rights of young employees.

The regulation of youth employment also varies widely across the states within Australia and involves non-integrated, and at times confusing, relationships between government departments and other agencies.

Professor Andrew Stewart, in his report *Making the working world work better for kids* for the NSW Commission for Children and Young People (December 2008), suggested that the lack of

awareness of rights among young people might be addressed by specifically mandating agencies to alert workers to their ability to demand certain entitlements. He states that organisations such as the Young Workers Advisory Service in Queensland and the Young Workers' Legal Service in South Australia have performed a tremendously valuable service in assisting young workers to identify and assert their rights.

### **YWAS Service Delivery Report**

The client services reported on under this section were contracted under a funding agreement with the Queensland Department Justice and Attorney General (JAG).

#### **Service delivery**

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

During the reporting period, YWAS provided a telephone advisory service four-and-a-half days per week. The advice line is closed on Thursday afternoons to allow Industrial Officers to perform casework and attend training, team or casework meetings.

<b>Financial Year</b>	<b>2010/2011</b>	<b>2009/2010</b>
Total clients requesting assistance	1116	1275
Specialised industrial relations information/advice	999	1030
General client assistance (basic information or referral)	117	203
Casework services provided	160	110
Information/educational sessions	42	52
Media and promotional activities	58	67
YWAS website visits	4769	4495

##### **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.

YWAS assisted 160 young people with casework, including representation, during the period. This is double the key performance indicator set by our funding body. Through this service over \$100,000.00 was recovered from employers for young people by way of compensation for unfair dismissal, underpayment of wages or discrimination. Statements of Service, and Deeds of Release or Settlement were also sought and finalised for many young people.

### **Referrals and partnerships for casework**

During the period, YWAS developed and maintained a number of referral partnerships to assist clients further. This included clients who wished to progress their complaints to a tribunal hearing, those who needed higher-level legal advice or those dealing with training contract issues.

YWAS has maintained our well-established referral relationships with the Queensland Workplace Rights Ombudsman, Hall Payne Lawyers and Maurice Blackburn Lawyers. We have also strengthened our referral relationship with Rob Stevenson of Australian Workplace Lawyers. These organisations have provided assistance to YWAS' clients as well as to our Industrial Officers when expert legal/workplace opinions are needed.

### **3. Community outreach to young people on workplace issues/Information/education sessions**

YWAS delivers workshops and information sessions to groups of young people aimed at increasing awareness of workplace issues, preparing for and re-entering work and developing negotiating skills in the workplace. During this period, 42 sessions were delivered. Evaluations of the sessions indicated that over 99% of the participants agreed that they increased their knowledge and that the information was easy to understand.

The majority of information sessions were delivered at Queensland high schools but sessions were also held at Brisbane Youth Service and Get Set for Work agencies.

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

From 1 July 2010 to 30 June 2011, QWWS received a total of 1116 client queries. These included 999 specialised assistance calls, 161 casework clients and 117 general inquiry clients.

##### **Client demographics**

- 6% of clients identified as being from culturally and linguistically diverse backgrounds or non-English speaking backgrounds.
- 59% of client queries came from rural and regional areas.

##### **Issues for YWAS clients**

During the past year, the majority of enquiries to YWAS (349) concerned dismissal (unfair, unlawful or invalid). Discrimination (132) and workplace harassment (113) also represented a high proportion of enquiries. Fifty-four young people contacting the service reported sexual harassment. YWAS clients often present with multiple and complex concerns in relation to their employment.

##### **Statistics for young people contacting YWAS**

The most common industries represented by YWAS clients during the period were the retail and wholesale sectors (21%). Since 2002 this has been the most common employer of young people contacting YWAS for assistance.

A majority (37%) of our callers were permanent full-time employees, with 28% casual and 7% permanent part-time employees. This compares to 31% full-time, 27% casual and 7% part-time in 2009/2010.

In this period, the majority (38%) of our referrals came from federal government agencies. State government agencies, including Legal Aid, referred 26% of callers. Calls referred by Federal Government agencies increased by 170% in the past 24 months with the majority of calls

originating from the Fair Work Ombudsman and Fair Work Australia Info line, which were created on July 1 2009.

### **YWAS client feedback**

YWAS conducted regular client evaluations of casework clients and education/information sessions. Over 99% of clients are consistently very satisfied or satisfied with the assistance they have received from YWAS. The majority of clients were unaware of any other service that could have helped them at the time. Some comments made were "*The Young Workers Service supported me to stand-up for my rights and I was happy with the outcome*". "YWAS staff were very helpful", and, "if I joined a union my boss would leave me alone".

### **5. Media/promotional activities**

YWAS undertook activities including:

- Participating in the Aboriginal and Torres Strait Islander Employment Expo
- 2 radio interviews on young people and work
- 5 youth network meetings in the period
- ADCQ Advisory Committee consultation
- Redland Youth Festival
- Caboolture Youth Week Celebration
- YWAS Peer Workers development of YWAS Facebook and updated infosheets.
- TV interview for A Current Affair commenting on the dismissal of a young worker.

### **5. YWAS website ([www.ywas.org](http://www.ywas.org))**

The YWAS website continues to be popular although telephone contact remains the most frequently used method for young people to seek specialised assistance. The web address is [www.ywas.org](http://www.ywas.org).

The website provides an option to make e-requests for workplace information or advice from

YWAS Industrial Officers and to request school or group talks. The website contains updated information sheets, information about upcoming events and issues facing young workers.

### **Website activity**

During the past 12 months the YWAS website recorded:

- 4769 visits
- 12,719 page views
- 3820 visitors
- 78% were new visitors.

The website is accessed by direct traffic at 21%, referral sites 44% (including Facebook 16% and apps.facebook.com 4.5%) and search engines 36%.

### **YWAS on Facebook**

A Facebook profile for YWAS was established in 2008. During early 2011 a working group of young people assisted in the revamp of the Facebook page. This included the link with Twitter. Advertising on Facebook has also assisted in increasing visits to the YWAS website. Visits to the YWAS website have increased significantly each year over the last three years.

### **Regional tour 2010**

The annual Regional Information and Education Outreach project was conducted In September 2011, and YWAS representatives visited Gympie, Maryborough and Bundaberg. The visit included four school talks, networking with youth organisations and the general promotion of the services provided by YWAS. The visit also provided an opportunity to catch up with youth agencies in these areas.

### **Current issues for young people in employment**

Because YWAS works directly with, and for, young people in the workplace, the organisation has gained an understanding of the issues they face. YWAS has shared this information in various forums including with other young people, at public events and with government and non-government agencies. During this year a group of young people met with YWAS Industrial

Officers to discuss the current issues and to develop better strategies to conduct outreach and ensure that young people have access to the information that they need to maintain their rights at work. Over a period of 4 weeks this group also met regularly to develop new information fact sheets to be posted on the YWAS website. The group remains active on the YWAS Facebook and represents YWAS in the community at events such as Youth Week or at youth festivals.

While a key concern for young people continues to be termination of their employment, a number of other concerns occur either separate to or alongside dismissals that are unlawful or unfair. These include underpayment of wages, denial of conditions of employment, unauthorised deductions from pay, discrimination (age and pregnancy), workplace health and safety (including workplace bullying) and being required to respond to formal disciplinary processes.

Over the past 3 years YWAS has received over 550 complaints of workplace bullying and sexual harassment from young people and a large proportion related to the inappropriate conduct of their employer or manager. Such situations make it difficult for the young person to seek help within their workplace, and in some instances it leaves the young person with no other option but to leave their employment.

When YWAS investigates such complaints, it has been surprising to find the number of organisations that do not have policies or procedures in place, and where they do exist complaints are often dismissed without proper investigation. Such unacceptable behaviour compromises the safety of young people at work and risks legal action against employers.

### **Case Studies**

**Cara** was a junior solicitor in her first job with a law firm and contacted YWAS because of ongoing sexual harassment, bullying and verbal abuse by the firm's Director. Cara left the law firm and her law career and started a new career in finance and insurance because she was so traumatized by her ongoing treatment. YWAS assisted her with a sexual harassment case in the ADCQ, where she was paid \$15 000 in damages at conciliation.

**Simon** is a young worker (19 yrs old), from a culturally and linguistically diverse background who worked for a large electronics hardware and software supplier. He was employed on a full time basis for nine months. Allegations were made about Simon breaching company policy and two meetings were held to discuss the complaints. He was not advised that he could have a support person present. He was summarily dismissed in front of colleagues and clients. He lodged an unfair dismissal application with Fair Work Australia and contacted YWAS for assistance. YWAS represent him at the conciliation conference and argued lack of procedural fairness and sought reinstatement. The employer refuted Simon's arguments and refused to contemplate reinstatement. The matter settled for financial compensation.

**Deborah** worked as a nail technician in a beauty salon. Whilst employed there, her employer paid for her to do a Certificate 3 in "advanced nail techniques". 2 months after completing the course, Deborah decided to give notice to terminate her employment. Her employer refused to supply Deborah with the certificate 3. Deborah contacted YWAS, and requested that we contact the employer to find out about the certificate. Unfortunately YWAS was unable to reach the employer, and advised her to contact a Community Legal Centre to pursue a legal claim.

### **Future directions**

YWAS will continue to deliver services to young people in accordance with a funding agreement with the Queensland Department of Justice and Attorney General (Industrial Relations) for the period 1 July 2010 to 30 June 2012.

YWAS hopes to continue to develop our peer workers and to extend this project to include young people in regional areas through regional visits over the coming 12 months.