

By the late thirties Ifould clearly had control of his staff recruitment. But if he won this battle he had lost the battle for his principle of establishing librarianship as a male profession. The staff which Ifould inherited, appointed both by Anderson and the Trustees, were in the main female, single, Protestant and highly educated; most of them had as their referees Trustees of the Public Library. (Ex 133, Tab 5, pp 26, 27)

However, this conclusion does not match the available evidence. It seems inconceivable that, if Mr Ifould had indeed gained control of recruitment, that he then allowed the library staff to become increasingly female dominated, even if there were economic imperatives that made that situation more attractive than it otherwise might have been. In other words, if Mr Ifould was so implacably opposed to women then he would have not allowed their ongoing recruitment to occur.

This analysis is borne out by Miss Arnot who rejects outright the proposition put to her that Mr Ifould was unwilling to promote women. Instead she identified a one off occasion involving a Miss Gleeson where on two occasions Mr Ifould refused to appoint her to senior positions. However, according to Miss Arnot, Mr Ifould in fact "relied upon women" whereas "Metcalf was more against women than Ifould" (Ex 266 pp 32, 33). Miss Arnot did not cavil with the statement by her interviewer, Mr John McAllister, himself a long time librarian, that Mr Ifould "certainly appointed a lot of good women to staff and he educated and trained them". (Ex 266 p 32)

Encel, Bullard & Cass acknowledge that Mr Metcalfe encouraged the recruitment of males, mainly under the auspices of the Post-War

Reconstruction Training scheme.

Encel, Bullard & Cass

Ms Fruin gave extensive evidence as to the reason for the suppression of rates of pay for female librarians. These include the following:

- That the proportion of females employed as librarians with qualifications was consistently high.
- The characterisation of the library work by Dewey and by Anderson and by Metcalfe as "routine, mechanical, and clerical in nature"
- Under recognition of the scientific aspect of librarianship.
- During the late 1930s and 1940s the concept of librarianship changed from one of "research and scholarship by men with female assistance", to one of "a female occupation with specialised skills in cataloguing and classification, and occasionally a modicum of research experience". (Ex 132, pp 42-44)

Ms Fruin's evidence is summarised in the case study and is derived in large part from the Encel, Bullard & Cass article.

The Encell, Bullard & Cass article makes a particular point of discrimination in relation to the early appointment of women:

By 1901 there were five young ladies employed in the lending branch, and three more employed as cataloguers in the reference section. The three cataloguers, who to obtain their positions had to undertake special examinations in cataloguing set by Anderson, were all graduates and one, Miss Margaret Windeyer, was a graduate of the "Library School of New York". She was also the daughter of Sir William Charles Windeyer, ex-president of the

Sydney Mechanics' Institute and School of Arts and ex-vice-Chancellor of Sydney University. Of some note is the fact that the advertisement of the position she applied for expressly called for a degree or for a "graduate of an American Library school". It is unlikely there were many such graduates at the turn of the century. These three appointments set the scene for the later employment of women. Two of the appointees were paid 150 pounds per annum, and the third 145 pounds per annum. Despite their senior positions and level of educational competence the salaries of these three women were as low as, or lower than, the salaries of the 12 men placed below them, none of whom had degrees and all of whom held much less responsible positions.

Two important points should be made about this extract, part of which is also included in Ms Fruin's Case Study (Ex 132 p 42). The first point is to make explicit, what is implicit, namely, that the position into which Miss Margaret Windeyer was employed was apparently custom made for her, suggesting a willingness rather than an unwillingness to appoint females to the Library, specifically a trained female, because Miss Windeyer claimed to be the only trained librarian at that time because she trained in America (Ex 266 p 29).

The second and more important point is that the situation that may have existed at 1901, insofar as the status and salary paid was concerned did not persist, so that by 1910 the position filled by Miss Windeyer, although described as a library assistant, was classified as one of only five professional positions; further the salary of 185 pounds was the seventh highest salary paid in the Library structure and, although three of the persons in receipt of a higher salary were indeed at a slightly lower classification level and were all male, the maximum salary difference was 35 pounds and is reflective of the general community and industrial standard that applied at the time. Similarly, the position of cataloguer, also filled by a woman and presumably one of the

persons referred to in the Encel, Bullard & Cass article, is also a professional position and is also in receipt of a salary of 185 pounds. In other words by 1910 two of the five professional positions at the Public Library were filled by women.

Insofar as the description of the work as "clerical" is concerned, by 1920 the classifications applying at the Library included a separate classification of cataloguer and the description of more junior workers as library assistants. It is arguable that the introduction of examinations by Mr Ifould in fact contributed to the professionalisation of the librarian positions, and to the recognition of the distinction of library work from clerical work by use of such classification descriptors as library assistants. [The documents in relation to the 1910 and 1920 positions were sought by the Commission.]

Other factors pointed to as evidence of discrimination by Ms Fruin included the attitude towards the obtaining of qualifications by persons employed at the Library. Ms Fruin stated that men:

were provided opportunities to get access to ... study leave, and encouraged to study to do generic kinds of qualifications that would equip them for public service careers, while the women who came in were generally supported and encouraged only to get their library qualifications to fit them to a career in that particular more narrow occupation.

In giving this evidence Ms Fruin appears to be relying on Encel, Bullard & Cass in which the following statement is made:

Ifould ... wanted males to stay in librarianship and women to occupy the lowest positions, if any. But, on becoming Principal Librarian, he found that the male librarians in his employment were

not imbued with the same library ethic he had expected. Many were simply working in the Public Library long enough to get their degrees, generally in law, and then leaving or transferring to other sections of the public service. In an attempt to stem this loss of males, he countered one of Anderson's policies and forbade the pursuit of law degrees by male members of his staff. He restored examination and certification of librarianship for both sexes. These examinations, moreover, he fixed firmly within the promotion system of the public service ... this new policy cost him some of the males on his staff. It also cost him future male recruits, for while the examination system acted as an incentive to promotion, it was to promotion in the Public Library only and not in the public service generally. (Ex 133, Tab 5, p 27)

I note that this extract, in common with extracts discussed earlier in relation to Mr Ifould, suggests that Mr Ifould in fact implemented policies that were certain to retain females in the State Library. This evidence appears to contradict that of Ms Fruin who suggests that men were encouraged to and did obtain access to study leave in order to obtain a broad range of qualifications. Certainly insofar as Mr Ifould's incumbency was concerned the male librarians were prevented from obtaining qualifications that would have had a broader application outside of the Library.

Ms Fruin may be referring to the reference in Encel, Bullard & Cass to Mr Anderson's approach as follows:

Anderson's male employees had been public servants first and librarians second by virtue of training in techniques of the profession. Anderson's female librarians had been librarians only and that by training and examination. The only examinations Anderson's males sat for were those for the degrees which he encouraged them to achieve. (Ex 133, Tab 5, p 27)

The graph appearing at page 31 of the Encel, Bullard & Cass article, however, indicates that during Mr Anderson's incumbency there was

apparently no increase in the number of degrees held by male library staff. The significant decline between approximately 1908 and 1915 takes place during Mr Ifould's occupancy of the Principal Librarian position. Unfortunately Encel, Bullard & Cass provides no reference for the source of much of this information. In the absence of the original data it appears that different conclusions may be reached as to the motivations behind the differential approach to qualifications, certainly as to that of Mr Ifould. It appears that at a time when women were only just commencing to participate in tertiary education, the policy of encouraging females to obtain degrees may in fact have provided opportunities for female librarians that may not have been available in other occupations, even within the public sector. In addition the effect of preventing librarians from obtaining law degrees, and by inference discouraging obtaining other degrees, may well have been to create a specialised staff at the State Library, which, in turn, enabled that staff to obtain levels of professionalisation and recognition as a discrete occupation that again would not have been available had it continued to be dealt with as an ordinary part of the public service.

Miss Jean Arnot

Miss Arnot's role in pursuing equal pay no doubt has heightened the understanding and perception of the inequality faced by female librarians who, at the time that Miss Arnot commenced work, were paid at 54 per cent of the rate for males (Ex 266 p B29). Miss Arnot's efforts in obtaining equal pay were in fact recognised by the librarians who held "an informal gathering of officers affected ... on the Tuesday following [the first payment in November

1960 to raise salaries of female library officers to the male rate] when a presentation was made to Miss Jean Arnot in appreciation of her efforts in this matter" (Ex 161 p 83). Miss Arnot was also involved in other campaigns for workers' rights, including resisting the introduction of non-appointment to permanent positions for women in the public sector; (Ex 266 p B29) and pursuing payment of superannuation to the families of single public servants in circumstances when superannuation was normally only payable to the spouse (Ex 266 p B30).

Miss Arnot raised the issue of equal pay for women at the 1937 Annual Conference of the PSA, moving the motion "that the principle of equal pay for equal work, irrespective of sex, as a fighting platform of the Association be affirmed". This motion, and the publicity surrounding it, is described as "a significant contribution to the campaign being waged by women for equal status" (Ex 138 Tab B).

Miss Arnot's efforts in this regard were successful to the point that, after her attendance at conferences involving librarians from other States, those librarians telephoned her to get details of salaries paid at the Public Library (Ex 266B p 17) as New South Wales librarians were the best paid in Australia.

Notwithstanding that the State Library has had a female dominated workforce for two thirds of this century, when the new library building opened, there was a women's common room and women's changing room and a general division common room, but the men's common rooms were divided into a senior

men's and junior men's common room. There was no such division for the women (Ex 266 p 19).

There is some oblique evidence from her that male junior staff engaged in some harassment or intimidation of senior female staff, though the particular incidents related by Ms Arnot occurred when she was sent to the Technical College at Ultimo to "clean up" a poorly performing cataloguing department (Ex 266 p 34).

What was also regarded by some as evidence of discriminatory practices was the failure to appoint Miss Arnot as Principal Librarian after she acted in that position (Ex 266 p B33). However, the Library staff had also been unwilling to accept the appointment of Mr Ron McGreal as the Deputy to Mr Metcalfe. Mr McGreal was a teacher who had undertaken no library examinations and who had only come to the Library after the Second World War (Ex 266B p 33). Miss Arnot's appeal against the appointment was unsuccessful; however, the evidence suggests that Mr G Richardson obtained the position and went on later to become the Principal Librarian. Miss Arnot suggests that she and others had the feeling that Mr Richardson was "the chosen one by Metcalfe" and this understanding may have contributed to the perception of discriminatory practices in the then Public Library (Ex 266B p 34).

The foregoing summary of the evidence in relation to discrimination goes some way to explaining the perception that female librarians at the State Library suffered from discriminatory practices. It is, however, not from an original

source and circumstantial. To the extent that discrimination may have occurred, it is of little or no assistance in identifying possible sources of undervaluation of work performed by female librarians.

However, I do not wish the opportunity to pass without acknowledging the contribution of Miss Arnot to the fight against discrimination and the seeking of equal rights for women.

Male Wage - Reference Point

By way of contrast, the following evidence explains a possible source of such undervaluation, arising out of gender. Prior to 1960, rates of pay for librarians were set with reference to the male librarians, with female librarians obtaining a percentage of the male librarian rate. It is therefore important to consider the remuneration of the male librarians, because issues of distinction between male and female librarians may have caused suppression of wage rates, thereby indirectly affecting the wage rates obtained by female librarians. Two issues that are raised in the Encel, Bullard & Cass article are worthy of further consideration. Firstly, there is the transient nature of male employees at the Library and secondly, the underqualification of male employees compared to female librarians. These are considered in turn.

Transient Nature of Male Librarians

A theory relating to the suppression of wages attached to the male rate for librarians was the failure by males to see employment at the library as a

permanent proposition, instead seeing it as a "stepping stone" to other work.

It is not entirely clear as to what period of time it is suggested that this male attitude may be referring to. Certainly an analysis of the Public Service List of 1955 and 1960 (Ex 162), supplemented by reference to the 1950 List, indicates a reasonably high retention rate for males. Of the 17 males engaged as library assistants in 1960, 15 of those had spent in excess of half of their public service working life as library assistants. The average period of time spent as a library assistant across all 17 is 3.6 years out of an average service in the public service of 5.3 years.

In the librarian classification, 3 of the 6 males had been employed as either librarians or library assistants for periods of between 8 and 11 years. In the librarian grade 2 classification, 3 of the 5 males employed under that classification had been employed either as librarian grade 3 for 5 to 6 years or, as in one case, as a library assistant for a period of 12 years prior to appointment as a librarian grade 2.

Certainly at this period of time in the Library's history it appears that the male retention rate was at reasonably high levels. Even if an analysis of the female librarians demonstrates a higher level of retention, that does not preclude the conclusion that the suggestion that males treated the librarian positions as transitory is not made out, at least not in 1955/1960.

It may well have been the case, however, that the male retention

rate in the early part of the century was low, with a consequent effect on the perception of the work.

Non-recognition of Qualifications of Female Librarians

In 1955 there were 84 women employed as librarians at the State Library and 35 men. Of these, 40 (or 47 per cent) of the women held tertiary qualifications while 13 (or 37 per cent) of the men did.

Employment of women at the State Library peaked in approximately 1930 at approximately 85 per cent. The decline in female employment troughed in 1945 at approximately 65 per cent female employment and then rose, with only one other decline in approximately 1961 through to 1970 (Ex 133, Tab 5, p 31).

A noteworthy difference between male and female employees, however, is that, at least until 1948, a greater proportion of male employees were employed as professionals or in senior positions although there was a relatively lower proportion of male employees who held tertiary qualifications. For example, Mr Ifould the Principal Librarian was not a graduate, although he had done university work, and he set the examinations undertaken by the librarians (Ex 266 p 5).

The evidence of the non-holding of qualifications by male librarians is contained in Encel Bullard & Cass, including the table referred to earlier. On

the basis of that table, there is clear evidence that the men employed at the Library were significantly less qualified in terms of tertiary qualifications than the female librarians.

By way of contrast with male librarians, between 1900 and 1970 a smaller proportion of females were employed as professional staff and yet a much greater proportion of female staff held tertiary degrees (Ex 133, Tab 5, p 31).

Most of the women employed in the Library in the early part of this century had been teachers and some were university trained (Ex 266 p 2). The female librarians in particular were encouraged to undertake university degrees after obtaining their higher grades public service examinations. Graduates were also required to complete the latter examinations. The study involved all aspects of librarianship (Ex 266 p 6). The higher grades exam paper was considered a difficult paper, and in the 1920s covered a much greater range of information than later courses where specialisation would have been required in order to obtain the same range of knowledge. Further studies to obtain a degree required two to three nights study at the university each week, with no time off to study (Ex 266 p 33).

In 1939 the Library School was established with then librarians such as Miss Arnot involved in the teaching at the Library School. Persons attending the Library School included fully qualified teachers who were training to be teacher librarians (Ex 266 p 6).

There is evidence that in the 1940s, following the passing of the *Library Act* 1941, there was significant loss of staff at the State Library as librarians from there were appointed to run libraries that were being established in individual government departments. Many of these appointments appeared to be of females, Miss Arnot identifying the loss of the middle group of librarians, with the result that senior librarians were constantly training new staff (Ex 266 p 26).

The evidence indicates that the performance of the function of librarian by persons at a clerical level, and not holding proper librarianship qualifications or training, limited the operation of these various governmental departmental libraries, and confirmed the need for fully trained librarians such as those from the State Library, to ensure the proper operation of such libraries (Ex 266 pp 26, 27).

Miss Arnot expressed her concerns, that changes to the recruitment of staff to departmental libraries so that the staff are no longer provided by the State Library, means that "it will go back to the old days of untrained people, that is what I am frightened of as it was before we put in librarians" (Ex 266, Annex B, p 26).

Notwithstanding the apparent reduced supply of librarians in the early 1940s, there is no evidence of increases in salary to retain staff. An explanation for this may lie with the then Principal Librarian, Mr Metcalfe, who

was identified by Miss Arnot as not seeing the extent of the loss of librarians from the State Library.

The matters raised in relation to tertiary qualifications are particularly relevant to a proposition put to Ms Fruin by counsel assisting, in relation to the possible reasons for the apparent suppression of wage rates at the State Library. This proposition revolves around the dual factors that a comparatively small proportion of men engaged at the State Library held tertiary qualifications as compared with the females engaged, and the fact that the rates of pay at the early part of the century were set by reference to the men and not the women. Accordingly, it is conceivable that wage rates for librarians were, from an early time, based on an inadequate recognition of the tertiary and other qualifications necessary to perform the functions of librarian. Thus if the pay setting tribunal (for example the Public Service Board) had regard only to the males engaged at the Library and further had regard to the low levels of qualifications held by those males, then presumably the male rate for librarian would have been set with a particular view of the level of qualifications required. The fact that the increasing numbers of females engaged at the Library proportionately were better qualified than the males, is unlikely to have been factored into the pay setting mechanism process (that being because the female librarians were paid a percentage of the male rate of salary).

Instead female pay would have been artificially limited by the ceiling created by the male rate of pay, which did not adequately reflect the qualifications required to perform the work of librarians (at least at the level held

by female librarians).

Thus, the pay equalisation process merely involved the female rate being lifted to the male rate of pay without consideration as to whether such an alignment was appropriate on work value grounds. Such consideration was clearly warranted given the relatively lower qualifications of males and effectively resulted in the undervaluation of the work of female librarians.

Ms Fruin accepted that the significant increase in qualifications held by women by the 1960s was possibly not recognised by the pay equalisation process at that time.

Examination of Encel Bullard & Cass suggests that a key explanation for the suppression of librarians' rates of pay is the failure to recognise qualifications within the librarian pay structures. Unlike teachers and psychologists, where a graduate qualification is required on commencement, the requirement for qualifications for librarians historically applies at a much more senior position. In reality, however, many librarians held qualifications at an early stage in the career path (and these qualifications were necessary for the position). Evidence of this trend can be found in the Public Service Lists which document the name and the tertiary qualifications held by public service officers.

The following table indicates the proportion of employees holding tertiary qualifications by gender in 1955 and 1960:

Public Library of New South Wales - 1955

	Total Males	With Tertiary Qualifications	Total Females	With Tertiary Qualifications
Library Assistants	10	4 (40%)	56	17 (30%)
Librarian Grade 3	9	5 (56%)	10	10 (100%)
Librarian Grade 2	-	-	8	6 (75%)
Librarian Grade 1	2	1 (50%)	3	2 (67%)
Senior Librarian	4	3 (75%)	7	5 (71%)

Public Service List - 1960

	Total Males	With Tertiary Qualifications	Total Females	With Tertiary Qualifications
Library Assistants	21	8 (38%)	72	30 (41%)
Librarian	6	4 (67%)	16	12 (75%)
Librarian Grade 2	5	2 (40%)	4	4 (100%)
Librarian Grade 1	2	2 (100%)	5	3 (60%)
Senior Librarian	5	3 (60%)	9	7 (78%)

(Ex 162)

These figures do not include those staff who hold qualifications by virtue of having satisfied all the requirements of *Regulation No. 329A* of the *Public Service Regulations*. For example, the agreement between the Public Service Board and the Public Service Association dated 24 May 1955 (Ex 160) provides at cl.3 [Provisos] (c)(i) as follows:

Officers who have satisfied the requirements for a Degree of a recognised University or have qualifications which the Board deems to be equivalent and officers who have passed the whole of the examinations prescribed under Regulation No. 329A shall be paid salary in accordance with the graduate scale.

Further subcl.(e) [Provisos] of that agreement provides that if some other conditions are fulfilled, the satisfaction of the requirements of *Regulation* No. 329A are sufficient to allow a library assistant to be promoted to the librarian grade 4 level as an automatic promotion. Promotion above librarian grade 4 was subject to a vacancy in the particular grade being available and the Board determining that the officer is fit for promotion.

The Regulations were not in evidence before the Inquiry. However, it is likely that Clause 329A and its successors, Clauses 124 and 126 (see 1970 Agreement) are likely to be those examinations referred to in the evidence of Miss Arnot. It should be noted that Miss Arnot herself progressed to a senior level within the library and yet according to the Public Service List of 1960 (Ex 162) Miss Arnot did not hold tertiary qualifications.

Taken together the evidence discloses that, although tertiary qualifications were certainly commonly held by persons working as librarians, the internal examinations, historically set by the Principal Librarian and involving a high degree of difficulty, were also treated as sufficient qualifications to warrant progress beyond certain levels in the classification structure and also to distinguish a person from a "non-graduate".

Notwithstanding evidence of the difficulty of these examinations, however, it is likely that their continued existence mitigated against recognition of librarianship as a profession. Other evidence of librarian courses not having the status of a university qualification is found in the extract from the Department of Technical Education Handbook of 1973 (Ex 376). The extract describes the course of librarianship which was available as, a part time evening course, over three years, involving nine hours per week in Stages 1 and 2, and six hours per week in Stage 3, or alternatively, as a day course, taking one year at eighteen hours per week and one year part time at nine hours a week. The course was available only at the Sydney Technical College and the Handbook stated as follows:

Only students who have matriculated at the time of entry to the course and who subsequently complete the full course will be eligible for Associateship of the Library Association of Australia. For this qualification they must also meet the Association's requirements of age and practical experience.

A brief history of the approach taken by the Library Association of Australia in relation to qualifications is contained in documents supporting the PSA's application for a new award, IRC No. 780 of 1982. That document states as follows:

In the early 1960s the Library Association of Australia recognised the need for graduate librarians to undertake the increasingly complex and diverse duties required of professional library staff, and acknowledged that the qualification given by its Registration Examination would not in itself continue to meet the needs of the library profession. From 1 July 1976, a degree or equivalent qualification became a prerequisite for professional membership of the Library Association of Australia. However, as a result of representations from certain sections of the library community, the

Library Association of Australia continued to accept for professional membership its own Registration Examination, which was to be phased out after 1980. The last examinations were in fact held in November, 1984.

(Ex 375)

Thus, while the Crown Employees (Librarians and Library Officers, Library of NSW and Division of Library Services - Department of Technical Education) Award (the 1973 Award, often referred to in the material before the Commission as the "Sheldon Award") (193 IG 759 at 760) defined librarian, *inter alia*, as a person entitled to membership of the Library Association of Australia, that of itself did not, until 1980, necessarily equate with a tertiary qualification. Thus, notwithstanding that many librarians did in fact hold tertiary qualifications, and, further, that librarians who did not hold tertiary qualifications, may nevertheless have undertaken examinations that were accorded equivalent status with tertiary qualifications, from the objective viewpoint of the meaning "professional", it was not until 1980 that librarians had to have completed a tertiary qualification in order to be employed as librarians at the State Library.

The issue of the need for qualifications is important in three respects. Firstly, it goes to the heart of the question of the valuation of the work of librarians, and the possibility that in earlier times the male librarians, who did not hold qualifications, were nevertheless the reference point for the setting of wages, resulting in the suppression of wages for the better qualified females. Secondly, the failure of the various agreements made over time between the Public Service Board and the Public Service Association, to explicitly require tertiary qualifications for commencement in the Library may have led to a

suppression of the wage rates, in part because of a resistance to recognising librarianship as a profession. Thirdly, there remains the question of the professional nature of librarians. In the Case Study it is stated that in 1981 nexus was established with the salaries of other professional division officers in the New South Wales public service (Ex 132 p 32), suggesting that at least by 1981 the professional nature of the work of librarians was explicitly recognised.

The question of the professional nature of librarians, and the related question of the recognition of qualifications, is clearly an issue that goes to the valuation of work in the State Library. In the Case Study it is noted that one important aspect of the Crown Employees (Librarians) Award (243 IG 823) (the 1985 *Award*) was that it "deleted the separate non-graduate scale for librarians" (Ex 132 p 34). As can be seen from the history of the agreements between 1947 and 1973, however, the deletion and reinstatement of the non-graduate scale had occurred on previous occasions. While it may be argued that it was necessary for the 1985 *Award* to make such an amendment in order to reflect the formal recognition of librarians as a professional group, clearly the issue of qualifications and their application to salary rates, had been a key part of salary and classification structure negotiations over a long period of time. In addition, while it is suggested that the failure to formalise the requirement of a tertiary qualification as an entry level requirement (as opposed to that applying to teachers and psychologists, for example) had resulted in lower salaries and status, (Ex 133, Tab 5, p 74) the evidence suggests that, again over a long period of time, there were significant salary disincentives applying to librarians not holding tertiary qualifications, and conversely, that those librarians holding

tertiary qualifications were in a preferred position in relation to salary payments and access to all increment levels.

Examination, for instance, of various Agreements (considered later) shows access to salary at the fourth year library assistant level for graduate Library Assistants; the prevention or delay of access to increments at certain year levels, and, later, the introduction of qualifications as a necessity for obtaining higher grade librarian positions, all of which are evidence of the recognition of the role of tertiary qualifications in the performance of work by librarians, but there is much less evidence that those requirements were properly remunerated insofar as male librarians were concerned, leading to depressed wages for the better qualified and longstanding female employees.

WORK IN THE STATE LIBRARY

There are five classifications for librarians under the Crown Employees (Librarians) Award. At the State Library the numbers of librarians engaged under each classification are as follows:

Librarian

Male	18	24%
Female	58	76%
Total	76	

Senior Librarian Grade 1

Male	7	25%
Female	21	75%
Total	28	

Senior Librarian Grade 2

Male	3	12%
Female	22	88%
Total	25	

Divisional Librarian Grade 1

Male	6	37.5%
Female	10	62.5%
Total	16	

Divisional Librarian Grade 2

Male	4	31%
Female	9	69%
Total	13	

It is noteworthy that, notwithstanding the long history of female domination at the State Library, and allowing for the statistically small number of the most senior positions, the highest proportion of male employees is to be found in the two highest classifications.

Essential Features of the Work

A Divisional Librarian Grade 2 is generally in charge of a branch. Each division is divided into a number of branches, depending on the size of the division. For example, the Australian Research Collections and Collections Services Division is made up of eight branches each of which is headed by a Divisional Librarian Grade 2. Within each branch the senior librarians Grade 1 and 2 head up a team or a specialist area requiring special knowledge and skill base (Ex 143 p 70). The base level librarian performs tasks within each team.

There is evidence that librarians have over a long period of time undertaken some degree of unpaid work. The studies undertaken by Miss Arnot and her colleagues were all undertaken in their own time and by inference the extra assistance rendered to these people by the more senior female librarians was also undertaken on an unpaid basis (Ex 266 p 34). In addition the work undertaken by Miss Arnot in the Library School in teaching other librarians, teachers and others was of a voluntary nature (Ex 266B p 18).

Evidence of the continued existence of unpaid work is found in the witness statement of Ms Kate Irvine, a senior librarian grade 2, who states that she spends an average of 4 hours per week maintaining and deepening her knowledge of current developments in information technology, all of which time is unpaid (Ex 141 para 15). In addition the flex time arrangements mean that a number of hours worked by Ms Irvine each month are ultimately unpaid hours of work.

The arrangements for work for senior librarian Grade 2 at the State Library are as follows:

- (i) Work is performed across the opening hours of the library which are from 9.00 a.m. to 9.00 p.m. weekdays and 11.00 a.m. to 5.00 p.m. on Saturdays and Sundays.
- (ii) Librarians work shifts to cover the time periods including one night shift per week (from 1.00 p.m. to 9.00 p.m.) and one Saturday or Sunday shift per month.
- (iii) A meal allowance of \$15.40 is paid on the night shift, otherwise no other penalties are paid.

- (iv) A penalty payment is paid for work performed over the weekend.
- (v) A flexi time arrangement enables librarians to obtain one flex time day per month; however flexi time over and above 10 hours per month that is not used is lost with no payment or time off lieu provided for those hours.
- (vi) The evidence of Ms Irvine was that flex time was accrued by her on a daily basis of approximately one hour per day worked in excess of her shift.
- (vii) Paid maternity leave is available.
- (viii) Permanent part-time work is available.
- (ix) Leave without pay for the purposes of obtaining library qualifications is available.

The work functions of Ms Irvine, who heads the Information Technology Access and Support Division, are described as supervisory with a team of 14 people to supervise directly, and also as team leader for a further team of four people on issues relating to information technology; dealing with the public; and managing access to information technology.

The three key areas identified for measuring performance are client satisfaction, accuracy of information, and timeliness.

Ms Irvine emphasised the importance of customer service as being an aspect of the product produced by the Library.

When working night shift or on weekends the senior librarian Grade 2 is, in effect, the officer in charge of the Library, which entails special responsibilities, including dealing with particularly difficult clients and dealing with

emergencies.

Evidence suggests that it is competitive to obtain a library job at the State Library and then very competitive to obtain promotions within the classification structure that applies at the Library. Ms Irvine remained as a senior librarian Grade 1 for 5 years subsequent to her initial appointment before obtaining a position as a senior librarian Grade 2.

There is evidence that quite extensive ongoing training is provided to senior librarians Grade 2 all of which is paid. The best approximation is 50 hours per year of training.

Insofar as service to clients is concerned, the emphasis on demand for the most current and up to date information has increased demand for electronic data, and the role of senior librarian Grade 2 in this area involves assisting client access through an appropriate electronic medium. This process is obviously more difficult for first time users of the Library and involves significant planning and training to enhance utilisation of information systems and services available at the Library.

In addition, off-site clients are provided with information, either through the telephone enquiry service that operates from 9.00 a.m. to 9.00 p.m., or through indirect means such as requests from public libraries across New South Wales that are unable to find the answer to a client request themselves.

CHANGING NATURE OF THE WORK

Ms Dagmar Schmidmaier, the current Principal Librarian at the State Library, gave evidence before the Inquiry. Ms Schmidmaier's evidence emphasises the changing nature of the function of the State Library which she describes as "a large and complex organisation" and "unique in the State". In addition to the specialist collections in the Mitchell and Dixon Libraries, the State Reference Library is described by Ms Schmidmaier as having a "modern information broker role" with an increasing number of clients generally making a very broad range of information enquiries. The role of information technology in the changing function of the State Reference Library is described by Ms Schmidmaier as expanding, rather than contracting, the role of librarians because of the increased amount in printed information, and of published material that is available in electronic form, and, in particular, the reliance by clients on the Library to identify the source and accuracy level of such electronic information.

In addition, the expansion of electronic transfer of information has increased the international client base using the State Reference Library. The national and international expertise of the staff of the Library is demonstrated by the description as set out in the 1996/97 Annual Review of papers, presentations and talks given by library staff covering topics which included on-line information; education; cataloguing and the internet; conservation of portraits; and digitisation projects (Ex 143 pp 85-87).

In the senior levels of the State Library it would be unusual for a librarian not have a post-graduate qualification such as a Masters degree.

The nature of the training provided for librarians has increased since the late 1980s commensurate with the changes in information technology that has affected the work performed by librarians. Obtaining further qualifications is not an optional adjunct to the work of librarians but is essential in order to perform the increasingly complex work faced by librarians at the State Library. I shall return to a consideration of work value assessments later in this section.

JOB EVALUATION

The Pay Equity Case Study: Librarians and Geologists, February 1998 (Ex 132) (the Librarians' Case Study) focused on the use of job evaluation systems to value the work of public sector librarians and then to compare job size with another public sector occupation, namely, geoscientists employed at the Department of Mineral Resources. The work value analysis made for it compared 20 representative positions from each organisation using two different points factor job evaluation systems.

There is consensus amongst the job evaluation experts who were engaged in the project, employee and union witnesses and other expert witnesses called in the Inquiry that job evaluation is not a satisfactory tool to use for the setting of salaries. Ms Fruin accepted it was not a satisfactory tool to use

"as a direct mechanism" for that purpose.

Difficulties in using job evaluation for salary setting relate to factors that are not taken into account in a job evaluation process including the following:

- (i) Capacity of an organisation to pay;
- (ii) Market factors including supply and demand economics of particular jobs;
- (iii) Individual performance level of the person performing the job;
- (iv) Physical environment and conditions of the work;
- (v) Particular requirements of the work such as travelling away from home;
- (vi) Manual dexterity;
- (vii) Physical capacity;
- (viii) Hours of work; and
- (ix) Particular risks or dangers associated with the work.

Other problems with job evaluation processes were identified. For example, while Mr McLelland indicated that the OCR system used by his company had successfully eliminated gender bias in the job evaluation guidelines, he gave evidence that some evaluation systems continued to measure certain factors which might lead the results to favour a certain type of job or occupational group.

The Employers' Federation/Chamber in addition identified other

factors, which are not traditionally included in job evaluation exercises:

- The particular industry in which the job evaluation is carried out;
- Physical needs of the job, for example manual dexterity or lifting;
- Volume of work;

(Ex 446, pp 87-88)

The Employers' Federation/Chamber also submit that subjectivity (which can result in gender bias) is an intrinsic part of the job evaluation process. They further submit that the person conducting the evaluation or drafting the job description will inevitably interpret facts or information in a particular way.

A witness before the Inquiry with particular expertise in job evaluation was Dr Clare Burton. In her oral evidence Dr Burton indicates that the use of job evaluation systems to address systemic discrimination is dependent upon such systems having appropriate equity principles built into them.

Dr Burton gives a good insight into the difficulties associated with job evaluation systems for remuneration setting in the following part of her evidence:

Q. Then turning to the statement itself, I want to direct your attention firstly to the area of job evaluation that you refer to extensively in your statement and then to some remedial measures or remedial questions.

Firstly, in terms of job evaluation systems generally, are there any particular matters of difficulty associated with those systems which

need to be borne into consideration and taken into consideration when one would envisage using them for any purpose?

A. There are quite a few things that would need to be considered. Although the systems appear through their documentation to be set and to be perhaps consistently applied, I have found in my association with the job consultancy firms that the quality and calibre and professionalism and knowledge base of the individual consultants within each firm varies considerably.

That does need to be taken into account when one is thinking about the implementation of those systems. There are other matters that would need to be considered in the design of the systems themselves as well as the methods that are used to collect information about jobs and the ways in which that information is then dealt with in order to come to a points rating for each of those jobs.

Quite a few of the attachments to my witness statements draw attention to those things, but I suppose because I have written a book on one job evaluation system and written critically, people might assume perhaps that only that system is worthy of criticism. That is by no means the case. Indeed, the Hay consultants came to the book launch of this book.

What has to be said is each of the systems - many of which derive from the Hay system - share similar problems, but in my experience it is the quality of the individual consultants that matters very much in terms of how systematic and how properly the systems are applied.

Furthermore, systems may differ considerably in their application and utility. For example, the Hay system was developed to be used particularly in relation to technical, professional and management positions and is not well suited to considering "blue collar" jobs. As the Employers' Federation/Chamber put it, relying on Dr Burton, problems can arise in an organisation, if two systems of job evaluation are used, where the boundary that is put might create inequities in terms of what is valued above and below and across between blue and white collar work (Ex 446 p 90).

As Ms Good, the General Secretary of the Public Service Association points out, in her experience in the public sector, job evaluation techniques have not been effective in evaluating unskilled and semi-skilled jobs. This would seem to represent a significant problem because female dominated industries will regularly involve workers who may be generally described as holding unskilled or semi-skilled positions.

This is not to say that job evaluation specialists consider that evaluations of dissimilar jobs across industries cannot be undertaken. Rather the difficulty is encountered in trying to fix remuneration. Mr McLelland, Job Evaluation Expert from OCR Management, gave the following evidence about the difficulties in remuneration assessments:

Q. If there was an assessment made at the time using the relevant system and resulting in the conclusion of the value of two occupations was equal, would it following in your opinion that the salary of those two occupations should also be equal?

A. No, not in Australia, because we don't have pay equity so therefore the salaries could vary for other reasons even though the work value levels are the same.

Q. When you say "we do not have pay equity in Australia" in the context of that last answer, what do you mean?

A. That jobs of similar work value are not paid the same.

Q. If the same evaluation was made within an enterprise - in this case I want to ask you the question, assume that we are talking about dissimilar work in the same enterprise in the same industry.

A. Yes.

Q. Assuming that the system was applied and the value was found to be equal in your opinion should the salary in that case be the same?

A. Yes, it normally should be. If it wasn't then there would need to be a very good reason why not, and there would only be probably two or three reasons why the salaries were different for the same level of work value.

Q. Dealing with the assumption that I'm now directing your attention to, namely there being dissimilar work in the one enterprise, what factors or reasons might be validly given to distinguish the salary paid notwithstanding the conclusion of equal value under the system applied by them?

A. You say the jobs are similar jobs?

Q. Dissimilar jobs with the same enterprise but producing the same value?

A. Normally it would be, the only reason would be a market factor where one type of position attracts a market premium above the other type of position.

Q. And would there be any other reason or factor that in your opinion might validly distinguish the salaries notwithstanding the assessments of equal value?

A. Geographical can be: Sydney versus rural; Sydney and Melbourne markets versus Hobart or Perth, for example. That is the only other reason I can think of.

...

Q. I take it on the basis of your earlier answers concerning pay equity whether those differences are appropriate or not may differ depending on the particular assessments of the particular cases where differences are made?

A. Pay policy. If assessments you mean evaluations, no. Assessment would mean judgment by the person who is making the decision i.e., senior management, then they might decide in their judgment to pay higher or lower for those type of variables or any other variable that they thought was important to them in making their pay policy.

Q. In making those judgments either as within an enterprise or between enterprises the judgment could be appropriate or not appropriate or produce pay equity or pay inequity depending upon the assessments made and by that I mean the judgment made?

A. That's correct.

Q. So that in any case where equal value is assessed but

different salaries are paid there might be legitimate or alternatively illegitimate, on pay equity grounds, bases for the differential salaries?

A. Yes.

This important piece of evidence not only demonstrates why job evaluation systems should not be used to fix salaries (whether the work be similar or dissimilar) but also why it is impossible to exclude overaward payments from considerations of pay equity. The mere description of a rate of pay attracting a market rate might or might not be a basis for excluding consideration of overaward payments. Mr McClelland's evidence cogently demonstrates how a salary system (including overawards) may, in fact, create a pay inequity. The judgments underpinning and the basis for, salaries need to be examined to determine whether there are components which create (either comparatively or by reference to the rate per se) a pay inequity.

In her evidence Ms Burnham, who has participated as a workplace trained job evaluation analyst and evaluator in the Cullen Egan & Dell job evaluation system, identified the need for obtaining a proper position description through proper consultation with the incumbent or employer and a job expert. She indicated that a better job description is obtained when a job expert is retained. As the job description then forms the basis of deliberation by the job evaluation panel, clearly a failure to properly describe the job in that job description will prevent the job evaluation panel from properly sizing the job, thereby institutionalising any undervaluation that may occur through the job evaluation process.

She identified a further problem in the job evaluation process, relating to the points to grade translation system, whereby the points allocated to a position are then allocated to a salary point in the relevant industrial instrument. This particular issue does not seem to arise out of the job evaluation system itself, but rather to its application and will be discussed elsewhere.

The real issue in relation to the Case Study (Ex 132) is the use of the job evaluation process to compare positions across departments and encompassing different jobs. Although none of the participants ultimately gave evidence supporting the use of job evaluations systems as determinative of salaries, it is the apparent intention of the Case Study to demonstrate that, as the job sizes of both librarians and geoscientists are within a comparable range, and geoscientists are paid more than librarians, then that is illustrative of some undervaluation of the librarian's work.

The primary finding that the PSA says the Commission ought to make is as follows:

Work performed in the female dominated occupation of librarians employed by the State Library is undervalued in terms of the remuneration paid relative to work performed in the comparable male dominated occupation of geo-scientists employed by the Department of Mineral Resources. (Ex 450)

There are significant difficulties in making this finding, specifically in relation to the relevance of, or need for, the geoscientist comparator. While it may be arguable that the fact of equivalent job evaluation points, or job sizes,

may be the basis of a comparison between two dissimilar occupations, it does not follow that the existence of a pay disparity between those same occupations is evidence of undervaluation in the lower paid one - at least not without having regard to a range of other factors that are relevant to valuation.

Indeed in her evidence Ms Fruin cited the following reasons, related to job evaluation, for selecting the comparison:

- professional status;
- each had a discrete award, both made by the Industrial Relations Commission;
- qualifications of equivalent duration;
- both well established professions;
- each clearly gender dominated;
- dominate the core work of their respective departments;
- regulated by paid rates awards; and
- share the same conditions of employment. (Ex 138 para 19)

It should be noted that in the Case Study the following comment is made in relation to the selection of librarians and geoscientists:

The selection of librarians and geoscientists was made as a result of a major NSW Public Sector Job Evaluation Implementation pilot study in 1991, which showed that there were anomalies between the job evaluation point scores, award classifications and pay for librarians compared with male dominated professional occupations. (Ex 132 p 4)

The 1991 study was in evidence before the Commission and Ms

Fruin agreed that that study did not itself make any particular representations with respect to geoscientists or librarians.

In addition, Ms Fruin gave evidence that each of the librarian and geoscientist occupations was found to fall within the model of best fit, insofar as the relationship, between the points accorded to the occupations and classification levels, applied to those occupations within the respective awards. This contrasted with the position of other occupations which demonstrated a less than 60 per cent fit, leading to a recommendation in the 1991 study to the following effect:

From the sample of positions analysed in this project, priority should be given to review of the grading structure of

- Administrative and Clerical Officers
- Survey Drafting Officers and Cartographers
- Clerical and Keyboard related instruments particularly with a view to rationalising the classifications. (Ex 158 p 137)

Thus while the 1991 study illustrated that both librarians and geoscientists demonstrated similar ranges of job evaluation points, the study itself did not make any recommendations as to further investigations or comparisons between these two occupations. The decision to make that comparison was apparently made by the Director of ODEOPE, Ms Carol Davies.

Mr McLelland of OCR Management made it clear that his company made no independent assessment of the job evaluations that were undertaken with respect to librarians and that he merely participated as a member of the

panel making the relevant considerations.

A real question arises as to whether it is necessary to engage in a job evaluation process of the type pursued in the Case Study in order to establish that there has been undervaluation of work of public sector librarians. For example, analysis that has regard to normal work value criteria of skills, qualifications, responsibility, as well as to the range of other working conditions and market forces that may be relevant would, combined with analysis of the actual salary paid in each area, indicate some level of disparity that is not easily explicable on the face of the two comparator jobs. At one level, the use of job evaluation processes simply confirms what appears to be evident on other less complicated and less expensive processes.

Given that there is general agreement that the job evaluation score itself should not be used as a salary setting benchmark, then the utility of the job evaluation process for comparisons of this sort would seem to be limited and restricted to acting as a guide to valuation in appropriate cases. Indeed it is acknowledged in the Case Study that the job evaluation processes are more normally used to develop a hierarchy of jobs within an organisation than to make comparisons across organisations. The inherent purpose of job evaluation processes may thus explain the difficulties faced when attempting to use them for some other purpose.

The Labor Council does not advance the application of its proposed equal remuneration adjustment to public sector librarians, suggesting

that the Labor Council believes that the undervaluation of librarians' work can be addressed without the need to apply special principles.

The PSA makes no recommendations in relation to the adoption or otherwise of the job evaluation points process. It does refer, in recommendation 1, to rectification of "pay inequity identified in the Inquiry" (Ex 450). Although it is not stated explicitly, presumably the pay inequity referred to is the identified wage differential between public sector librarians and geoscientists. There is nothing in the PSA's submissions which explains the connection between the undervaluation of librarian's work and the use of the geoscientist comparator, beyond the evidence generally, as to the point of comparability between the two arising out of the equivalent job evaluation points.

HISTORY OF AWARD

Pre-Award History

The Inquiry had before it evidence of Agreements and Determinations, dated from 1947 through to 1973, made between the Public Service Board and the Public Service Association in relation to librarians engaged at the Public Library of NSW (later the State Library) (Ex 160). The key elements of each of these agreements is extracted below:

Agreement - 3 March 1947

The 3 March 1947 agreement provides a separate pay scale for males and females, with female juniors paid between 71 and 93 per cent of the

male rate, and other females paid between 65 and 75 per cent of the male rate.

The positions under that agreement were as follows:

Junior Library Assistants - under 18 years to 20 years.

Adult Library Assistants - with five increment levels for each year of service.

Senior Library Assistants and Cataloguers - two grades (with Grade 1 as the senior grade).

Assistant Librarians and Cataloguers - two grades with Grade 1 as the senior grade.

Librarians - including Reference Librarian, Mitchell Librarian and Deputy Principal Librarian.

The female rates for classifications above Adult Library Assistants was at approximately 85 per cent of the male rate.

In relation to the adult library assistant graduate classification level, the agreement provided as follows (at (ii)(b)):

(b) A Diploma of a recognised Technical College shall be regarded as the equivalent of a Degree of a recognised University, and an officer who has satisfied the requirements for a pass Degree or Diploma or the whole of the examination prescribed under Public Service Regulation No. 329A shall be placed on the Graduate scale. On transfer to the salary in the Graduate scale corresponding with the officer's year of service, such officer shall remain on that salary for twelve months and thereafter shall proceed in accordance with the rates of the Graduate scale.

Progression to Senior Library Assistant and Cataloguer Grade 2 was an automatic progression subject to the officer having satisfied all the requirements of Public Service Regulation No. 329A. The Agreement provided

that:

(iii) ...

(a) ... An officer who has satisfied this examination, has been certified as efficient in the performance of his or her duties by the Principal Librarian, and has served for a period of twelve months or more on the maximum salary prescribed for a Library Assistant, shall be promoted as Senior Library Assistant, Grade II, as from the First day of the month following satisfaction of these requirements.

The schedule to the 1947 agreement allows an analysis of the gender distribution of staff at that time. This analysis can be summarised as follows:

	Male	Female
Junior Library Assistant	2	23
Adult Library Assistant	11 (3 graduates)	43 (15 graduates)
Senior Library Assistant *	2	7
Assistant Librarians and Cataloguers *		2
Librarians *	2	6

* The salaries provided to librarian staff above the level of the library assistant do not distinguish between graduate and non-graduate levels and accordingly, it is not possible to determine what proportion of men or women above library assistant level hold qualifications.

Agreement - 3 April 1950

Under the 1950 agreement the junior and adult library assistant classifications remained the same, with female rates in these classifications sharing some level of standardisation at around 80 per cent of the male rate. However, the senior library assistant and cataloguers and assistant librarian and cataloguers had a change of classification to become "Librarians" from Grade 4

through to Grade 1 with Grade 1 being the highest level. Under the new classification, promotion to librarian Grade 4 continued to be a soft barrier promotion, while promotion beyond that point was dependent upon vacancies and satisfying promotion criteria.

Agreement - 10 December 1951

Other than providing for substantial pay increases, the 1951 Agreement was in similar terms to the 1950 Agreement.

Agreement - 24 May 1955

This agreement continued in similar terms to the previous agreement, except that the rates paid to female adult library assistants standardised at around 85 per cent, while female librarians in the classification "Librarians in Charge" were paid 90 per cent of the male rate at the time the final pay increase provided by this agreement took effect in June 1954.

This evidence demonstrates that the conclusion reached in the Librarians' Case Study (Ex 132 p 31) is wrong when it stated as follows:

In 1955 the Public Service Board made an offer to the Public Service Association that from 1 April 1953 pay movements for Library Officers would be similar to those granted to professional groups generally from that date. The offer also provided for women appointed to positions above Grade 1 to receive 90% of the male salary for the position. However, until at least May 1960 women continued to receive 85% of male rates, and the link to professional groups did not occur until 1981.

Clearly women employed at the most senior levels did benefit from this agreement by obtaining wages at 90 per cent of male rates from June 1954.

Agreement - 6 July 1959

The 1959 Agreement produced significant changes for librarians at the Public Library. While male and female rates of pay continued to be stated separately, with females below the Librarians in Charge classification obtaining approximately 85 per cent of the male rate, there were significant changes in relation to the graduate/non-graduate distinction and also in relation to the classification structure generally. The classification levels contained in the 1959 agreement were as follows:

Junior Library Assistants - all non-graduate.

Adult Library Assistants - increments for 1st to 7th year of service.

Librarians - increments for 8th to 10th years of service.

Librarian Grade 2 - two increment levels.

Librarian Grade 1 - two increment levels

Librarians in Charge.

The most noticeable change in the 1959 agreement is the removal of the non-graduate classification level for classifications beyond junior library assistant, and conversely, the removal of the graduate classification level for junior library assistants. The agreement contained provisions to the following effect:

- Graduate Junior Library Assistants were engaged on a salary equivalent to a second year Adult Library Assistant.
- Graduate Adult Library Assistants were engaged on a salary equivalent to a third year Adult Library Assistant. A graduate Library Assistant could not progress beyond fourth year service salary unless satisfying the requirements of Clause 1 of Regulation 329A.
- A non-graduate Library Assistant could not progress beyond the second year service salary without satisfying the requirements of Regulation 329A.
- A Library Assistant could not progress beyond a seventh year of service salary until satisfying the requirements of Clause 2 of Regulation No. 329A.
- A non-graduate could not progress to the ninth year service salary without completing two years of satisfactory service at eighth year level.
- Hard barrier promotions came into effect at the Librarian Grade 2 level, that is after ten years of service as Adult Library Assistant and Librarian.

The duration of the agreement was for three years from July 1957.

A significant feature of this agreement is the overall pay increase between the 1955 and the 1959 agreements. The Junior Library Assistant (non-graduate) obtained a pay increase of approximately 11 per cent as between 1955 and

1959. The Grade 2 Librarian obtained a pay increase of approximately 22 ½ per cent. For Adult Library Assistants, however, the male at first year of service obtains a pay increase of only 3.7 per cent while the female obtains an increase 3.9 per cent (these figures being obtained by comparing the June 1954 graduate first year of service rate with the 1959 first year of service rate).

At the third, fourth and fifth year of service level the pay increase is in the vicinity of 11 per cent. Comparisons above the fifth year of service are difficult, because it is not clear at which level of fifth, sixth, seventh, eighth, ninth and tenth year of service, the Grade 4 and Grade 3 librarian classification that applied under the 1955 agreement relate to.

It appears that the introduction of new increment levels had the effect of not only providing further classifications steps to librarians before they hit the hard barrier promotion of level Grade 2, but has also provided much smaller pay increases for the first and second years of service, which are effectively non-graduate levels, at least for adult employees. Thus while there is no express recognition of the need for qualifications at the entry level, the pay structure in fact recognises and rewards graduates by placing them at a higher increment level, which itself has been the subject of a comparatively higher wage increase as compared with the non-graduate adult levels.

Similarly it may be inferred that the introduction of the "Librarian" classification is some recognition of the qualifications required for performing work in the State Library.

Section 88D

Section 88D of the *Industrial Arbitration Act* 1940 was introduced in 1958. In the June 1960 Staff News the following notice appeared:

Equal Pay

The Public Service Board has notified the Public Service Association that female library officers are to come under the provisions of the Industrial Arbitration (Female Rates) Amendment Act, 1958, commencing from February, 1960. This means that the salaries of female officers will be 85% of the male base rate plus equal margins for the year 1960, advancing by 5% each year until parity is reached. (Ex 161 p 25)

Notification of amendment by determination to the salaries and allowances of library officers dated 14 April 1960, indicate that classifications up to Librarian Grade 1 continue to be paid at approximately 85% of the male rate (with the exception of junior library assistants where the female rate continued to vary, with commencing pay at 97 per cent of the male rate, continuing a trend evident from the 1947 Agreement) (Ex 160).

Agreement - 1 November 1962

In this agreement the rates for males and females were amalgamated with only one pay rate being listed in that agreement under the heading "male".

This agreement set out the timetable for introducing parity for female officers with the whole of clause 7 entitled "Salaries of Female Officers".

That agreement, which was signed on 1 November 1962, still maintains a timetable pursuant to which females did not obtain 100% of the male rate until 1 January 1963. There appears to be conflict in the evidence as to the actual introduction of 100% pay parity for females. The salary records annexed to the Librarians' Case Study indicate that the rates were equated in 1962 (Ex 133 Tab 8), suggesting that the introduction of parity for female rates was accelerated, because under the terms of the introduction of equal pay, a 5% increment was to occur in each of the years 1960, 1961 and 1962.

In any event it is clear that parity had been achieved at least by the beginning of 1963. The pay records from that period indicate that equal pay was in fact reached by at least 10 February 1961.

It should be noted at this time that there is also no evidence as to when the pay rates for female librarians was set at 85%. In her Case Study Ms Fruin notes that females were paid at 85% of the male rate between 1957 and 1960 (Ex 132 p 31). However, as evident from agreements referred to above female pay rates in fact increased between 1947 and 1959, with different classifications calculated at different, but always increasing, percentages of the male rate.

It is significant that the equal pay process merely lifted the female librarian rate to the then existing male rate without further assessment as to the appropriateness of that alignment.

Agreement - 23 March 1965

The 1965 agreement changed the starting rate for graduate Library Assistants from third year of service to the fourth year of service as Library Assistant.

In addition, in this agreement for the first time, qualifications were stated as being a requirement for appointment to the positions of Librarian in Charge, Groups (a) or (b). Although there were caveats applied to protect the position of officers already engaged in Grade 1 or Grade 2 positions who were not holding tertiary qualifications, this insertion in the Agreement would appear to be an important step in the explicit recognition of the need for qualifications to perform the work of librarian, at least at a senior level, and also in the recognition of librarianship as a profession.

The 1965 Agreement included Clause (e):

- (e) Promotion to Librarian, Grade II or Grade I, shall be subject to a vacancy in the particular Grade and the Board being satisfied that the officer is suitable for promotion. Unless the Board otherwise determines the number of officers in these Grades shall not exceed the following:

Grade II	11
Grade I	11

Agreement - 23 October 1967

The October 1967 agreement introduced new changes to the classification levels. The agreement, which omitted reference to junior library officers, who were the subject of a separate Public Service Board determination dated 24 June 1968, provides for seven increment levels for adult Library Assistant and introduces a further seven increment levels for Librarian. It deletes the Librarian Grade 2 and Grade 1 classifications, incorporating the four increment levels of those classifications into the 4th - 7th year increments for Librarians.

Another significant feature of the 1967 agreement is the deletion of the clause relating to progression to the Grade II position.

This clause, or one to similar effect, appeared in all agreements between 1950 (when the grades were first introduced) and 1965. Its omission from the 1967 Agreement reflects the new classification structure which omits the grades 1 and 2 Librarians, and provides for automatic progression to the last four increment levels.

In addition, for the first time, the 1967 agreement introduced the Senior Librarian classification, which covered those persons previously engaged under the Librarian in Charge Group (a). The group formerly designated as Librarian in Charge Group (b) are described as Divisional Librarians.

An interesting clause appearing in this agreement is at 6(ii) which states as follows:

This Agreement has been made taking into account the economic findings of the Commonwealth Conciliation and Arbitration Commission in its decision of 22 December 1966, in the Metal Trades Case.

Agreement - 13 February 1970

The next agreement dated 13 February 1970 again changes the classification levels, introducing a further eighth year of service increment level for the adult Library Assistants, and reducing the Librarian increment levels from seven years to five years, a net reduction of one increment level.

In addition the various Senior and Divisional Librarian positions, which had appeared as separate descriptions throughout the Agreements previously referred to, are now reduced to a Grade 1 and Grade 2 under the Senior Librarian classification (each with two increment levels), and Grade 1 and Grade 2 under the Divisional Librarian classification (with three increment levels under Grade 1 and two under Grade 2).

Agreement - 1971

The classification levels and provisions of the 1971 agreement (effective on and from 31 December 1970) appear to mirror those of the 1970

agreement. Determination No. 237 of 1973, dated 20 March 1973, varied the wage rates of that agreement but otherwise left the classifications the same.

Determination - 20 March 1973

This determination related solely to wage increases.

Thus when *Sheldon J* came to consider the application by the PSA for a separate Award for librarians, the Agreement then covering librarians at the State Library had the following features:

- entry level was to a Library Assistant classification with 8 increments;
- progression beyond Library Assistant was to Librarian with 5 increments;
- there were no separate classifications for non-graduate librarians, however non-graduate librarians commenced at a lower increment level and could not progress beyond the 2nd increment of Library Assistant unless complying with Clause 2 of Public Service Regulation 124;
- graduates commenced at the Library Assistant 4th increment but could not progress beyond 5th increment unless complying with Clause 2 of the Public Service Regulation 124;
- progression beyond the 8th increment required compliance with Public Service Regulation 126;
- progress beyond the Librarian 3rd increment required a certificate of competency from the Principal Librarian; and
- appointment above Librarian level required a degree and diploma in librarianship.

AWARD HISTORY

The first award to apply to public sector librarians was made on 3 September 1973 (the 1973 Award) by *Sheldon J* and was entitled the Crown Employees (Librarian and Library Officers, Library of New South Wales and Division of Library Services - Department of Technical and Further Education) Award (193 IG 759 - declared obsolete 225 IG 1621). (Ex 132 p 32; Ex 164)

Prior to the 1973 Award, the rates for librarians had been moved in accordance with a nexus between those rates and the rates of Administrative and Clerical employees in the public sector and teachers.

At the time of the 1973 Award a nexus was established between librarians and library officer positions in the New South Wales Public Service and Commonwealth Librarian rates (Ex 132 p 32). The nexus that applied operated by way of a flow on of wage increases but did not otherwise reflect any grading or classification as between the librarian groups at the State and Federal level.

In 1981 the nexus changed. The new nexus for wage movements was between public sector librarians and the salaries of other professional division officers in the New South Wales Public Service. The primary nexus was with legal officers. As a result of this changed nexus librarians received a flow-on of wage increases achieved through work value increases for other public sector professional groups (the leader being veterinarians).

The 1973 Award made provision for the following classifications:-

- (i) Assistant Library Officer;
- (ii) Library Officer Grade 1;
- (iii) Library Officer Grade 2;
- (iv) Librarian in Training;
- (v) Librarian non-graduate; and
- (vi) Librarian graduate;
- (vii) Divisional Librarian (Grades 1 and 2);
- (viii) Assistant Principal Librarian (Library of NSW);
- (ix) Chief Librarian, Division of Library Services, Department of Technical Education; and
- (x) Deputy Principal Librarian, Library of NSW. (Ex 377)

(The positions listed from (vii) to (x) were described as "Promotion Positions".)

The effect of this award was to divide Library employees into an library officer classification and a librarian classification (Ex 138, Annex C, p 761). It reintroduced the distinction between graduate and non-graduate librarians.

The non-graduate librarian contained twelve increments for each year of service while the graduate librarian had eight increments for each year of service. Promotion positions are described as a Senior Librarian grade 1 with two increment levels, Senior Librarian grade 2 with three increment levels, Divisional Librarian grade 1 with three increment levels, Divisional Librarian grade 2 with two increment levels, and Assistant Principal Librarian and a

Deputy Principal Librarian.

In the Librarians' Case Study the table appearing below was produced which purported to demonstrate that "although no existing employees were reduced in salary, this Award clearly reduced the pay rates for future librarians. The commencing rates were lower and the time required to reach the top of the scale was extended."

	Previous rate for librarian	New Graduate Librarian Rate
First year	\$6434	\$5424
Second year	\$6673	\$5638
Third year	\$6913	\$5852
Fourth year	\$7160	\$6189
Fifth year	\$7402	\$6536
Sixth year		\$6933
Seventh year		\$7382
Eighth year		\$7831

(Ex 132 p 32)

The table incorrectly assumes a parallel relationship between the two "Librarian" classifications in the 1971 Agreement and the 1973 Award. In fact, as discussed above, graduate librarians commenced on the fourth year Library Assistant increment the rate for which was \$4,898 under the previous Determination. Clearly the 1973 Award incorporated pay increases for librarians.

The 1973 Award was significant not only in providing a first award for librarians but also for its definitions. Under the 1973 Award the following definitions apply:-

"Librarian" means an officer appointed as such, who is performing the work of a librarian and who possesses a qualification acceptable for professional membership of the Library Association of Australia or a qualification deemed by the Board to be equivalent.

"Graduate Librarian" means a librarian who holds:

- (a) an appropriate degree of a university or College of Advanced Education; or
- (b) an appropriate diploma of a College of Advanced Education; or
- (c) an officer who holds a degree or diploma of College of Advanced Education awarded after completing a course of full time study over three years (or equivalent) in which studies for Librarianship are integrated; or
- (d) such other academic qualification as the Board deems to be equivalent. (Ex 377)

Thus the 1973 Award was important in recognising the increasing professionalisation of the librarian occupation.

Evidence other than the award itself was limited to an extract of transcript dated 21 September 1973 which indicates that the award was a consent award. In addition, the summary of the proceeding indicates that after the Notice of Motion was filed on 22 December 1972 it came before the Commission on some nineteen days, with an affidavit filed in support of the application and evidence heard from three persons on behalf of the PSA and one person on behalf of the Public Service Board (Ex 377). Evidence as to the 1973 Award given by Ms Good and Ms Fruin, indicates that there was no work value component of that application. This contrasted with the situation as it applied to geoscientists in their 1981 application for a new award which, as

discussed below, involved significant amounts of evidence in relation to changes in work.

Following the introduction of the 1973 Award, wage variations occurred by consent. Each of these variations flowed on increases that had occurred at the Commonwealth level (Ex 132, p 33).

At this time the Public Service Board also proposed that the Public Service Association rescind the award at its expiration, so that separate agreements could be negotiated for the library officers and for the librarians, the latter being considered as professional staff (Ex 132, p 33).

Agreement No. 2190 of 1975 made on 11 August 1975 between the Public Service Board and the PSA introduced new salary rates and varied the classification structure that existed under the 1973 award (Ex 133 Tab 1).

The non-graduate librarian classifications were reduced from twelve increment levels to ten increment levels, while the graduate librarian were reduced from eight increment levels to seven increment levels. The effect of this change upon persons with many years of service was to reduce their effective pay rise.

The other effect of this agreement was to introduce wage parity between non-graduate and graduate librarians, with graduate librarians still attaining higher pay rates more quickly, but with a commencement salary that

was identical. In the next agreement, Determination No. 608 of 1980, the non-graduate and graduate commencement pay rates were identical, with graduates attaining the highest pay rate after seven years whereas the non-graduate librarian had three further incremental steps before achieving the same pay rate.

A notification of intention to declare obsolete the 1973 Award was notified in Volume 222 of the New South Wales Industrial Gazette 2 September 1981 at page 1797 (Ex 140) and a notification of declaration of obsolescence of the 1973 Award was published in Volume 225 of the New South Wales Industrial Gazette on 16 June 1982 at page 1621 (Ex 164).

Crown employees (Librarians) Award (1985 Bauer Award) (243 IG 823)

In 1982 the PSA made application for a new Librarians' Award. At around the same time as that application was made the Librarians Award had applied to it a 4.3 per cent increase that flowed on from the Crown Employees (Administrative and Clerical Officers) Award and also a flow on of approximately 7 per cent awarded to public service professional officers specifically flowing on from an award made to veterinarians in the public sector (Ex 133 Tab 1). This followed agreement in December 1981 between the Public Service Board and the PSA that librarians would from that time have nexus with professional divisional officers in the NSW Public Service (Ex 375 p 3).

The 1982 application was filed 9 September 1982 and included the following grounds and reasons:

1. The current salary structure of librarians in the Public Service is inadequate and is not just and reasonable.
2. The salary structure is just [sic] and reasonable [sic] in the circumstances.
3. Changes in the nature of the work, skill and responsibility required as well as the conditions under which the work is performed have become apparent.
4. There are special and extraordinary circumstances applying such as to require an adjustment of the salary structure currently applying to Librarians in the Public Service.

(Ex 375)

An Amended Notice of Motion filed in December 1983 included the following grounds and reasons:

1. The variation of the rates of remuneration and allowances as applied for herein will establish an equitable base pursuant to Principle 7(c) as specified in the State Wage Case 1983 General Ruling for the Paid Rates Awards and Registered Industrial Agreements as set out in Schedule 1.
2. The Wage and salary rates together with the allowances applied for herein are just and reasonable to meet the circumstances of the case.
3. There exists unwarranted disparities between wages and salaries payable to officers covered by this application and wages and salaries payable to persons who are not the subject of paid rates awards.
4. During the previous period of Centralised Wage Fixation there occurred a widespread movement in wages and salaries payable to employees covered by minimum rates awards in the form of increases in over-award payments.
5. Persons in receipt of increased over-award payments will by and large be entitled to the indexation of these payments during the current period of centralised wage fixation.

(Ex 138)

The draft award attached to the initial Notice of Motion included, inter alia, deletion of the non-graduate classification and a claim for a 12½ per cent shift allowance loading. It should be noted that the application did not contemplate variation to the classification structure with respect to the senior librarian positions being promotional, or to the existence of hard barrier progression.

The PSA provided figures indicating that fewer than 7 per cent of librarians were non-graduates.

Ms Good gave evidence as to the difficulties faced by the PSA in making this application. As reflected in the Amended Notice of Motion the changes in Wage Fixing Principles and, in particular, the wage restraint aspects of the industrial relations system during that period of time meant that the PSA had to reframe its application. In addition, the application was caught up in the process of referral of a question to the Full Bench of the Commission as to the flow on of a 4 per cent pay increase awarded to other Public Sector officers (which the Full Bench awarded) (Ex 375; Annex E to Ex 138), and in relation to the exercise of the discretion of the Judge to continue hearing the application. His Honour Justice *Bauer* subsequently exercised his discretion so as to complete the taking of evidence but withholding a decision pending lifting of wage restraint principles (Ex 375). Ms Good states as follows:

As has been stated elsewhere at this Inquiry, the Association accepted the 1985 Award made by consent. This was not an easy

decision for the PSA, but was made on the basis of several years of attempts, without success, to negotiate a new grading structure and improved rates for librarians. We were continually frustrated by the changing wage fixing principles, including the wages pause, the wage freeze, and we had to change our arguments because of the Principles from a 'work value' case to an 'anomalies and inequities'. This prevented the PSA from running a case using the work value comparisons with other public sector professional groups which I have referred to earlier. The Association accepted a compromise solution which resulted in the resolution of some of the more glaring anomalies through the use of regradings.

(Ex 138 para 29)

The evidence before the Commission does not clearly indicate the number of witnesses or extent of exhibits put before *Bauer J* who heard the 1982 application.

Key features of the PSA's application included the removal of the non-graduate scale, in recognition of the very small number of librarians at that time employed who did not hold tertiary qualifications, and also in recognition of the requirement to hold a qualification in order to obtain a position at the State Library (or to be a professional member of the Library Association of Australia).

There is no explanation as to why the situation in relation to non-graduates had changed so extensively since 1973, when the 1973 Award reinstated the non-graduate classification structure after it had been deleted in earlier agreements. The PSA's application also distinguished the three to four year tertiary qualifications from TAFE courses, that the Technical Officers engaged at the library may have completed, reflecting the change effected by the 1975 Agreement which saw a division between the professional and other officer classifications in the library.

The 1982 application cites a number of changes in the work performed by librarians, including additional responsibilities in the supervision, training and development of junior para professional staff; the introduction of new technologies including computer data bases, automated cataloguing system and the use of audio visual material; greater public awareness of the library system and higher expectations of use of the library facilities; the introduction of open week at the State Library; the need to understand the Copyright Act which legislation had changed; the introduction of a new cataloguing system worldwide; and policies of regionalisation and decentralisation in the TAFE area (Ex 375).

There is limited material available to indicate the nature of the proceedings before the Commission or of negotiations between the parties between 1983 and 1985. In exercising his discretion to continue to hear the matter (an application made and supported by the PSA), *Bauer J* in his decision of 16 March 1983 made the following statement:

There are clearly matters of public interest as well as the interests of the parties to be considered in the exercise of this discretion. The hearing of this particular application is one which will take a considerable time. It is an application in a relatively static industry where it might well be expected that the evidence given now would be equally accurate and persuasive when viewed at some future time. (Ex 375)

That statement was, of course, made before the Commission had had the opportunity of hearing evidence brought to sustain claims as to changes in work.

The 1982 application finally resulted in a new consent award by order of *Bauer J* on 18 December 1985 (243 IG 823) (Ex 139). The effect of the award was to compress from 10 years to 7 years the non-graduate increment levels and to amalgamate the non-graduate and graduate pay rates. The "hard barrier" progression to Senior Librarian positions continued. However, there was an agreement reached to regrade the positions of librarians as part of this award process. This regrading process was seen as an alternative to a wage increase.

Since 1985

The next significant pay increase for librarians occurred as part of negotiations for an overall pay increase in the New South Wales public sector in 1993 under the Crown Employees (Public Sector) Salaries Award. Negotiations for that increase were based on organisational change and productivity, and not on work value changes. Subsequent increases to those wage rates occurred in 1995 and 1997 (Exs 373, 374, 375).

Comparison with Other Public Sector Professional Rates

The evidence demonstrates that the rates of pay received by librarians have been over a long period the lowest of all public sector professionals.

A table produced in Encel, Bullard & Cass (Ex 133, Tab 5, p 73) summarises the position of librarians compared with teachers and psychologists between 1943 and 1968.

Table 6-5: N.S.W. Public Service - Graduate salaries range

	1943	1953	1958	1963	1968
Annual Basic Wage	\$406	\$1268	\$1402	\$1580	\$1869
Date	1.7.43	7.8.53	1.4.58	4.10.63	25.10.68
	Min Max	Min Max	Min Max	Min Max	Min Max
Teachers	624-1154	1716-2512	2200-3520	3010-4450	3677-5412
Psychologists	* *	1716-2460	2140-3420	3000-4800	3462-5412
Librarians	527- 799	1654-1962	2194-2404	2780-3140	3212-4465
* figures not available					

As at November 1994 the librarian scale as compared to the same professional classifications was as follows:

Classification and Grades	4.11.94 Per Annum \$	Psychologist 1.11.94	Teachers 1.11.95 4 year Teacher trained
Librarian - Graduate and Non-Graduate			
1 st year of service	26,100	26,335	30,048
2 nd year of service	27,232	27,602	Maximum
3 rd year of service	28,524	29,313	payment
4 th year of service	29,882	30,962	as 4 year
5 th year of service	31,361	32,788	teacher is
6 th year of service	32,997	34,485	42,436
7 th year of service and thereafter	34,297	35,929	(43,776 when
8 th year of service	N/A	37,366	accessed to
9 th year of service	N/A	38,987	advanced skills
Senior Librarian			teacher has
Grade 1			been obtained)
1 st year of service	35,298		(Ex 430
2 nd year of service	36,331		Annexure 1)
Grade 2			
1 st year of service	37,772		
2 nd year of service	38,897		
3 rd year of service and thereafter	40,436		

The teachers' salary arises out of a consent award found in Industrial Gazette No. 295 at page 1424 dated September 1996 which provides a 16.95 per cent cumulative salary increase by 1 January 1999 (Ex 430 p 10).

I note that the comparison undertaken by Encel, Bullard and Cass between librarians, psychologists and teachers rates of pay would appear to be appropriate for at least two reasons:

1. Historically, teachers had entered the ranks of librarians and there was a movement between librarians' positions and other public sector professional positions.

2. There is an historical salary nexus between public sector professional rates and teachers' rates and librarian salaries.

The above tables demonstrate that librarians have been, and continue to be, located at the lower end of salary rates for professionals engaged in the public sector, particularly as compared with psychologists and teachers.

USE OF OTHER AWARDS AND AGREEMENTS

The evidence of both Ms Burnham and Ms Good indicates that the continued application of their own award, as opposed to a generic award such as the Crown Employees (Administrative and Clerical Officers) Award (the A & C Award), is important to librarians and to their own perception of the professional nature of the work performed by them. In addition Ms Schmidmaier in supporting the application of work value assessment of librarians stated as follows:

I think it is useful to have regard to other awards. We obviously need to look at this within the context of what is going on and history of what has happened with other professional groups particularly in the Public Service.

In responding to a question from counsel assisting as to the potential use of the A & C Award, in relation to professional rates, to rectify the comparatively lowly paid position of librarians, Ms Good states that the

Association's view of that matter is "ambivalent". Specifically Ms Good cites the importance of at least continuing recognition of the professional qualifications if the A & C Award is to be used for the setting of pay.

There is evidence that the A & C Award is used, particularly for setting pay for the small number of librarians who are engaged in Departmental libraries. In particular, Dr Gibbons of the Department of Mineral Resources gave evidence as to a job evaluation process that was undertaken in relation to work performed by one of two librarian positions at that Department. In applying the job evaluation point score to the A & C Award, the librarian position came out at a salary point of approximately \$44,000 which equated to a senior librarian grade 2. Dr Gibbons then undertook the process of considering how that point score would be applied under the Librarians Award, and determined that it would have resulted in a classification under that Award at the low point of senior librarian grade 1. As Dr Gibbons put it:

In other words, we have paid that position as if it were an A & C position and as a result it would appear it is getting considerably more money than had it been a State Library position.

Dr Gibbons also gave evidence that the evaluation of the Department of Mineral Resources librarian position omitted any supervisory aspects and had little reference to management type skills. Clearly the addition of those aspects of work would have increased the job evaluation points attached to that position and would presumably have resulted in an even higher salary point on the A & C Award.

Counsel assisting sought assistance from the Crown Solicitors Office in obtaining further information about the significance (or otherwise) of the job evaluation point difference between the Mineral Resources and State Librarians. Specifically counsel assisting suggested that analysis or comment be obtained from the job evaluation experts who had conducted the job evaluation process relevant to the Librarians' Case Study.

In response, the Crown Solicitors Office indicated difficulties in contacting Mr Eyre and Mr McLelland, and that Mr Eyre and Mr McLelland ultimately advised that they had insufficient information to provide the advice as required (Ex 413).

In addition the Crown Solicitor indicated as follows:

I would refer you to the evidence of Dr George Gibbons of the Department of Mineral Resources given on 26 March at pages 983-984 of transcript. This evidence suggests that the Department of Mineral Resources has not developed points to grade table for the Crown Employees (Librarians) Award for their organisation as they have only one Librarian's position.

The method of linking remuneration [sic] to the job evaluation score outcomes for the Librarian employed in the Department of Mineral Resources is different to the pay practice adopted by the State Library. The remuneration [sic] practice adopted by the Department of Mineral Resources is a distinct enterprise approach arising from the fact that it is the only Librarian in the organisation. (Ex 413)

Ms Good in her evidence indicates that the Association is not willing to see its members disadvantaged by being classified under the

Librarians Award but is concerned to preserve the professional nature of the librarians.

Ms Good also gives evidence as to the negotiations between the PSA and the New South Wales Department of Agriculture pursuant to the enterprise bargaining policy implemented by the New South Wales Government in the early 1990s. Ms Good indicates that the PSA was successful in having New South Wales Department of Agriculture librarian included as one of the professional classifications in that agreement and gained some small adjustment to salary rates, but was unable to obtain the same progression for librarians as afforded other professional officers within the Department. Ms Good gives evidence that while the Department was amenable to the inclusion of the twelve librarians within the ranks the professional staff engaged at the Department, the Public Employment Industrial Relations Authority was concerned about the possible flow on implications of such payments to librarians within the State Library.

In her evidence Ms Burnham stated that "the value placed on work carried out by particular classifications is interpreted differently when paid on particular industrial instruments": "a points score [in a job evaluation system] may achieve more value as a result of the benchmark process under one award than it does under another". She then goes on to identify the particular problems of classifying librarians under the A & C Award as follows:

... The difficulty with that is that there is no onus on the employee and no requirement for the successful candidate for such a position

to hold those qualifications that determine that they are indeed a professional librarian.

The A & C Award does not allow for a compulsory requirement of a tertiary qualification as an essential requirement of the position. One of the things that librarians hold dear, one of the things that makes them professional officers, that makes them librarians is the post grad entry qualification and the tertiary qualification that enables them to be a professional member of the Library Association, LREA (sic).

In the A & C Award the award does not allow for this as an essential requirement, that means that any officer or any person could be employed as a librarian under the A & C Award and from my point of view this debases the qualification that enables us to be employed as librarians, so while it may deliver extra dollars, it does not protect the classification or the qualifications that librarians bring to the workplace.

Taken together, the evidence of both the employer and the union would seem to indicate recognition of anomalies arising out of the position of librarians employed within Departments as opposed to those employed at the State Library, but also a reluctance to take steps to address the anomalies because of the potential costs involved. For the Crown, the potential would be the application of significantly higher rates of pay across a much larger number of staff at the State Library than is found within the much smaller, one or two person, departmental libraries. For the union, the risks include loss of the Librarians Award and possible complications from changing relativities.

While it might be said that the job evaluation points process has assisted in identifying these anomalies, the very fact of the anomalies is further indication that the job evaluation procedure is not appropriate for the setting of salaries, particularly when it is combined with the points to grade application that is itself flawed.

WORK VALUE

This more recent history of the wages and conditions for librarians commencing with the 1973 Award indicates that in the last quarter of a century no case has been arbitrated by the Commission which involves full consideration of work value of librarians. The circumstances of the 1985 Award, while clearly a consent award, provide no basis for inferring, nor does it make obvious, any true work value assessments of the work performed by librarians.

I have earlier described a number of changes in the work value of librarians particularly in relation to the development of information technology and the information brokering role carried on by the State Library.

Ms Schmidmaier considers that such changes represent significant change in the overall work of the Library itself and has a significant impact upon the work performed by staff at the Library. The change has most substantially impacted on the librarian staff in the 1990s when there was a wide scale uptake or implementation of technology and where such changes became part of the core business of the Library. This had significant influence on the skill and expertise and qualifications required of the staff at the State Library.

As a result there has been an upgrading and development of the curriculum in both undergraduate and postgraduate courses for librarianship and information sciences at the two main educators in New South Wales, namely the

University of New South Wales and UTS. Whilst the base level entry requirement for a professional librarian remains either a three year degree with one year postgraduate or three year undergraduate qualification, for promotional positions (which are highly competitive) there has been a significant shift in the experience and qualifications required. It is now more often the case that librarians will be required to hold more than one qualification. Overall the profession has moved more to a masters level qualification, when one draws comparisons with international standards. The updating of qualifications began in the 1980s with the further upgrading to meet information technology occurring in the 1990s.

Ms Schmidmaier made the following general observations as to changes in work value for librarians:

Q. So, as a general proposition then, would you say that there has been a significant change in the work and skills of librarians during the 1990s as a result of the changes we discussed?

A. Yes, I think it has. I think it started probably earlier, but there has been a significant change in that if you were just simply to walk into the State Library, the State Reference Library itself, you would see a range of complexities that are now - that the staff now need to deal with in meeting the information requirements of the clients that come into the library. There is a very wide range of technologies that staff need to be able to master and find their way through.

As well as that, they need to understand very clearly how the various disciplines record their information, so that the way the law for example documents information about the law - they have their own unique system ...

GEOSCIENTISTS

The second recommendation of the PSA was for an amendment to the *Industrial Relations Act* 1996 to provide for a mechanism whereby pay inequities in award rates of pay can be rectified upon application by an award party. It identifies a number of features which should be incorporated, but, although referring to "comparisons" and "comparable", it does not establish the circumstances or basis of comparison between female and male dominated areas of work. Instead (in reference to a full work value assessment of jobs) it refers to "a complete reassessment of the value of the work in absolute terms, but with reference where necessary to pay rates in occupations and industries where work of equal or comparable value is performed" (Ex 450 para 2).

The inference to be drawn from this recommendation is firstly, that the comparison will not always be necessary and secondly, that the comparator need not necessarily be male dominated. The PSA's submissions do not, however, indicate the basis for this recommendation or the role, if any, of the job evaluation process in such work value assessments.

In any event the Librarians' Case Study was founded upon a comparison with geoscientists and notwithstanding the apparent shift away from using this group as a salary setting reference point, I have dealt with the evidence from this group as follows.

Nature of Work of Geoscientists

There are approximately 1,000 geologists and geoscientists working in New South Wales with approximately 70 per cent of those being male. The largest public sector employer of geoscientists is the Department of Mineral Resources which employs 75 professional geoscientists of whom 65 are male (Ex 132 p 13).

The following table indicates the gender distribution across the classification levels for geoscientists:

Staff Numbers

	GEO.1/11	SNR GEO.	PRIN.GEO.	PRINC.RES.SCI.	ASST DIRECTOR	TOTAL
MALE	36	18	7	1	3	65
FEMALE	9	1	0	0	0	10
TOTAL	45	19	7	1	3	75

(all figures are as at 20 February 1998)

(Ex 144 p 2)

Of the 9 females engaged as geologists, 5 of those are temporary appointments, one of which is being paid at the maximum salary available prior to progression by promotion only. This compares to figures of 12 temporary male geologists of whom 5 are being paid at the maximum level of \$48,810 (Ex 144).

Dr Gibbons, Director of Corporate Services of the Department of Mineral Resources, gave evidence that most of the geologists engaged as temporary staff were employed in a project known as "Discovery 2000", a five year project specifically to enlarge the geological knowledge of New South Wales relevant to mineral and water exploration. That project is due to expire in the year 2000. Temporary employees engaged on that project are mostly engaged on four monthly contracts but the majority have been told that those contracts will be renewed subject to performance and the terms of the "Discovery 2000 Project".

In terms of the progression through the classifications in the award, Dr Gibbons gave evidence that there was crowding at the upper level of grade 2 as there were insufficient vacancies at the senior geologist/geophysicists position. The evidence indicates that amongst permanent geologists, 3 of the 4 female geologists are employed at the fourth year of service Grade 2 and 15 of the 19 male geologists are employed at that level also.

The Department of Mineral Resources prefers to recruit geoscientists with a few years of experience. However some geoscientists are recruited directly from university. Over the past ten years only honours graduates have been recruited to the Department, these graduates being engaged at the second year of service under the award.

The term "geoscientist" covers two occupational categories, geologists and geophysicists. Geophysicists generally make physical

measurements, either at the surface of the earth or from an aeroplane or boat, and from those physical measurements interpret the types of rocks present beneath the earth's surface. This information is of a different level than that able to be obtained by geologists operating in the field and making surface observations. Interaction between the work of geophysicists and geologists occurs so that the predictions and interpretations of the underground geology are as accurate as possible.

Specifically Dr Gibbons gave evidence that:

... it is a joint interpretation, going back even ten years ago, the geophysicists would simply put up a broad model and the geologists could take it or leave it. These days they work together to find a model which satisfies the geologist and the geophysicist.

WORK VALUE

Dr Gibbons gave evidence that the following changes have occurred over the last ten years:

- The mathematics used by geophysicists has become more sophisticated;
- The mathematical ability of computers has been enhanced;
- The instrumentation generally has improved;
- The miniaturisation of electronic equipment so that there are now machines that can be carried around by hand, that until recently were not portable;
- Computer imaging systems whereby huge quantities of geophysical information can be produced into a colour image on screen almost instantaneously;

- Satellite technology which improved the quality of geophysical readings and pin point position very accurately; and
- Adaptation and improvement of computer programmes for specific use of geologists and geophysicists.

Dr Gibbons indicated that broadly speaking between ten and five years ago geophysicists were conquering the application of this new technology while in the last five or six years the geologists have come to use it.

Dr Gibbons also gave evidence that a new technology developed over the last five to ten years made it very much easier for geo-scientists to bring in a much wider range of knowledge to be applied by geoscientists in relation to particular geological examinations. The increased accessibility of that information for geologists is also matched by an increase in the hugely expanded amount of information itself which is available.

Evidence was also obtained from Mr Geoffrey Oakes a Senior Geoscientist employed in the Department of Mineral Resources. Mr Oakes confirmed the changing nature of the work of geoscientists as a result of new technology indicating that he himself had spent five years of training in developing skills necessary to deal with the new technology. Examples of this training include the Gravity and Magnetism Interpretation workshop for geologists and a number of computer skill based training programmes (Ex 148 para 18). In particular Mr Oakes gave evidence to the following effect:

The fundamental aspect of change has been on link [sic] to technology and really computer technology and access to digital

data utilisation in the accumulation and generation of data set bases and the storage and utilisation of that data in project work and in receiving requests for information from a variety of clients. ... that has seen most, not most, all geoscientists have high capability PC's on their desk. Personal computers, many of which are linked to very complex and highly powerful network computers that enable manipulation of images and allow data that is now used as part of the day to day approach to life which most geoscientists is image based, and the images reflect major data sets that relate to technically the growth in things like magnetism, radiometric application that maybe a person might request by some remote sensors carried by aircraft or by a satellite, but particularly aircraft. That may be helicopters or fixed wing aircraft and those particulars, that digital data can be assembled and manipulated in an image frame so you see a pictorial representation of a digital record of the strength of the signal received and it is possible then to meld different images to come up with a picture that had an electronic image of what may be on the ground which then has to be ground travel. You go to where the rock is. You take your geological hammer, strike it and have a look at it and say "Mmm, okay that looks like what I am seeing." Or alternatively "This is not what I am seeing, there must be another explanation why it is printed up on the image. I might have go the wrong rock."

Mr Oakes referred to a mixture of formal training courses to learn the technology together with working with colleagues to share newly learned information. In terms of unpaid work he also referred to attendance at seminars and presentation of lectures and talks as voluntary activities for which he receives no payment (Ex 148 para 19).

Overtime is rarely paid. A newly introduced system allows geoscientists to claim up to two flexi days per four week period rather than the one day previously available. This was apparently introduced in recognition of the loss of hours that had otherwise been occurring because, similar to librarians, geoscientists are able only to accrue ten hours of flexi time per month and anything accrued over that amount is lost and unpaid.

Field Work

There was significant evidence of field work performed by geoscientists. In particular Mr Oakes gave evidence of the field work performed by him over a long period of employment with the Department (in excess of twenty years). While length of period of field work depends on both the Departmental area in which a person is engaged and also the particular projects in which a geoscientist is working at a particular time, it is clear from the overall evidence from Mr Oakes' experience in a number of different areas that field work is a common part of geoscientists' work. At the same time it was clear from Mr Oakes' evidence that he had sought out employment in areas in which field work was more likely to occur.

In the position held by Mr Oakes between 1974 and 1978, he indicated that he had had several trips to the Tumut area for the purpose of producing a one to one hundred thousand scale geological map. Between 1978 and 1984 a minimum of two to three weeks per annum of field work could extend to a maximum of two months in an unusual year. Subsequent to his appointment as a Senior Geologist Mr Oakes has continued to be involved in field work, in some years up to six weeks and in other years up to two weeks. In the more senior position trips of extended stays of five to six days are less common but still occur.

The conditions in which such field trips are undertaken most likely

involve accommodation at local hotels or motels. Mr Oakes indicated that he would have had to camp out on only a small number of field trips although several nights may have been involved.

Particular dangers faced by geoscientists in undertaking field work include the risk of car accidents, particularly given the long distance of travel that may be involved. Dr Gibbons gave evidence that the exposure to car accidents was one of the "most dangerous parts of the job". In saying this, he noted the danger of sustaining an injury while on field work and perhaps being located in an inaccessible area alone. As he put it "an injury if you are half way up a creek three kilometres from the end of the road is potentially much more dangerous ultimately than someone injured in a car on the main road".

While telecommunications improvements such as mobile phones have enhanced the safety of geoscientists working in the field, Dr Gibbons agreed that the forthcoming dismantling of the analogue system could again decrease the safety of geoscientists were mobile telephones would no longer to be available to them.

In his evidence Mr Oakes indicated that the worst injury he had sustained was a severely sprained ankle, and that he had also sustained cuts and abrasions. Although ultimately not causing physical injury, a particular incident referred by Mr Oakes was potentially fatal and involved himself and a colleague being stuck in quick sand in a remote part of the forest near Tumbarumba.

Geoscientists receive no extra remuneration for time spent in the field. Remuneration was limited to a travelling allowance which is determined sector wide and which is intended to be sufficient to compensate the actual costs of accommodation and travel but not to provide any further remuneration benefit to the employee.

In addition to collecting data, geoscientists obtain data from other sources, particularly mineral exploration companies, and review and correlate that data with that collected directly by the Department.

In addition to mineral exploration companies the data collected by geoscientists is used by a broad range of people including solicitors with enquiries in relation to land transfer, local councils needing information in relation to environmental and other issues and also general public enquiries across a range of issues.

The Award Governing Geoscientists

Both Mr Oakes and Dr Gibbons give evidence that the current award for geoscientists at the Department of Mineral Resources is in need of review. Mr Oakes described the award as "quite inappropriate" and "almost irrelevant" while Dr Gibbons indicated that there has been a significant change in the work done by geoscientists over the last fifteen years.

Ms Good also gave evidence that the classification structure in the Geoscientists Award contains more "hard barrier" promotional positions than are contained in the Scientific Officers Award.

There are a number of significant features in the award history applying to geoscientists engaged in the Department of Mineral Resources. These include an approximately 20 per cent pay increase in that Award in August 1961, the 8 per cent salary margin between geoscientists and those engaged under the Scientific Officers Award which occurred in 1981 and which is subsequently reduced to approximately 1 per cent salary margin at the bottom level and to 2 to 3 per cent at the top; and the making of the Geoscientists Award in 1981.

1961 Increase

No evidence was put to the Inquiry as to the reason for the 1961 increase. Counsel assisting did request the Crown Solicitor to make enquiries as to possible records that may exist explaining the jump in salary, however, the Crown parties were unable to discover any salary record for Geoscientists prior to 1970 (Ex 248). The only other salary records available were salary cards which are incorporated in Exhibits 133 and 134 but which give no explanation as to the reasons for salary movements disclosed in those records.

Ms Fruin includes in the Librarians' Case Study a graph indicating the senior librarians' salaries as a percentage of the senior geologists' salaries

from 1957 to 1997 (Ex 133 Tab 2). On that graph the significant increase in the geologists' salary is indicated by a proportional decrease in the librarians proportion of the geologists salary, dropping from approximately 80 per cent to approximately 68 per cent. Between 1961 and 1973 the relativity between the two groups increases over time so that by approximately 1973 (and with one small exception, until 1997) librarians are paid at approximately 85 per cent of the senior geologists salary. The period between 1963 and 1973 is marked by an absence of records and as a result there is no evidence before the Inquiry as to how the relativity between librarians and geoscientists was re-established subsequent to the significant increase in the geoscientists salaries in 1961. It is therefore not possible to tell whether the relativities improved gradually over time or as a result of one or more significant increases in the librarian rates of pay as compared to geoscientists, or conversely whether there was some suppression of the rates of geoscientists that realigned the relativities to be at approximately the same rate as prior to 1961.

1981

Ms Good gave evidence that the geoscientist occupation is one of the oldest professional vocations within the New South Wales Public Service, geoscientists having had their own vocational branch within the PSA since the 1920s.

According to Ms Good prior to 1971 geoscientists were paid in accordance with the General Professional and Scientific Officer agreements

made between the PSA and the then Public Service Board. From 1971 until the late 1970s geoscientists were paid in accordance with the Geologists &c. Department of Mines Agreement, No. 1757 of 1971 being the first agreement specific to geoscientists and the Department in which they are employed (Ex 138 p 10).

The Agreement specifically sets out that a requirement for holding the position as geoscientist is the holding of a recognised university degree of three years full time study. This is consistent with the payment of geoscientists in accordance with the Professional Officer Division of the Public Service and indicates a long history of recognised professionalisation of that occupation.

The application for a wholly new award for geoscientists was made by the PSA in 1979. The decision given on 16 December 1981 by *Bauer J* in respect of that application was in evidence before the Inquiry, (Ex 138, Annex L, 1981 AR 1111). The initial question for determination by the Commission was whether a separate award should be made for the geoscientist officers, *Bauer J* found that a separate award was appropriate. There was no application to seek to have a change in the structure of the award but only a question as to whether the appropriate salary was being paid within the existing structure. His Honour noted that fifteen witnesses and 68 exhibits and a transcript exceeding 400 pages comprised the evidence taken in relation to the application. "The bulk of that evidence, including the statements, was directed towards satisfying the principles of wage fixation applying until August 1981, namely, those principles known as the indexation principles." (1981 AR 1111 at 1112)

His Honour identified five phenomena which had occurred during the period since 1974 which was the starting date of changes of work value as follows:

- (a) The oil price increases commencing in 1973;
- (b) The re-emphasis on the substantial coal deposits in New South Wales as an alternative fossil fuel source and increased exploration for petroleum within the State;
- (c) The rate of technological change unprecedented in any previous similar period;
- (d) An increase in demand for primary resources within New South Wales;
- (e) A re-orientation of public opinion towards conservation of natural resources. (p 1113)

His Honour went on to find as follows:

I am satisfied that the evidence demonstrates, with respect to the conduct of this review, that sufficient aspects have been demonstrated which would entitle the salaries of these officers to be considered as a separate group. (p 1114)

His Honour went on to make an award and to increase the salary paid to geoscientists by 8 per cent.

GEOSCIENTISTS AND THE MARKET

The evidence indicated the correlation between the work of geoscientists and the needs of private industry, in particular, as involved in

mineral exploration in New South Wales. Dr Gibbons gave particular evidence as to the commercial significance of the information and data distribution work undertaken by geoscientists, having the result that hundreds of millions of dollars are returned directly to the Government via royalties.

Mr Oakes gave evidence that subsequent to the Posieden boom in the early 70s there was significant oversupply of trained geoscientists.

In response to a question from the Bench the PSA in its closing submissions stated categorically that there was no evidence of the adjustment of geoscientists' rates by reference to market rates. There is certainly clear evidence that at least since 1981 there has been no variation to the salaries paid to geoscientists as a result of market influences (Ex 147 para 13). Dr Gibbons refers to the cyclical nature of mineral exploration and the effect that the exploration cycle can have on non-government geoscientists salaries, for example, salaries can rise by more than 50 per cent in times of peak activity. Dr Gibbons said that:

To retain staff, government needs to provide some premium over the industry rates in less active periods. (Ex 147 para 14)

However, in cross examination Ms Good indicated that the 8 per cent pay increase awarded by *Bauer J* in 1981 represented in large part equivalence with other professional officers, specifically the flow on of the veterinarians' 7 per cent pay increase. Importantly, Ms Good also indicated that the other 1 per cent had "something to do with market rates". The cross

examination by Mr Stan *Benson* continued as follows:

Q. You made reference, I think in your statement, to market rates?

A. Yes.

Q. There is no specific reference in the decision to ...

A. Not in the award, but we are aware of it from discussions and papers at the time, that at various times the geoscientists' and geologists' rates had been affected by what was happening in the market and the mineral boom or otherwise.

Q. Are you saying that that was ...

A. I think that was a minor part of the award decision.

The evidence before the Inquiry was thus a combination of evidence in relation to a past practice of awarding some component of the geoscientists' pay to reflect market rates, and evidence from Dr Gibbons for the need for the geoscientists' salary to reflect the market in some way. Taken together the evidence suggests that, notwithstanding the fact that since 1981 no such adjustment has been made, on the balance of probabilities, at some earlier time a market rate adjustment was made to the geoscientists' salary, possibly inflating it in comparison with librarians. I also have in mind the largely unexplained change in relativities between librarians and geoscientists in 1961 (as a result of an increase in rates of pay of geoscientists at that time) and the reference to oil price movements in the decision of the Commission for the 1981 Award.

By contrast there is no evidence led in relation to the librarians' salary setting that account has ever been taken of market factors, notwithstanding the shortage of librarians in the 1940s.

THE COMPARISON

The Librarians' Case Study focused on the pay gap between geoscientists and librarians. The following table from the case study summarises the salary comparison.

Structure Comparison

Geoscientists Grades	1/1/98 \$ pa	Librarian Grades	1/1/98 \$ pa	Variation
Geoscientists Department of Mineral Resources		Librarian - Graduate and Non- Graduate		
Grade 1				
1 st year of service	30,979	1 st year of service	29,381	\$1,598 (5.44%)
2 nd year of service	32,111	2 nd year of service *	30,655	\$324 (1.06%)
3 rd year of service	33,937	3 rd year of service	32,111	\$0 (0%)
4 th year of service	36,407	4 th year of service	33,639	\$298 (0.89%)
5 th year of service	38,998	5 th year of service	35,304	\$1103 (3.12%)
6 th year of service and thereafter	41,250	6 th year of service	37,146	\$1852 (4.99%)
		7 th year of service	38,610	\$2640 (6.84%)

		Senior Librarian		
Grade II		Grade 1		
1 st year of service	43,367	1 st year of service	39,736	\$3631 (9.14%)
2 nd year of service	44,638	2 nd year of service	40,899	\$3739 (9.14%)
3 rd year of service	46,436			\$5537 (13.54%)
4 th year of service and thereafter	48,810			\$7911 (19.34%)
Senior Geologist/Geophysicist		Grade 2		
1 st year of service	50,340	1 st year of service	42,521	\$7819 (18.34%)
2 nd year of service	51,380	2 nd year of service	43,788	\$7592 (17.34%)
3 rd year of service	52,909	3 rd year of service	45,520	\$7389 (16.23%)
4 th year of service and thereafter	54,429			\$8909 (19.57%)

* A degree with a post-graduate qualification in librarianship or information science is an essential requirement for appointment as a librarian. New recruits commence on the second year of the Librarian scale. Therefore the comparison for the librarian treats the second year rate as entry level. (Ex 132 p 17)

After some uncertainty Ms Fruin agreed that the differences at the lowest levels were minimal.

In relation to the pay gap at other classification levels, the Case Study pointed to the existence of pay inequity based on the overall comparability between the job sizes, based on job evaluation processes. However, as I earlier stated this process does not provide a reliable basis for fixing salaries (as opposed to some more general guideline for relative levels).

The Case Study also referred to the different career progressions applying under each award, with librarians reaching the limit of automatic increases at the 7th increment level, but geoscientists, subject to satisfying performance criteria, progressing to Grade II without formal promotion or awaiting vacancies.

The evidence discloses that in both occupations there is severe crowding at the upper end of the increment progression, although clearly librarians are more greatly disadvantaged because fewer increment steps apply.

CONCLUSIONS AND FINDINGS

1. There is evidence of some direct discrimination in favour of male librarians over female librarians in the State Library during the first half of this century. However, the evidence is inclusive and circumstantial.
2. However, there is clear evidence of the undervaluation of the work of female librarians. Notwithstanding the higher level of qualifications held

by female employees (through qualifications held before joining the service and formal and inhouse library specialist qualifications):

- (a) female librarians consistently represented a smaller proportion of occupants of professional or senior positions in the State Library; and
 - (b) the application of equal pay principles resulted in librarians being granted the 'male' rate in the early 1960s.
3. Perhaps more significantly, it appears that the rates of pay for female librarians were determined over the first half of the century by reference to male librarians who actually held inferior qualifications, notwithstanding that the occupation became predominantly female, with such persons holding higher qualifications, since at least the 1930s. The female pay was artificially limited by the ceiling created by the male rate of pay.
 4. There was also exhibited in the history of the occupation of librarian a resistance to the recognition of librarianship as a profession.
 5. This inertia in recognising the growth of a profession and a failure to adequately recognise professional qualifications held by female librarians no doubt accounts for the long standing lower relativity between librarians and other professional public service classifications.

6. Indeed librarians have consistently remained at the lowest point of public sector professional rates, notwithstanding a substantial change in the work value (and qualifications) of this group.

7. A work value assessment was undertaken during the process of making the 1982 award, but the award ultimately was varied by consent. There has been no work value assessment of librarians since that time.
Librarians received salary movements as part of general public sector adjustments based on productivity and performance after 1993, although it is quite clear from the evidence that since 1982 these employees have experienced a very substantial change in work value (of the highest order of such cases).

8. Unlike teachers, the librarians have not experienced a significant review of their occupation so as to reassess salaries based on the growth of a 'profession' and the changes in work value including qualifications which both created and then developed the profession. Librarian rates at one point had a nexus with teachers (not in the sense of a parity of rates). The rates of librarians now lag well behind those of teachers. Only a full work value review will determine what the proper relationship between librarians and teachers, other professional public service occupations or for that matter, other occupations should be.

9. It follows that I consider that the work of librarians is undervalued.
This is not a result of the failure of the work value principle per se

(although that principle is inadequate in its present form rectify this undervaluation as a result of the principle setting a datum point for such evaluations) but as a result of:

- (a) a failure to undertake a work value review;
 - (b) the failure to fully assess librarian rates in consent arrangements and agreements;
 - (c) historical factors of undervaluation including impediments to the recognition of female qualifications;
 - (d) a failure to (at least) make comparisons with other professional occupations such as other public sector professionals or perhaps other professional female dominated occupations such as teachers. These comparisons are plainly available - not the least upon the bases of the historical salary nexus between the groups and comparability of the positions. These comparisons cannot be made directly under the work value principle, and accordingly it could not be used to rectify the problem (and to this extent is inadequate).
10. The focus of attention of the parties during the Inquiry was upon the comparison between geoscientists and librarians. This raises the dual consideration of firstly, the use of job evaluation techniques (which underpinned the study) and, secondly, the appropriateness of comparing the occupations of librarian and geoscientist.

11. I consider that job evaluation techniques are not appropriate for the fixation of salaries per se. Naturally this conclusion extends to the fixation of salaries between two dissimilar occupations.

12. Some of the reasons why job evaluation techniques should not be used to fix salaries include:
 - (a) There is consensus amongst the job evaluation experts who were engaged in the project, employee and union witnesses and other expert witnesses called in the Inquiry that job evaluation is not a satisfactory tool to use for the setting of salaries. Ms Fruin accepted it was not a satisfactory tool to use "as a direct mechanism" for that purpose.

 - (b) Difficulties in using job evaluation for salary setting arise because of the factors that are not taken into account in a job evaluation process, including the following:
 - (i) Capacity of an organisation to pay;
 - (ii) Market factors including supply and demand economics of particular jobs;
 - (iii) Individual performance level of the person performing the job;
 - (iv) Physical environment and conditions of the work;
 - (v) Particular requirements of the work such as travelling away from home;
 - (vi) Manual dexterity;

- (vii) Physical capacity;
 - (viii) Hours of work; and
 - (ix) Particular risks or dangers associated with the work.
- (c) Subjectivity is involved in the job evaluation systems. The standard of the result depends very much on the quality and calibre of consultants.
- (d) In her evidence Ms Burnham, who has participated as a workplace trained job evaluation analyst and evaluator in the Cullen Egan & Dell job evaluation system identified the need for obtaining a proper position description through proper consultation with the incumbent or employer and a job expert.

Ms Burnham also gave cogent evidence that:

the value placed on work carried out by particular classifications is interpreted differently when paid on particular industrial instruments ... a points score [in a job evaluation system] may achieve more value as a result of the benchmark process under one award than it does under another.

- (e) Other problems with job evaluation processes were identified. For example, while Mr McLelland indicated that the OCR system used by his company had successfully eliminated gender bias in the job evaluation guidelines, he gave evidence that some evaluation systems continued to measure certain factors which might lead the

results to favour a certain type of job or occupational group.

- (f) Furthermore, systems may differ considerably in their application and utility. For example, the Hay system was developed to be used particularly in relation to technical, professional and managements positions and is not well suited to considering "blue collar" jobs. As the Employers' Federation/Chamber puts it, relying on Dr Burton, problems can arise in an organisation, if two systems of job evaluation are used, where the boundary that is put might create inequities in terms of what is valued above and below and across between blue and white collar work.

As Ms Good, the General Secretary of the Public Service Association points out, in her experience in the public sector, job evaluation techniques have not been effective in evaluating unskilled and semi-skilled jobs. This would seem to represent a significant problem because female dominated industries will regularly involve workers who may be generally described as holding unskilled or semi-skilled positions.

12. I agree with the submission of the Employers' Federation/Chamber that job evaluation should not be used to determine the actual remuneration of an employee (Ex 446 p 87). However, I accept the view of the Labor Council and others (Ex 455 p 89) that job evaluation is one of a number of tools available to the parties to deal with valuation issues, having regard

to its limitations evidenced in the Inquiry and to the need to ensure against gender bias.

13. As to the Librarians' Case Study I consider that there are some fundamental reasons for not accepting the comparison presented as between librarians and geoscientists:
 - (i) The limitations in job evaluation techniques I have just discussed;
 - (ii) The absence of any real rationale for the comparisons made either by reference to the establishment of the case study or otherwise;
 - (iii) The failure in methodology and approach associated with the actual job evaluation process; and
 - (iv) Differences between the occupations which would need to be further evaluated such as the existence of field work for geoscientists and the adjustment of geoscientist rates based on market factors in the past.

14. However, there are some similarities between librarians and geoscientists which are worthy of note. They are both public service professionals and well qualified. The workforce is stable and well unionised. Their work has been consistently regulated by industrial instruments. The work in both occupations is undervalued having regard to changes in the nature of their work, skill and responsibilities, (notwithstanding the reluctance by some parties to recognise this fact in the case of geoscientists.)

15. There are also some differences between the occupations. There has not been a history of undervaluation in the work of the male dominated occupation of geoscientists, and in fact they have been in receipt of the outcome of a very substantial work value assessment and market adjustments. Nor has there been a reluctance to recognise their professional (and technical) skills (even though there has more recently been a failure to act upon changes to those skills). There are other factors such as differences in field work.

16. Thus, it is conceivable that geoscientists may offer the basis for a further comparator (male dominated) from which indications of the level of undervaluation may be obtained. This would need to be considered as part of a work value assessment.

17. Having regard to these conclusions, I agree with the Crown parties and the PSA that an assessment of the value of work of librarians should be conducted to remedy the undervaluation I have identified. This assessment should be carried out, presumably with the full co-operation of both parties, under the new principle which I will recommend in a later chapter.

18. Furthermore, urgent steps should be taken to conduct for a work value review for geoscientists (perhaps as part of an award review process).

NURSES AND COAL MINERS

INTRODUCTION

The nomination of 1st year enrolled nurses and 1st year coal miners was made by the ACM. In support of this nomination the ACM submitted that the comparison was an appropriate one for the following reasons:

- nursing is a female dominated industry;
- coal mining in a male dominated industry;
- the nomination was the only one which sought to compare public sector employment with private sector employment;
- the nomination compared employees covered by State awards (nurses) with employees covered by federal awards (coal miners);
- the nursing and coal mining industries are characterised by high levels of union membership with nurses and coal miners being well serviced by their respective unions;
- the nomination was said to allow the Inquiry to make a comparison between awards with incremental progression structures and certified agreements which do not have such progression structures;
- shift work is a feature of both industries;
- the nomination allowed for a comparison between work performed in a service industry (nursing) and an export industry (coal mining);
- part time work was said to be a significant feature of the nursing industry whilst it was absent from the coal mining industry; and
- the nomination allowed the Inquiry to draw a comparison between an industry which had an entry level requirement

(nursing) and an industry that did not (coal mining).

In seeking to obtain the necessary evidence for the purposes of this comparison the Inquiry was faced with a number of difficulties. In particular, Drayton Coal Pty Ltd, the coal mining enterprise originally nominated by the ACM for examination was withdrawn by the ACM and replaced by Mount Thorley Operations Pty Limited. As a result significant delays were incurred with respect to the filing of evidentiary material. Furthermore, in spite of the broad ranging points of comparison alluded to above the evidence which was actually tendered to the Inquiry for the purposes of the comparison was limited to the following:

- affidavit and oral evidence from Ms Stephanie Shean, an Industrial Officer with the New South Wales Nurses' Association (NSWNA);
- affidavit and oral evidence from Ms Amanda Kerr, the Nursing Unit Manager from the Orthopaedic Ward at Royal North Shore Hospital (RNSH);
- documentary evidence from the New South Wales Department of Health regarding a comparator of first year enrolled nurses employed at RNSH and a copy of the 1997 annual review of RNSH;
- affidavit and oral evidence from Ms Helen Spencer, the Manager Organisations, Mount Thorley Operations Pty Limited.

With the exception of the more restricted assessments in the clerical area, this evidence was quite limited when compared to the extensive examination of other selected occupations and industries. Nevertheless, some of the evidence provided was of a high quality and some valuable insights were obtained from the area, particularly in relation to the evolution of the nursing profession as a female dominated industry, and the approach of the industrial

system to enrolled nurses in this context.

NURSES

Gender Analysis

Nursing is a female dominated industry, a 1996 survey revealing that women comprised 92.6 percent of enrolled nurses in New South Wales, the nursing category relevant to the Inquiry (Ex 258, Annex 4, p 1).

The evidence taken by the Inquiry with respect to enrolled nurses at RNSH reflects the female domination of the nursing industry, 83 percent or 43 out of a total of 52, of the enrolled nurses at RNSH being female (Ex 258 para 46).

Visibility

Nursing is regarded as being a comparatively visible profession in the community, Ms Stephanie Shean giving evidence that nurses are very conscious of the public's perception of their industry. In particular, the NSWNA has been concerned to show that "nurses were not just people who carried out doctor's instructions", Ms Shean giving evidence that:

nursing care or nursing is an autonomous profession which operates along side and in conjunction with the medical profession, but it is a profession unto itself and it performs a different function to the medical profession within the health service.

Classifications of Nursing and training requirements

There are three classifications of nurses:

1. assistants in nursing (ANs) - who do not hold any formal qualifications in nursing;
2. registered nurses (RNs) - who are required to undertake a three year university degree which comprises both theoretical and clinical components; and
3. enrolled nurses (ENs) - who are required to complete a 12 month TAFE course comprising theoretical and clinical/practical elements.

The theoretical component of the Ens' training is conducted by TAFE at an Advanced Certificate Level and requires students to undertake the following subjects:

NSW Module No.	Module Name	Nominal Hours
4357A	Personal and Professional Issues	30
4357B	Community Living	30
4357C	Health Issues in Childhood	30
4357D	Health Issues In Adolescence	30
4357E	Health Issues in Adulthood	30
4357F	Health Issues in the Older Person	30
4357G	Integrated Care I	6
4357H	Nursing the Hospitalised Individual I	34
4357J	Nursing the Hospitalised Individual II	20
4357K	Nursing Contexts	36
4357L	Nursing the Child	28
4357M	Nursing the Adolescent	36
4357N	Nursing the Adult	40
4357P	Nursing the Older Person	34
4357Q	Integrated Care II	6
8999A	Tutorial Support	36

(Ex 258, Annex 5)