

PUBLIC SECTOR BILL 2022

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Submission - Public Sector Bill 2022

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Queensland Teachers' Union
Authorised by Kate Ruttiman – General Secretary

Kim Roy – Industrial/Research Officer
21 Graham Street, Milton Qld 4064
PO Box 1750, Milton BC QLD 4064
P (07) 3512 9000
F (07) 3520 9050
E qtu@qtu.asn.au

About the QTU

The Queensland Teachers' Union of Employees (QTU) was founded in 1889 and currently represents over 47,000 teachers employed in Queensland state schools (including high schools, special schools and other specialist educational institutions) and TAFE institutes. Currently the wages and conditions of the vast majority of these members are regulated in the Queensland jurisdiction through state industrial instruments, legislation, directives and policy.¹ In common with many unions of professionals, the QTU represents the interests of its members in relation to professional, as well as industrial matters. In the context of the QTU, these professional issues include matters such as curriculum and assessment issues, teacher registration, professional standards and rights, and school behaviour management.

The QTU is affiliated with the state's peak union body, the Queensland Council of Unions, and supports its submission.

A fifth diversity target group for people with diverse sexual orientations, gender identities or intersex variations

The QTU applauds the proposed Public Sector Bill 2022 (Qld) (the Bill) for considering the challenges of equity, diversity, respect and inclusion and asserts that a public sector that is representative of the society it serves will lead to optimal service delivery.

The QTU supports the QCU's submissions, welcoming the purposes of the Bill outlined in Chapter 2 - Equity, diversity, respect and inclusion, specifically to:

- (a) *develop a diverse workforce that represents and reflects the diverse views, experiences and backgrounds of the people of Queensland; and*
- (b) *actively progress equity and diversity in employment matters for diversity target groups, including conducting an annual equity and diversity audit and actively progressing gender pay equity; and*
- (c) *allow for public sector entities to demonstrate there are equal conditions of employment and equality in access to employment opportunities and leadership roles; and*
- (d) *foster a respectful and inclusive workplace culture in which all employees feel safe, valued, accepted and supported at work and can participate equally; and*
- (e) *create a workplace free from unlawful discrimination.*

The Bill at clause 25 identifies four diversity target groups:

- diversity target group means any of the following groups—*
- (a) *Aboriginal peoples and Torres Strait Islander peoples;*
 - (b) *people from culturally and linguistically diverse backgrounds;*
 - (c) *people with disability;*
 - (d) *women;*
 - (e) *a group prescribed by regulation for this definition.*

¹ There are a number of QTU TAFE members who are covered by the *Central Queensland University Enterprise Agreement 2017*.

The QTU, along with the QCU and affiliates, asserts that a fifth diversity target group, people who are part of the LGBTIQ+ community, should be included in the Bill.

Clause 28 provides that the chief executive of a prescribed entity *must* have an equity and diversity plan to establish objectives, strategies and targets for the employment of people who are members of one or more diversity target groups, as well as to publish and regularly review the plan.

The QTU welcomes this, but are disappointed that a fifth diversity target group for people with diverse sexual orientations, gender identities or intersex variations has not been included.

This matter has been the subject of much discussion during the consultation phase. In addition to being a topic of discussion early in the consultation phase because it was raised by Bridgman, the QTU has prepared two submissions to the Joint Advisory Committee on the Public Sector Bill which address this point: one in June and one in August 2022.

The August submission states:

The QTU maintains that the disadvantage experienced by members of the LGBTIQ+ community warrants their inclusion as a fifth diversity target group. We note the assertion made at the consultation meetings that there is "no evidence base to suggest that other groups require a targeted response", but reject it.

The QTU questions whether an "evidence base" is absent because the evidence hasn't been gathered, rather than because evidence exists that indicates there is no genuine need.

A literature review of the existing workforce data certainly reveals that LGBTIQ+ status is a barrier to employment and career progression. The paper Removing barriers to employment for LGBTIQ+ people² notes that in 2019, 44 per cent of LGBTIQ+ workers had "personally experienced harassment or discrimination in the last 12 months" and "47 per cent had experienced people making incorrect assumptions about their abilities because of their identities". It also references the Writing Themselves In 4 study, which found that "a third of all the participants in their survey for LGBTIQ+ young people had felt unsafe or uncomfortable in their workplace in the past 12 months as a consequence of discrimination against their gender or sexuality".

The August submission of the QTU then shared the lived experiences of QTU members who identify as part of the LGBTIQ+ community, who are employed by the Department of Education and TAFE Queensland. Alarming, these lived experiences are occurring within a department that is a leader in the space of LGBTIQ+ inclusion. The Queensland Department of Education has been awarded Gold Status, the only state government department in Australia to achieve this in 2022, by the Australian Workplace Equality Index³, the definitive national benchmark on LGBTIQ+ workplace inclusion.

However, the lived experiences of our members don't present such a rosy picture; instead, they provide evidence of homophobia and transphobia still occurring within the Department of Education. For example:

"I had applied for a job as a principal and won the position. As soon as my sexuality was divulged, the college took that position away from me. There were community discussions held without me being present, and I was compared to being a paedophile. (School leader, regional Queensland)

Another member wrote:

The Queensland Public Service is not limited to the relative safety of a large capital city or urban region. It is everywhere, from the smallest rural town to the remotest parts of our state. I have worked in all of these contexts and can assure you that someone's gender identity does impact on their promotional opportunities, especially in rural and remote contexts. While there might be departmental initiatives in place to support employees who identify as something other than hetero normative, pockets within the workforce and community often do not. For example, I could not relocate to an island in the Torres Strait with my partner of 17 years because of my 'lifestyle choice' as a gay man, due to community expectations that I must be straight to fit in, as being gay is an unacceptable perversion. This is real for me and many others in the public service. (School leader, Metropolitan Region)

The Department of Education has a genuine state-wide presence, and it is a condition of permanent employment that teachers are required to be willing to teach in any location state-wide. Yet the QTU knows from lived experiences of members, and from data such as the three electorates who voted no in the marriage equality survey (Maranoa, Kennedy and Groom), who together cover a significant portion of rural Queensland, that public servants who identify as part of the LGBTIQ+ community do face homophobia and transphobia in their work.

The QTU also notes that teachers and school leaders are particularly well placed to support students have or are questioning whether they may have diverse sexual orientations, gender identities or intersex variations. The service provided to students by the Department of Education's employees will be better if educators feel safe and supported to bring their full selves to work. Given the negative mental health outcomes of young Queenslanders who identify as LGBTIQ+, this should be a priority.

Reference to people with diverse sexual orientations, gender identities or intersex variations

While the proposed Bill does not adopt a fifth diversity target group for people who identify as LGBTIQ+, the QTU is pleased to note that the proposed bill is no longer silent on the LGBTIQ+ community. This recognises, in part, the disadvantage, homophobia and transphobia Queensland public servants experience. This is a significant improvement on the existing Act. This is done via clause 28, which adds that an equity and diversity plan of a prescribed entity *may* also address matters about a group of employees that is not a diversity group, and makes mention in a legislative note of "people with diverse sexual orientations, gender identities or intersex variations."

It remains the QTU's view that the LGBTIQ+ community should be a fifth target group under clause 25.

In the alternative, the QTU submits that consideration ought to be given to utilise the regulation power to include a fifth diversity target group for public servants who identify as part of the LGBTIQ+ community.

The QTU understands this may require additional data collection, so there is both a baseline and a demonstrated need. The QTU are open to whether the data collection is across the whole public sector or trialled across a couple of agencies. It will be difficult to encourage public servants to identify as part of the LGBTIQ+ community – they will need to feel both safe and supported in doing so. The QTU hopes the public service will lean into, not away from, this challenge.

Indeed, the work of genuine LGBTIQ+ inclusion will continue, not end, with the adoption of a fifth diversity target group. The QTU hopes to continue to work alongside decision makers on this issue to ensure genuine inclusion for public servants who with diverse sexual orientations, gender identities or intersex variations, as well as those who belong to one or more of the other diversity target groups.

Reviews of non-permanent employment

The QTU supports the position of the QCU as outlined in their submission regarding reviews of non-permanent employment.