Gender workplace equity afforded by law

By Janette Bedwell
Women's contact officer

The Schools General Agreement has just been registered, and as we go to print, we remain in negotiation over the TAFE General Agreement.

The SSTUWA has won women many conditions over the years in both agreements, from paid parental leave to increased job security for part-time workers, who are mostly women.

One area that I wanted to highlight are the benefits afforded under the Equal Opportunity (EO) Act 1984.

This act contains important conditions that hold for employees of both the Education Department and the various TAFE colleges in the state.

Did you know that it is illegal to discriminate on the grounds of pregnancy, breast feeding, family responsibility or family status?

Many of us have a general understanding of what the EO Act does, however we seem to forget that, as Public Servants, the Act applies to us as it does to all employers/employees.

Part II of the EO Act, section 10A. 2 states:

"For the purposes of this Act, a person (in this subsection referred to as the discriminator) discriminates against another person (in this subsection referred to as the aggrieved person) on the ground of breast feeding or bottle feeding if the discriminator requires the aggrieved person to comply with a requirement or condition —

1. (a) with which a substantially higher proportion of persons who are not breast feeding or bottle feeding comply or are able to comply; and
2. (b) which is not reasonable having regard to the circumstances of the case; and
3. (c) with which the aggrieved person does not or is not able to comply."

What this means is that you cannot treat people differently because they are breastfeeding. For example, you must be allowed to have time to feed or express breast milk whilst at work.

This is a provision that is protected in law and is encapsulated within both agreements under the section that says, "legislation that affects..."

Legislation also applies to discrimination on the grounds of family responsibility or family status – you can read the applicable EO Act legislation on this by going to: bit.ly/3B5YZ2r

The SSTUWA continues to improve the working conditions for women in our education workforce. Until true gender equity is obtained, our fight continues.

Authorised by Sally Dennis, General Secretary, The State School Teachers' Union of W.A.
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