

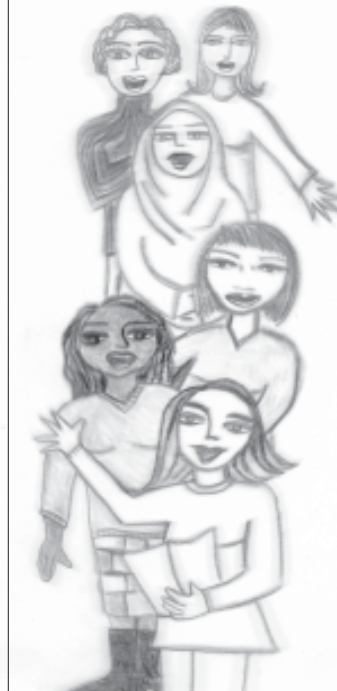
working well newsletter

amharic arabic cantonese
croatian dari farsi greek
italian kurdish macedonian
mandarin somali spanish thai
tigrigna turkish vietnamese



number nine august 06

multicultural centre for women's health:
putting immigrant women's health first!



in this issue:
welcome to mcwh!
project updates
and other news

also:
immigrant women
and the new
IR landscape

Multicultural Centre for Women's Health is an immigrant women's organisation committed to improving the health and wellbeing of immigrant women working in paid and unpaid employment across Australia.

Multicultural Centre for Women's Health provides national leadership and excellence in multilingual health education, advocacy, training, and research with specific expertise in sexual, reproductive, occupational, and mental health.

welcome to mcwh!

Working with immigrant and refugee communities always brings change. Our immigrant and refugee communities are dynamic, continuously facing new challenges and journeys—newly-arrived groups, new languages, new laws, new needs, new perspectives.

amharic

Community organisations that are established for our dynamic communities must meet the challenges of this ongoing change, while ensuring that they maintain the important constants.

arabic

cantonese

croatian

dari

farsi

greek

italian

Multicultural Centre for Women's Health (MCWH) has recently risen to such a challenge. In May this year we changed our name from Working Women's Health.

While our important work with immigrant working women continues, mostly through our innovative and unique Industry Visits Program, we felt that we wanted to increase our relevance to women who do not consider themselves to be 'working women'.

Our feedback from newly-arrived women in particular indicated that our name was not fully welcoming all women from immigrant and refugee communities. Nor was the name fully expressing the breadth of our

organisation, which offers a wide range of services, from multilingual women's health education and information, to research, advocacy and training.

Our new name better describes our agency—a centre for women's health education, information, advocacy, research and training that does all its work from a multicultural perspective.

This means first, that our women's health information and education services meet the cultural and linguistic needs of the women who use them, and second, that through our advocacy, research and training, we convey important multicultural perspectives on women's health to other organisations, government and the community.

A second change is that we've moved to a swish, more central and accessible new home in Collingwood. Please note our new details, make sure that you attend our opening celebration next month, and then drop by to visit, pick up some multilingual information or use our fabulous library. In the meantime, enjoy this edition of the 'Working Well' newsletter, still bringing you a unique perspective on immigrant women's work and health issues.

dr adele murdolo
executive director

kurdish

macedonian

mandarin

somali

spanish

thai

tigrigna

turkish

vietnamese

centre for
african-australian
women's issues

amharic

arabic

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In response to ongoing requests by the African-Australian community, the Statewide FARREP (Family and Reproductive Rights Education Program) Coordinator established the Centre for African-Australian Women's Issues (CAAWI) in June 2006. CAAWI aims to make the voices of African-Australian women more prominent in Australian society. There are approximately 25,000 African women and their families living in Victoria. Most of these women have arrived in Australia from war-ravaged countries and have had little opportunity to prepare for life in Australia.

CAAWI's priority is the health, wellbeing and settlement of African-Australian women and their families. Ensuring that the choices and opportunities available to African-Australian women and their families are the same as those available to the wider Victorian community is another key part of CAAWI's mission.

CAAWI links African-Australian women and their families to organisations and individuals that have the capacity to provide them with opportunities, knowledge, information and support to strengthen their social connectivity—this includes networking on a national basis.

The Centre runs a wide range of its own programs for African-Australian women, including the development of programs for newly-arrived African women and their families (such as the 'African women teaching African women how to live in Australia' Program). It also runs other programs

including health-related sessions and forums involving members of both the African, and broader Australian communities.

Further, the Centre for African-Australian Women's Issues provides cross-cultural training, and facilitates research, educational projects, and information in areas of need amongst African-Australian women. This is to encourage cultural sensitivity, awareness and diversity in Australia. The Centre aims to collaborate with local, national and international stakeholders whose activities target the improvement of African-Australian women's living conditions and their position in wider Australian society.

Membership of CAAWI is open to any individual, organisation or incorporated body that promotes and/or provides information, education or support services to women within African communities and who supports the purposes of the Centre for African-Australian Women's Issues. CAAWI is a statewide non-government organisation. The Board of CAAWI is made up of African-Australian women; the Centre's Advisory Group is represented by mainstream services.

CAAWI is actively supported by the Multicultural Centre for Women's Health.

samia baho
statewide farrep coordinator

**For a CAAWI Membership Form,
please contact me on: 0407 807 193.**

individual members:
\$10.00 (Employed)
\$5.00 (Unemployed)

organisations:
\$50.00

somali

swahili

tigre

tigrigna

main feature

Immigrant and refugee women face many challenges in the workforce. These include discrimination, language barriers, cultural barriers, lack of recognition of overseas qualifications, over representation in the casual and outwork labour-force, and unemployment. Issues relating to stress, work-life balance, family responsibilities, and occupational health and safety, further complicate work for this group of women.

There is no doubt that the new federal industrial relations laws create more concern for an already vulnerable group in the workforce. For example, immigrant women face a lack of information provision about the industrial law changes in languages other than English, not to mention a lack of negotiating power outside the collective bargaining system.

immigrant and refugee women: the new industrial landscape

Gabrielle Marchetti
Senior Solicitor at Job Watch*
outlines some of the major changes
to Australia's industrial laws and
what they mean for workers including
immigrant and refugee women.

(*Job Watch is a Victorian, independent, employment-rights
community legal centre.)



Contained in approximately 1500 pages of legislation and accompanying regulations, the changes to Australia's industrial laws came into operation on 27 March 2006. The changes are radical.

It is impossible to canvass all the main changes in this article, let alone go through all the detail, but let me outline for your readers some of the main changes in three areas: agreement making; employment entitlements; and remedies for terminations of employment.

main feature

AGREEMENT MAKING

Previous to the recent industrial law changes, a workplace agreement had to meet a 'no disadvantage test'—this is no longer the case. This 'no disadvantage test' provided workers with a safety net level of protection. It required a comparison be done between an applicable award and either the collective agreement which was sought to be certified or a proposed Australian Workplace Agreement (AWA), so that, on an overall basis, a worker whose terms and conditions were covered by a certified agreement or AWA was not worse off or disadvantaged when compared with the award.

Now instead, workplace agreements are only measured against the very basic minimum conditions contained in the Australian Fair Pay and Conditions Standard. These minimum conditions relate to minimum wages, ordinary hours of work, annual leave, personal leave and parental leave.

This means that provisions relating to rest breaks, incentive-based payments and bonuses, annual leave loadings, observance of public holidays (including substitute days), certain types of monetary allowances, loadings for working overtime or for shift work, penalty rates, and outworker conditions may not be included in a new workplace agreement. Workers who would, had they not entered into a new workplace agreement, been covered by an award which had these conditions will still be entitled to them, but only if the new workplace agreement does not expressly modify or exclude them.

For example, an immigrant woman may be working as a cook and be covered by The Hospitality Industry 'Accommodation, Hotels, Resorts and Gaming Award 1998'. Her employer hands her an AWA which she signs. If the AWA specifically excludes or varies


protection
and
safety
nets

basic
minimum
conditions


impact on
conditions
other than
basic
minimums

potential
impact
illustrated

main feature

illustration continued ...	things such as rest breaks, loadings and penalty rates, the cook will no longer be entitled to the award provisions regarding those matters. Alternatively, if the AWA is completely silent on the issues listed in the above paragraph (known as 'protected award conditions'), the cook will continue to be entitled to those award conditions.
types of workplace agreements & hierarchy	There are now six types of workplace agreements that may be negotiated at the workplace level: Australian Workplace Agreements (AWAs); employee collective agreements; union collective agreements; union greenfields agreements; employer greenfields agreements; and multiple-business agreements. AWAs are now at the top of the hierarchy and will therefore have total primacy over awards and collective agreements.
	
the adult minimum wage	EMPLOYMENT ENTITLEMENTS The minimum hourly rate for the adult wage will now not be set below \$12.75 (higher rates may apply for different positions and industries). Wage rates are now set and adjusted by the newly-created Australian Fair Pay Commission. There are no set intervals at which the Commission is obliged to review minimum wage rates and it determines the timing, frequency and procedures for wage reviews. It also sets and adjusts minimums for juniors, people with disabilities, and employees under training arrangements.
hours of work	If you are a worker employed under a pre-reform award, certified agreement or AWA the number of hours you work are still governed by that document. If you are a worker not covered in one of these ways, the newly created Australian Fair Pay and Conditions Standard states you must not work more than thirty-eight hours per week plus any reasonable additional hours.

main feature

Factors relevant to determining whether additional hours are reasonable include: any risk to health and safety, worker's family responsibilities, operational requirements of the business, notice given by the employer to work the additional hours etc. The 38 hours per week may, by written agreement between the worker and the employer, be averaged over a specific averaging period that is not longer 12 months.	determining reasonable hours: factors
Workers are still entitled to public holidays but employers may 'request' a worker to work on one of these days. Workers may only refuse the request if there are 'reasonable grounds' for doing so. This overrides any term to the contrary in an award or workplace agreement.	public holidays: request to work & right to refuse
In determining the reasonableness of a refusal to work, a number of factors will be relevant including: operational requirements of the business and nature of the work; whether the worker's employment is permanent or casual; the reasons for the refusal; the worker's personal circumstances, including family responsibilities; whether penalty rates apply; whether a workplace agreement or written policy states that work may be required on public holidays; the amount of notice given by the employer in requesting and by the worker in refusing to work; and whether emergency or other unforeseen factors are involved.	
To make matters worse, the right to refuse work on reasonable grounds does not apply to 'substitute' public holidays (that is, additional holidays declared when a public holiday falls on a weekend).	'substitute' public holidays

main feature

unfair dismissal exclusions



alternatives for workers no longer protected by the unfair dismissal regime

job watch: working with immigrant & refugee women in many ways

UNFAIR DISMISSAL

Perhaps one of the most spoken about changes to Australia's industrial laws has been the exclusion from the unfair dismissal regime of any employee who was, at the time of the termination of employment, employed in a business with up to and including 100 employees. This number includes long-term casuals with at least 12 months of regular and systematic employment and any employees of companies that are related entities.

Another newly excluded category from the unfair dismissal laws includes workers who, at the time of the dismissal, were within the first six months of employment in a new position (previously there was an automatic three-month qualifying period, this period has now been doubled).

Whilst unfair dismissal is clearly no longer an available remedy for many workers, there are some alternatives which already existed before the changes came into effect and which ought to be considered by any worker who has been treated badly at work. These alternatives include things such as possible discrimination complaints (lodged either in the Victorian Equal Opportunity Commission or the Federal Human Rights and Equal Opportunity Commission) and unlawful termination proceedings (filed in the Australian Industrial Relations Commission within 21 days of a termination of employment).

ABOUT JOB WATCH

Refugee and immigrant women contact the Job Watch telephone line to discuss issues or concerns they have regarding their employment. Whenever necessary, Job Watch telephone advisors use the Telephone Interpreter Service to better communicate with callers from non-English speaking backgrounds (NESB). Only recently, a

main feature

Chinese woman in her 60s contacted Job Watch: she had worked as a machinist for a number of years when she was suddenly, and without warning, dismissed by her employer. She wanted to know what her legal rights were with respect to the termination of her employment.

The Job Watch legal practice has, over the years, assisted countless numbers of NESB women across a broad range of industry sectors and in a variety of employment matters. One of these many women was a Philipino domestic worker who was brought to Australia a few years ago to perform domestic work in the residence of a consular official. Job Watch represented this NESB worker in proceedings in the Magistrates' Court of Victoria to recover an underpayment of wages and entitlements to notice, paid leave and superannuation.

Community education programs: Job Watch reaches NESB women through its seminars on general employment law rights at organisations such as AMES (the Adult Multicultural Education Services).

CONTACTS: Job Watch Telephone Information Line: 9662 1933 or for rural callers 1800 33 1617. Telephone interpreters are available. **Workplace Rights Enquiry Line** (established by the State Government in response to Work Choices): 1300 882 648. Telephone interpreters are available. **Union members may try their union.** **WEBSITES:** www.job-watch.org.au www.workchoices.gov.au (federal government website: has explanations in a number of community languages) www.business.gov.au (click 'Workplace Rights Advocate') www.rightsatwork.com.au (click 'The Facts').

caller fact:
The majority of callers to the Job Watch Telephone Information and Referral Service tend to be women. Job Watch receives 20,000 callers per year.



contacts for assistance and information about the industrial changes

useful websites

where are they now? bhes beyond mcwh

The Multicultural Centre for Women's Health provides health promotion for immigrant women in the language of their choice, facilitated by bilingual, bicultural workers who not only speak the language, but who also understand their communities.

- amharic
- arabic
- cantonese
- croatian
- dari
- farsi
- greek
- italian

Our Bilingual Health Educators (BHEs) come from all walks of life. Many of them were professionally trained in their countries of birth, with qualifications not recognised on arrival in Australia. Many have backgrounds in community work and involvement, both paid and unpaid. All of them have a real passion and commitment to improving the health and wellbeing of all women, in particular, of immigrant women: the women of their own communities.

From its inception MCWH has advocated for the rights of the working woman, in particular for immigrant women. MCWH is very lucky to always have on staff women who are here because they are passionate about working with women from their own communities.

MCWH has also been active in providing an environment that encourages the professional and personal development of its staff. This is in keeping with the MCWH value of empowering women to take control of their own lives.

As well as a lot of satisfaction through the service they provide to immigrant women, working at MCWH offers our Educators:

paid employment; experience in the Australian workforce; the opportunity to support their communities; the space to build self confidence in a new country; direction for further study; and encouragement from all at MCWH to pursue their overseas qualifications being recognised in Australia.

In the past two years a number of MCWH BHEs have moved on—for some this has included becoming qualified in Australia, a process requiring considerable dedication both to study and financial cost. Here then is a review of where some of 'our' BHEs are now:

Cigdem Guler is now working as a registered nurse at St. Vincent's Hospital. **Wei Li** has her medical qualifications in Australia and is now working in the acute mental health clinic of a large hospital in Adelaide. **Loranie Leas** has finished her studies in Psychology, worked for some time in the Corrections Facility in Bendigo providing counselling on the issues of drugs and alcohol, and is now in permanent employment in Sydney in her field. **Jeanette Shepherd**, who has given many years of passionate service to the women of her community through her work with MCWH, has decided it is time to move on.

Many of our Bilingual Health Educators also have employment in other workplaces as well as working for MCWH.

Sonali Deshpande, our Hindi-speaking Health Educator, graduated from the Police Academy last August and is now a valued member of Victoria Police. Although the police force keeps her very busy, Sonali is still doing health promotion for the women in her community.

- kurdish
- macedonian
- mandarin
- somali
- spanish
- thai
- tigrigna
- turkish
- vietnamese

what's happening at mcwh

amharic We congratulate Sonali on her becoming a police officer. **Yanping Xu** now works at Consumer Affairs Victoria, Multicultural Consumers Unit. However MCWH information sessions remain in high demand from the Chinese community resulting in Yanping continuing to do these sessions for the women of her community.

arabic **Rachanee Naksuk**, our Thai Educator is now also working as a nurse at the Freemasons Private Hospital. **Violetta Prestia**, our Italian Educator presented her paper 'Where have all the colours gone', at the Women and Depression Conference in Sydney (April 2006). Congratulations one and all.

cantonese We miss all those who have left us for other pastures—we miss their enthusiasm, their passion, their knowledge, their skills, and the cultural mix they brought to the Multicultural Centre for Women's Health. But you never really leave MCWH; perhaps our paths will cross again and provide opportunities for new collaborations in the future.

croatian **angela nesci**

dari health education

farsi programs coordinator

greek

italian

accreditation and new opportunities

The Multicultural Centre for Women's Health is working towards becoming a Registered Training Organisation (RTO). MCWH aims to offer competencies-based training, recognised as part of a full level qualification.

I am currently putting together the required quality standards and training programme competencies for RTO registration. Consulting with

what's happening at mcwh

already-accredited agencies and looking at the feasibility of our bilingual health education as part of an already established course, is also part of this work. We aim to see health promotion, specifically geared to Bilingual Health Educators (BHEs) become part of such studies—students will learn from our extensive expertise, and also receive credit towards their qualifications.

Accreditation also increases recognition for our own BHEs. It will promote their service delivery and provide agencies another level of trust in their professionalism and expertise. We will also create a Bilingual Health Educator Register in line with these developments. Our Educators will have the opportunity to operate within officially recognised models of best practice and quality standards, and pursue other pathways to further study and career development.

Other agencies will be able to replicate our unique model; we look forward to training them and providing the tools required to establish similar programmes in their own services.

We are also currently resourcing emerging communities including training African Bilingual Educators from the Centre for African-Australian Women's Issues. Planning for recruitment in March 2007 of new MCWH Educators (in six new languages—including emerging communities) is underway; we plan to advertise for these workers considerably in advance of actual recruitment. I am also creating a manual for Educators which will guide them through their work at MCWH. We look forward to considerable development in these areas.

amira rahmanovic
training programs coordinator

- kurdish
- macedonian
- mandarin
- somali
- spanish
- thai
- tigrigna
- turkish
- vietnamese

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mcwh: suite 207, level 2, carringbush
building, 134 cambridge street,
collingwood victoria 3066.

★ publications!

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[Beyond Cultural Barriers:](#)

Young Sahel African Women's Access to Health Services (2003)
\$22.00 (M) \$25.30 (NM)

[Journey Through:](#)

Newly-Arrived Immigrant and Refugee Women's Health
Conference Papers, WWH Conference, Royal Women's Hospital
Melbourne (2001) \$22.00 (M) \$25.30 (NM)

[Knowing Her Better:](#)

A Research Report and Training Manual About NESB Women's
Sexual & Reproductive Health (2000) \$28.00 (M) \$33.00 (NM)

[Seamstress:](#)

A Report on Health Issues of Women Workers in the Textile
Clothing and Footwear Industries (2000)
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[Nobody Ever Asked Me if I Wanted to Know:](#)

An Alcohol and Drug Health Promotion Project with Culturally and
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[Three D:](#)

A Preliminary Report on Sexual and Occupational Health
of NESB Women with Disabilities (1999) \$9.00 (M) \$11.00 (NM)

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★ women become part of mcwh!

if you are interested in [immigrant and refugee women's health and wellbeing](#), become part of [mcwh](#), contact us for a [mcwh membership form](#).

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