

FACT SHEET 2

Striking the balance in the workplace

- Just as families rely on paid work for economic sustenance, workplaces rely on the unpaid work that takes place in families to sustain the labour force.
- While there is no “one size fits all” solution to balancing paid work and family/carer responsibilities across the variety of industries, occupations and employers in Australia, the key issues need to be addressed by all workplaces.

Recognising the relationship between paid work and caring work

- Workplaces can actively contribute to a culture of inequality through, for example, unequal pay, gender segregation in employment, limited or non-existent family-friendly policies and male-dominated work cultures with hostile attitudes toward workers with family/carer responsibilities.
- It is important that employers and employees share a common understanding that while preferences for combining paid work and care may vary, as will employers' ability to meet them, caring itself is not a “choice”. Very few individuals have no caring or other unpaid responsibilities across their working lives, whether this is a responsibility for raising children, caring for older relatives or caring for family members with an illness or disability.
- The myth of the “ideal worker” as one who has no caring responsibilities needs to be replaced with a more realistic ideal of shared work and valued care.

Certainty and flexibility in the workplace

- The existing way many families try to address the lack of balance between paid work and family/carer responsibilities – part time work for women – comes at an economic cost to those women. It also ignores the issue of long working hours and entrenches long hours for many men so they can meet their family's economic needs.
- Entrenched long hours within workplaces increase employer and colleague expectations and contribute to a family-hostile work culture. Long hours of paid work also reinforce the traditional breadwinner/home carer model by assuming that workers are “care-free” and able to devote more time to paid work.
- Lack of carer-friendly flexibility in working hours affects the capacity of both parents and carers of older people and people with disability to participate in employment. Many of these people are unable to participate in paid work because of difficulties in arranging working hours, a loss of skills from being out of the workforce and a lack of alternative care arrangements.
- This paper recommends that the Australian Government establish a national working hours framework which promotes flexibility and encourages workplaces to limit long hours working.

Structural change to support gender and carer equality

- Improvements to workplace policies and part time working conditions are key structural changes that would allow carers, particularly women, to continue in paid employment without experiencing a downward spiral in their working conditions. Without access to flexible working arrangements and quality part time work, carers can become locked into a pattern of employment inequality, with lower wages and fewer opportunities.
- Access to paid leave entitlements such as maternity and paternity leave and carers' leave is crucial for those with care responsibilities. It is also crucial that these leave options are widely available and not limited to the public service and large companies employing highly skilled workers.
- More equitable sharing of unpaid responsibilities in the home would arguably affect paid work preferences among women with family and carer responsibilities, resulting in an increase in women's labour market participation.
- Pay inequity is a major factor in determining the choices men and women make about who undertakes care within couple families.
- Pay inequity also overlooks the fact that it forces the higher earner in couple families – usually the male – to take on the lion's share of paid work. The constraints that pay inequity imposes affect not only women, but men who may want to undertake more unpaid caring work.
- This paper recommends that the Australian Government make a substantial commitment to a suite of measures to address gender pay inequity.

Paid leave entitlements

- Australia remains one of only two OECD countries that does not have a legislated paid maternity leave system.
- In an environment in which Australia still lacks a national paid maternity leave scheme for women, HREOC recommends the introduction of a 14 week minimum national paid maternity leave scheme for women at the level of the federal minimum wage as a priority. Once this is introduced, the Australian Government should consider phasing in a more comprehensive scheme of paid parental leave consisting of a minimum two weeks paid paternity leave at the time of birth and a further 38 weeks of paid parental leave that is available to either parent.
- This paper recommends that the Personal/Carer's Leave Standard be increased from 10 days to 20 days per annum with 10 days to be non-accumulative. Further, the Australian Government should introduce a new 12 month unpaid Carer's Leave Standard to be made available to employees who need to attend to the care of a seriously or terminally ill dependent. Like the Parental Leave Standard, this new Standard should be job protected and available to employees who have 12 months continuous service.

Expanding legal rights

- HREOC proposes the introduction of new legislation – the *Family Responsibilities and Carers' Rights Act*. This Act would provide protection from discrimination for employees with family and carer responsibilities and a right to request flexible work arrangements.
- This Act introduces no new entitlements and only imposes an obligation on employers to give serious consideration to requests for flexibility for caring reasons.

Workplace culture and use of family-friendly policies

- There needs to be greater awareness about existing family-friendly provisions within workplaces.
- Good management is a key element of achieving family-friendly workplaces.
- Managers and supervisors need to be made aware of the key role they play and be supported by their organisation in their efforts to assist their employees.

A lifecycle approach to work and universal family-friendly flexibility

- The ageing of the population presents particular challenges for women who are part of the “sandwich generation” – those caring for both children and others such as ageing parents and spouses.
- Workplace responses to the needs of workers have to address the reality of modern working life as one which will increasingly resemble the traditional pattern of women’s working lives as the population ages, that is, as one of movement in and out of caring roles in accordance with changing family and carer responsibilities.

Community concern about *WorkChoices*

- Submissions indicate that there is clearly concern in the community about the new *WorkChoices* legislation. This concern is mainly in four areas: the prospect of loss of control over working hours and its effect on the ability of employees to balance paid work and family/carer responsibilities; the prospect that minimum wages will be reduced over time because of the changes to wage setting; lack of protection and possible discrimination resulting from the removal of unfair dismissal laws for businesses with up to 100 employees; and the reduced role of unions to bargain for family-friendly provisions or the right to have those provisions regulated through awards and collective agreements.
- Concern was expressed by various groups about the legislation’s implications for women; specifically the prospect of increasing gender pay inequity over time and its impact on the choices women and men can make for balancing paid work and care.