



## **Submission**

**To the Human Rights and Equal Opportunity  
Commission**

**On Striking the Balance – Women, men, work  
and family**

**By the Community and Public Sector Union  
(CPSU) - PSU Group .**

**Contact:** Tanya Edlington

Thank you for the opportunity to make a written submission in response to the 2005 discussion paper, *Striking the Balance: women, men, work and family*.

1. In addition to this submission, Tanya Edlington, Project Officer in the Legal and Technical Unit, attended the consultation session in Canberra on Monday 5 September 2005 as a representative of the CPSU.
2. The Community and Public Sector Union (PSU Group) represents workers in the Australian Public Service, the commonwealth public sector, the telecommunications sector, broadcasting and the Job Network.

### **Introduction – the CPSU experience**

3. The CPSU is respondent to over 200 certified agreements across the public and some of the private sector, and each of those agreements has been re-negotiated several times. Conditions to assist workers to manage family responsibilities and strike a balance between their work, their families and life outside work, are a component of every claim and each agreement. Our experience is that most workers are interested in these issues, regardless of their personal circumstances.
4. Through bargaining the CPSU has managed to achieve a range of “family friendly” conditions. These include:
  - An increase of up to 3 weeks paid maternity leave on top of the statutory minimum of 12 weeks’ paid maternity leave contained in the *Maternity Leave (Commonwealth Employees) Act 1973*;
  - Up to 14 weeks paid adoption leave for the primary care giver;
  - 2 weeks paid maternity leave for persons not otherwise entitled;
  - Up to 6 weeks paid leave for the other parent;
  - A pool of paid leave accessible by those with caring responsibilities, over and above their own personal leave credits;
  - Additional annual personal leave;
  - A removal of the cap on personal leave which can be taken as carer’s leave;
  - The ability to purchase additional leave each year through salary sacrifice;
  - More flexibility in managing hours of work through schemes such as flextime;
  - The right to access leave at half pay which doubles the available leave;
  - The right to work part time for up to 5 years after the birth of adoption of a child;
  - Access to home based work, on a fulltime, part-time or occasional basis;
  - Assistance with child care fees during school holidays;
  - Availability of a child or dependent care referral service;
  - Specific workplace care facilities, including nursing mothers’ rooms, “sick children” offices, and childcare rooms.
5. Whilst bargaining has provided a vehicle to achieve improved conditions for many CPSU members, obtaining agreements is of course not enough. Unless their provisions are genuinely accessible to workers, and their terms enforced where there are difficulties, they remain simply words on a piece of paper.

6. A common complaint by CPSU members is that access is sometimes more difficult than it should be. A range of factors can be critical in this regard; the attitude of immediate managers and peer pressure are two potential impediments and these are discussed in more detail below.
7. Restrictive procedures introduced through policy - formal or informal – can also limit or undermine access. For example, the requirement to obtain a doctor’s certificate confirming that care of a family member is required by the employee is an aspect of a number of public sector policies on personal leave - though not a part of the relevant certified agreement. This has a negative impact on the capacity to take carer’s leave.
8. Another “requirement” of some policy, notably in Centrelink, is the return to work interview. These interviews cover such things as the impact of the leave on the rest of the team, the amount of leave already taken, attendance targets and what other arrangements could be made so that someone else can take the caring responsibility next time. The environment produced by such policies is not one that is supportive of family leave.
9. The focus of course cannot simply be on providing access. The workplace issues that result must be managed properly, or else workload pressures will inevitably lead to resentment. This can in some instances be more important than improving conditions.
10. Given the nature of bargaining, not all the conditions referred to in paragraph 5 above are available in all agencies, and where they are not available can be more illuminating than where they have been achieved. For instance, Centrelink’s annual report for 2003-2004 reports a total workforce of 25,448 of whom 17,231 are women (67.7%), yet an increase in paid maternity leave has not been achieved. Further, in Centrelink Call centres, 75.9% of the 4601 employees are women, and yet scheduling and rostering are both administered in a way that makes personal circumstances extremely difficult to accommodate. This is discussed further below.
11. If it were simply a matter of building on small achievements, things would at least forever be going in the right direction. Bargaining though often requires trade-offs with each successive agreement and outcomes can again be placed under pressure. An example is again Centrelink, which is currently negotiating a new certified agreement, and where the employer has made pay increases conditional on a reduction in personal leave usage.
12. Bargaining though has clearly resulted in positive outcomes. The cycle of collective bargaining provides an ongoing opportunity to focus on these issues, and outcomes in one agency can then be spread to other agencies. This is particularly so within portfolio agencies, and between “like” agencies or agencies who see themselves as competing for the same staff. A desire not to be left behind, and the need to be able to appeal to prospective employees, can be used to improve conditions more broadly.
13. The cycle of bargaining enables achievements to be built upon in successive agreements. A number of small gains over a longer period can sometimes be easier to achieve. So too practices and initiatives can be adapted or modified to meet changed circumstances or differing needs.
14. One of the concerns held by the CPSU with respect to the Federal Government intentions to refocus the employment relationship onto individual agreements is the extent to which true innovation in areas such as work and family will suffer. Collective pressure has led to the change, and whilst employers can clearly see the benefits in introducing these measures, they

have ultimately all had to be won through bargaining. The fact that the Government and employer groups opposed the recent Test Case on family conditions is proof of the CPSU concern.

15. The CPSU experience of individual agreements to date is that they predominantly mirror what has been negotiated collectively, and do not markedly differ, if at all, between agreements. It is not the case that individual agreements are tailored to better suit individual needs; to the contrary, they are homogenous agreements. If that situation remains, and collective outcomes are not forthcoming, change through bargaining in this critical area will stall.
16. The negative focus by the Government on so called “pattern bargaining” threatens to limit the spread of outcomes. Bargaining for widespread change is a slow process; one agreement, one enterprise at a time. Objections to pattern bargaining make it more difficult for a universal approach to be taken to solving what appear to be universal concerns.

### **The work and family balance survey**

17. To inform the bargaining agenda, the CPSU conducted a work and family balance web-based survey in March 2005. The results are relevant for this submission also. The responses are from real workers with a real experience of trying to balance their work and family lives
18. 797 responses were received, with 75% (596) of respondents being female and 25% (201) being male. The number of male respondents was particularly pleasing.
19. 26% of the total respondents were working part time and 97% of total respondents were working in ongoing employment. Examined by gender, 32% of female respondents and 9% of male respondents were working part time. Part time work was identified in the survey as being less than 35 hours a week.
20. Most respondents were in the 30-39 and 40-49 age brackets across the range of APS classifications. 71 agencies were represented among respondents, and the largest number of respondents came from Centrelink.
21. The individual stories deliver one clear message: everyone’s particular circumstances are unique. The challenge then is how to provide a framework that ensures assistance while being flexible enough to meet numerous sets of different needs.
22. There are, however, some common themes that come out of these unique situations. These are:
  - A formal framework of conditions is seen as essential, although access to those conditions needs continued and continuing improvement;
  - A workplace culture where the facilitation of work and family needs is seen as essential as opposed to a hindrance to the performance of work must be cultivated down to the individual level;
  - The different needs of caring for the elderly or infirm, as compared to children, must be recognised and often differently accommodated;
  - The cost and availability of childcare remains a major hindrance;

- Most children require some level of care or supervision well into high school, and yet care arrangements of any kind cease to exist once a child leaves primary school; and
- The capacity of organisations like the CPSU to affect change will be further eroded by the current trend towards individual employment agreements.

23. Some of these are discussed in more detail below.

#### Access

*“The availability of options doesn’t necessarily mean people are comfortable utilising them.” (Female respondent)*

24. Access issues can be about more than having conditions and being able to easily utilise them. How people will be perceived in the workplace if they do seek to access these conditions, or even how they believe they will be perceived, can be an impediment as big as lack of conditions.
25. A number of respondents reported that they had not accessed family friendly options available to them, not because they couldn’t but because of workplace issues. These included:
- their manager was unsupportive.
  - there was no one to cover their work.
  - it would detrimental to their career.
  - other workers were not supportive.
26. When asked about what factors would make it easier for them to balance their work and family responsibilities, the most frequently identified response (37%) was more support from their manager and/or co-workers.
27. Most workers have a commitment to their employer, and their workplace, and can feel as if they are not pulling their weight with their colleagues if they don’t work the same hours as everyone else. Workplace support, and a culture that it is acceptable to attend to family matters, would seemingly improve access for a large number of workers.
28. Culture can be difficult to change, and impediments can occur at every level. There is little point in the CEO/Departmental Secretary believing that part time work or job share arrangements are a good idea if the line manager/direct supervisor responsible for approving access is refusing requests.
29. Managers need to be provided with the education, the staff, and the authority to support employees who are balancing work and family. Behaviour which supports employees to balance their work and family needs to be recognised and applauded as “good”. Persons in management roles also need to be directly accountable for implementation, through assessment of their work performance, particularly with respect to the granting of discretionary or performance bonuses.

30. Employers should be required to report against certain set criteria with respect to family friendly work practices. In the public sector agencies, this should occur through their published annual reports. Public scrutiny and accountability will improve practices and may also help pervade individual organisations as well as society at large.
31. The support of co-workers can also be fostered by a recognition that a work/life balance can be about more than families. Workers without family responsibilities reported that they sometimes feel as though they come second in the race to secure balanced lives. This group was frustrated because they believe they are taken for granted, and have to make up for the family commitments of others; having no immediate family responsibilities however does not mean that work is the only thing in a person's life.
32. Whilst the attention should not be deflected from the key area of family responsibilities, it makes sense to recognise and address any workplace impediment, particularly given the role that other workers obviously play in the access issue. The challenge lies in identifying priorities and finding a way to cater for all interests.

### Home-based work

*"I'm a senior officer who is always under pressure from their supervisor to resume full-time work. I am often reminded by my supervisor that access to part-time work is at their discretion, that is despite the fact that I take work home with me and try and carry a full-time load in the meanwhile. I have asked for job sharing to be explored or to work from home at least part of the time and this is not supported" (female respondent)*

33. Home-based work is something that is included in many CPSU enterprise bargaining agreements but the perception of respondents to the survey is that it is only available to a favoured few.
34. Perhaps interestingly, the kind of home-based work arrangements sought by survey respondents was not the "telecommuter" working from home five days a week in a fully functioning home office, but rather someone who can work from home one or two days per week, or on a more casual basis as needed. The ability to work from home one or two days a week, or when needed in order to care for someone who is sick, was seen as a highly desirable arrangement that would make it easier to balance work and family.
35. Home-based work has been around for many years, and the CPSU used to have a home-based work Award. The fact that it is not more readily and easily available, particularly given advances and availability in technology over the last 10 years, is probably surprising. Whilst some types of jobs are not suited to home-based work, it needs to be seen as one of the creative tools in a kit that allows people to work more flexibly in a way that meets both their needs and the needs of the business.

## Working hours

*“The most important thing would be for both of us to be able to move in and out of ongoing part time work as our family needs required” (male respondent)*

*“We need more workplaces that recognise the value of having part-time or job share arrangements. After more than 15 years since this possibility became a reality, there is still too little of it.” (female respondent)*

36. A shorter working week was cited by many respondents as something that they crave to help with balancing their families. This was frequently linked to having the additional benefit of creating jobs. It should be noted that a shorter working week was also identified as desirable by people without family responsibilities just to deal with the personal and household management required in modern life.
37. The way to a shorter working week for most workers is part-time work. Whilst “caring for children” was the main reason cited by both male and female respondents to the survey for working part time, other caring needs were identified, as were more general personal life issues.
38. The ability to move in and out of part time and similar arrangements was seen as desirable by respondents. Current patterns of usage are almost exclusively work part-time work for a certain period, and then recommencement of full-time work from then on. Some respondents reported that having worked part-time, they were seen as having “had their turn”, and further part-time work was discouraged.
39. The temptation to define “family friendly” working hours as being universal for all families needs to be avoided. Family friendly working hours will vary from family to family. Night shifts or weekends may be family friendly for one family because it allows parents to work as team to cover all the family responsibilities between them. In other families matching work hours to school hours will be family friendly.
40. Other working hours issues arise through shift rostering and the related issue of scheduling.
41. One of the questions asked in the survey was “If you are a shift worker, what are your main reasons for being so?” Respondents were not limited to making only one selection, and the equally most popular reason was “caring for children” which was selected by 34% of respondents. Yet 29% of respondents said that in arranging their shift roster their family needs and personal circumstances were “never” taken into account.
42. Even where personal circumstances are accommodated, if working arrangements aren’t fixed and regular the value is eroded. To be truly reflective of worker needs, working hours must be flexible enough to deal with unexpected situations, but regular and predictable so that care and other requirements can be arranged and secured.

*“The scheduling of my shifts pays no regard whatsoever to a work/family balance. They are structured purely to cover work demands, which means family relationships are not taken into account.” (Male respondent)*

43. Despite having almost 5000 workers, Centrelink call centres roster workers every 4 weeks, and requires all workers to submit personal circumstance and other leave requests every 4 weeks. Business need is the dominant agenda, and the constantly changing work pattern is forcing more employees to seek permanent part-time work, and to leave the call centre environment.
44. The flexibility of so many workers, networked nationally, has the potential to be an ideal place to work if you need to balance work and other responsibilities. Instead the technological tools that could assist in striking the balance are used to emphasise business needs to the exclusion of employee needs.

### Care

45. Care of children is just one of the demands working people need to balance with work. Increasingly workers are finding themselves needing to care for ageing parents or an ill or injured spouse.
46. The nexus of care arrangements and negotiation of working hours is critical in striking the balance, as has been discussed above.
47. Some respondents said they have to pay for childcare five days a week even though they only work three or four days a week. The days they work are not fixed and the only way for them to ensure they have childcare available on the days they work is to pay for childcare on days they don't need it.
48. This has the added complication that other parents can't access the childcare place even though it is not being used all of the time, putting further pressure on the limited number of places available.

*“Constantly changing work hours make child care arrangements impossible in some situations. Person is required to pay for care that don't need (sic) every week simply to ensure that child care place is maintained. Also makes it difficult for parents to commit to helping with children's sport or school as cannot be sure that they will be available from one month to the next.” (Female respondent)*

*“I feel that my employer could offer more regular hours. I currently work 4 days per week but need childcare for 5 days per week as the day I get off changes each week.” (Female respondent)*



49. Work-based childcare is still very limited in CPSU areas of coverage, but it is well-patronised where it exists. Parents who use these centres say it makes life easier because they don't have to make stops on the way to work and don't need to finish work earlier in order to travel to a remote childcare centre. This must also provide benefits to employers.
50. CPSU has just finished negotiating a new enterprise agreement for 2005-2008 with CSIRO. It is yet to be certified.
51. The agreement commits CSIRO to assessing the demand for additional child care facilities by undertaking the following:
  - All new CSIRO building projects or significant additions to current facilities will include an assessment of demand for and feasibility of providing childcare for staff with young children.
  - CSIRO Corporate will assess the staff demand for childcare and raise awareness of policies and procedures for establishing on-site childcare facilities during the life this agreement.
52. CSIRO already has work-based childcare centres at Black Mountain in Canberra, North Ryde in Sydney and Clayton in Melbourne. There is also a joint venture with the University of Adelaide and South Australian Research and Development Institute. (SARDI)
53. The Department of Defence has several centres around the country, mostly through contract between ABC Corporate Care and the Defence Community Organisation. There is also one centre in Melbourne which is run as community child care.
54. Cost of childcare remains a difficult issue for many working parents. A frequent comment about childcare was that it is often the biggest work-related expense, yet it is not tax deductible. Vacation care is a difficulty also.
55. Survey respondents also identified that there is a real gap in care for children older than 12 who still require supervision. After school care programs typically cease once a child finishes primary school yet many children are not yet ready to travel home and look after themselves unsupervised for up to 3 hours.
56. The issue of care for older family members also emerged through the survey with some respondents juggling both children and ageing parents or ill partners. Some workers identified that they were just now beginning to assume a caring role for older or infirm parents, and that their needs were unknown. This will provide another workplace challenge, as this type of care requires a different kind of flexibility; it's less predictable as it doesn't revolve around school hours.

*"My caring responsibilities are only just starting again after my own family has grown up. I don't yet know what demands will be made on me." (Male respondent)*

## Leave

57. Not surprisingly, leave in all its forms is seen as one of the most important entitlements for balancing work and family commitments.
58. Leave arrangements fall into two categories:
  - planned leave – maternity leave, parental/paternity leave, recreation leave, purchase leave (48/52), half pay recreation leave, leave without pay
  - unplanned leave – personal leave, including carer’s leave.
59. As noted, CPSU has been securing enterprise bargaining agreements which both increase the leave available, be it paid or unpaid, and provide flexibility in how that leave can be taken. These are seen as equally important and importantly, more flexible arrangements can often be introduced with little or no additional direct cost to the employer.
60. Purchased leave for example is a form of unpaid leave where the loss of income is spread over a whole year. An employee “purchases” additional weeks of recreation leave by reducing their salary and spreading the reduction over the whole year. These kinds of arrangements can be particularly useful for parents needing to take leave during school holidays, without the need to severely limit income.
61. Amongst respondents to the survey, carer’s leave was accessed by the most people.
62. Again, CPSU has negotiated a variety of configurations. Some agreements have a separately accruing entitlement to carer’s leave. Others have a generous personal leave entitlement that can be used for a variety of purposes including caring and other family situations. Some agencies (eg The Australian Taxation Office) has a carer’s leave pool which allows employees to access carer’s leave based on need rather than based on the level of individual entitlement.
63. Although it is the most used leave arrangement, a tension arises because unplanned absences are the ones that an employer particularly wants to avoid. CPSU is aware that some employers have negotiated agreements whereby bonuses are paid, to the individual concerned and to the managers responsible, for reducing the amount of leave taken as unplanned absences. If this is spread to a bonus to a workgroup, the peer pressure on those with legitimate need increases. One of the reasons for the 4 week rostering arrangements in Centrelink is to target and manage unplanned absences, and the return to work interview is an aspect of that desire as well.
64. Whilst incentives to not take unnecessary leave can be used positively, there will always be unplanned absences and there will always be people with genuine need. Eradication will not work; careful and sophisticated management is required.

## **The bottom line**

65. In conclusion, reflecting on life over the last 5 years, respondents were asked whether balancing work and family had become harder or easier. The results were:
  - 31% of all respondents said it had become much harder
  - 24% said it had become a little harder
  - 20% said it was about the same

- 18% said it had become a little easier
  - 6% said balancing had become much easier.
66. Vigilance, continued effort, and support of workers in need are required to ensure that things become much easier for a greater percentage of workers over the next 5 years.

## **Attachment A - The Workers' Voices**

A representative selection of statements from respondents to the survey.

Female respondent: "Tax deductible child care – it is appalling that an expense directly related to going to work is not tax deductible. The new 30% rebate is subject to such long delays in being able to claim as to be pretty unhelpful. Why can childcare only be salary packaged if it is provided in house – very few places will provide in house childcare."

Female respondent: "Some practical help like ability to access school holidays as preferred leave time rather than fight others for it, ability to 'split' recreation leave to cover school holidays rather than have to take it in a 4-week block, even things like employer occasionally offering a car space days when it is difficult to get to work at a reasonable hour other than by driving when parking costs \$17 per day."

Female respondent: "Recognition that women with young families or caring responsibilities can continue to make significant contributions to organisations if part-time or flexible working arrangements are provided and supported. This requires some job-redesign and flexibility which is often all too difficult or inconvenient for management to consider. This together with pockets of continuing draconian views of a woman's place being at home with children and not in the workforce is unhelpful. Whilst organisations cannot afford to be crippled by practices that do not permit them to achieve their business objectives, thinking outside of the box to address work/life balance can sometimes lead to a happier more productive workforce."

Female respondent: "More workplaces that recognise the value of having part-time or job share arrangements. After more than 15 years since this possibility became a reality, there is still too little of it."

Female respondent: "If I could access my super I could pay off my mortgage. THEN I could afford to work part time. As it is, I will probably retire in the next 12 months and pay off mortgage and try to live on the super pension until I reach age 64 and get topped up with a part government aged pension. It is unlikely I will be able to pick up any work, but a couple of hours per day OR say two days per week close to home would be lovely."

Male respondent: "The most important thing would be for both of us to be able to move in and out of ongoing part time work as our family needs required. I work 4 days a week in ongoing work, my wife currently works 2 days a week in insecure work. She often has no work. If we could both work 3 days a week in ongoing work we could get the work and family balance right. Alternatively, if she could get secure work we could take it in turns (changing for example each year) to work 4 or 5 days a week. If she could get secure work we could have a second child. Her work is insecure as it is, she can't afford to be out of the workforce 12-18 months to have another child as she may never get back in with a decent job."

Male respondent: "My wife wants to return to work when the next bub is two. But, we can not do this in Canberra with the cost and availability of child care."

Female respondent: "While my partner has been excellent in sharing housework/caring responsibilities I carry most of the organisational/financial responsibility i.e. keeping up with Family payments, immunisation requirements. These take up time but aren't really housework or caring, rather household management."

Male respondent: “My partner and I are 23 years old and have a set of 13 month old twins. One of the twins has a disability. I, the male have a decent job that we can just live off. There is absolutely no possible way we could put our children in childcare. My partner couldn’t possibly earn enough to pay for it as it is so expensive and the government doesn’t give you much back. Thus I am stuck at work full time and she is stuck at home full time. We have no choice.”

Male respondent: “There is a lot of talk at the moment about the role of fathers and stay at home dads. In my experience that’s all it is – talk. There is very little support for stay at home dads from employers or from the community in general. At present the workplace relations act only allows a couple to take one year unpaid leave per child. This means that most couples have only two choices – put your child into child care at one year of age, or one of you has to give up their job. There needs to be more flexibility in the Workplace Relations Act to allow people to decide to make a sacrifice by losing two years pay to get to spend time with their children.

Male respondent: “I realised with the birth of my first child that my current job was not going to pay for the bills, mortgage and her child care. I had to strive to get a job with better pay and this forced me to increase my hours at work. This has had a noticeable negative impact on my family life.

Female respondent: “...options differ for different roles within the agency. For example, I can do home-based work, but many others would not have this option where their duties allegedly preclude this. Someone left because they feel they had their interest in part-time work dismissed, yet I have no problem with it. It is the supervisor who makes the difference in most cases.”

Female respondent: “We have flexible working arrangements but for arrangements such as flextime or paid leave scheme it is always at the behest of management and “operational requirements” that sets the access to this. There can be a perception that if you apply for paid leave on more than one or two occasions that you are “getting more than your fair share”. Funnily enough it is not mentioned in our Certified Agreement that these arrangements were approved only on a “fair share” basis!”