

Time to Care

Australian families have changed and work needs to change too.

Increases in dual income and sole parent families means that most children live in households where all the adults work. Most families now rely on two incomes to make ends meet.

An aging population means that many of us will be carers or rely on being cared for throughout our lives.

There are 5.5 million unpaid carers in Australia who contribute an estimated \$650 billion per annum (in 2010) of care to our community.

The 2011 ACTU Working Australian's Census surveyed 40 000 employees and found balancing work and family was the second biggest issue, behind a wage rise, for both men and women.

Helping parents and carers continue to do this valuable work whilst staying in quality, secure employment is a key element to strengthening the Australian economy overall.

Employers benefit from providing family friendly arrangements at work because they keep skilled and experienced workers who are more productive.

Key Facts

In Australia in 2009, 4.1 million employees had responsibilities for unpaid caring work.

When employed, female parents are more likely to work part-time than male parents: 66 per cent of employed females with children aged under six years worked part-time compared to seven per cent of employed males with children of this age.

35 per cent of mothers of children under 12 are employed casually, and have no paid sick leave or carer's leave.

Only around one in five female primary carers of people with disability, illness or frailty are able to work full time.

The ACTU Working Australians Census also found carers felt that their workplace weren't always supportive, with over two in five (44.4 per cent) saying they did not feel comfortable taking time out to meet their caring responsibilities.

Australia ranks low compared to other OECD countries when it comes to offering family friendly workplaces for carers. The most common solution for carers is to find casual or part-time work and Australia remains in the lowest third of OECD countries in respect of workforce participation of mothers¹. The Inquiry into Insecure Work showed that many carers who were denied family friendly working arrangements were forced in to low paid, insecure jobs.

The current law providing employees with a Right to Request Family Friendly work arrangements is too limited.

The National Employment Standards allow eligible employees the right to request family friendly work arrangements² to assist their caring responsibilities but an employer can refuse any of these requests on reasonable business grounds.

The Federal Government has recently announced it will extend the right to carers of school-aged children, elderly relatives, persons with disabilities and victims of domestic violence. It will also apply to the domestic violence victims themselves and to workers over 55 years of age.

The ACTU has been lobbying for this extension for some time and welcomes the announcement.

However, we are disappointed the government has not addressed the fact that once a request is refused, the law still does not provide an avenue for an appeal against an unreasonable refusal.

The union campaign

Unions will campaign to ensure the right to request family friendly arrangements is enforceable, including:

1. All employees with caring responsibilities, older workers and workers experiencing domestic violence to have the right to request a change in work arrangements;
2. An obligation on employers to genuinely consider the request (which can be refused on reasonable business grounds); and
3. The right for an employee to appeal an unreasonable refusal of their request.

Overall, the majority of requests are approved³ but in cases where they are unreasonably refused⁴, workers have nowhere else to go.

¹ OECD Family database, Maternal Employment, November 2009

² These requests might include:

- changed starting and finishing times
- part-time work or job sharing
- working more hours over fewer days
- working additional hours to make up for time taken off
- taking rostered days off in half days or more flexibly
- time off work instead of overtime payments
- changing the location of work or the need to travel to work (for example, working from home).

A number of other OECD countries place a greater duty on employers to accommodate a request for family friendly working arrangements, including the Netherlands, the UK and Germany.

Clearly a culture shift amongst employers is occurring as many reasonable requests can be accommodated. However short-sighted workplaces continue to refuse to restructure and unreasonably refuse requests for flexibility from carers⁵.

Unions are seeking a commitment from the Government that where requests are not seriously considered, or are unreasonably refused, an avenue to appeal be included in the updating of the Fair Work Act.

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³ 61.9 per cent of requests for flexible work in Australia are fully approved, (Pocock et al, 2012)

⁴ In 2012, 9.8 per cent of requests for flexible work arrangements by women and 17.4 per cent of requests by men were declined. (Pocock et al, 2012)