

***It's About Time: Women, men,
work and family***

Speech given by

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Human Rights and Equal Opportunity Commission

***It's About Time: Women, men work and family* Forum**

**Hosted by the Women and Work Research Group,
Faculty of Economics and Business, University of Sydney**

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Thank you Professor Lansbury, and thank you to Marian and the Women and Work Research Group for organising today's forum. Thank you also to our panellists – Dr Lyn Craig, Petra Stirling, and John Murray.

And thank you to everyone who has come here today with an interest in progressing the debate on work/family balance.

I would like to begin by acknowledging the Gadigal people of the Eora nation, the traditional owners of the land on which we meet today, and pay respect to their elders.

It's About Time: Women, men, work and family is the result of two years' research, investigation and national discussions with employers, community organisations and Australian families about paid work and family life.

The Human Rights and Equal Opportunity Commission, or HREOC as we refer to it, is a national independent statutory agency established under Commonwealth legislation.

It has a variety of functions and powers to promote and protect the human rights of all people in Australia.

As many of you would be aware, this project was begun by Pru Goward during her time as Sex Discrimination Commissioner.

HREOC's 2005 *Striking the Balance* Discussion Paper canvassed information about men's and women's patterns of paid and unpaid work and what that meant for Australian families.

The most significant consequences for women have been restricted participation in the labour market. In turn this affects their financial security, particularly in retirement.

It is clear that many women find it difficult to juggle their dual loads of paid work and family work. This is illustrated in the large numbers of women working part time and in positions below their skill levels.

In our public consultations women told personal stories of always feeling rushed, of the stress involved in meeting competing demands on their time and of feeling guilty about their families and their jobs.

Australian families were also clear about the consequences of juggling being not only consequences for women, but for men and for children.

Men also keenly felt these difficulties. They complained about missing out on family time, and commonly raised unsupportive workplaces and old fashioned stereotypes as barriers to taking a more hands-on role with their family. In spite of these very real constraints, more men are now expressing the desire to directly share family responsibilities.

HREOC undertook 44 consultations and focus groups around the country and more than 180 individuals and organisations sent us submissions.

It was clear from hearing these people that without changes in men's lives – especially without a greater involvement of men in the essential unpaid work of care – women's quest for equality will be forever stalled. And men will suffer from a lack of access to family life.

Australian families have told us how they are pigeon-holed in the traditional male breadwinner/female carer stereotypes.

Many families currently have little choice, except for one partner to work part time. With women's full time wages still accounting for less than 84% of men's, the sensible choice for many families is for the woman to work part time.¹

HREOC believes we need a holistic response that provides real choices to families about who does what at home and in paid work.

Australia's ageing population is adding real impetus to a need for a life-cycle approach to work and family. With greater participation of women in paid work and with people retiring later in life, employees will increasingly be working and providing care to a family member at the same time.

The proposed framework in our final paper argues for a greater value to be placed on the work of caring for people – a “shared work – valued care” approach.² This needs to encompass both adequate wages and conditions for formal paid carers, and recognition and acknowledgement of the role of unpaid care.

We have 45 recommendations which we consider to be priority measures to enable Australians to make choices around work and family responsibilities that are secure, stable and fair.

One of HREOC's key proposals is new legislation providing protection from discrimination due to family responsibilities for men and women. This proposed law – dubbed the *Family Responsibilities and Carers' Rights Act* – aims to provide a framework which enables men and women with family or caring

responsibilities to request the flexibility they need at work to meet their caring needs.

Existing federal laws do not provide comprehensive protection. The Sex Discrimination Act only provides protection from dismissal on the ground of family responsibilities, and while many women use the indirect sex or pregnancy discrimination provisions in the Act, these are not available to men.

Our paper discusses key features of the Act rather than putting forward a draft Act in final form. We believe that development of this legislation must be done in consultation with key stakeholders.

The Act should make discrimination on the basis of family and carer responsibilities unlawful in all areas of employment.

The new Act should also include a right for workers to request, and have reasonably considered, flexible work arrangements to meet family responsibilities.

While the right to request will impose some additional obligations on employers, it is important to emphasise the limited nature of the new employee entitlement. This law aims to ensure that an employer who is unable to meet the request due to genuine

operational reasons is bound only to reasonably consider the request.

This 'right to request' system is one which was introduced in the UK in 2003 for parents of children aged under 6 and children with a disability under 18, but was recently extended to other carers.

It has met with success in Britain. Surveys show that more than 80 per cent of requests have been agreed to and both employers and employees expressed high satisfaction with the scheme.

UK employers report improved workplace relations, higher retention rates and lower absenteeism.

Australian businesses who have already implemented family-friendly flexibilities over a number of years have clearly demonstrated the business case for change. A recent Australian study shows that:

- 54 per cent of best practice organisations say that their work/life strategies have contributed to a reduction in staff turnover;
- 76 per cent say that they are able to attract and retain the best talent; and
- 76 per cent also believe there has been a positive impact of productivity.³

This is not just a matter for big business. Another recent survey of small and medium sized businesses shows that 73 per cent are able to offer their staff flexible start and finish times and 83 per cent offer flexible annual leave allowing employees to choose the timing of their leave. These businesses also report higher levels of business performance.⁴

Part of the merit in the system we are advocating, is that it promotes cultural change that enables more employers and employees to work out ways for employees to meet their caring responsibilities whilst at the same time still meeting their work responsibilities.

We would envisage our system working in a very similar way to the UK where employers and employees are provided with substantial assistance through plain English guidelines, downloadable resources and online tools to help employers work out their responsibilities and what can work best for their business.

HREOC believes this law is a key to helping working Australians strike a better balance between paid work and family life.

But law reform alone is not enough. HREOC has proposed a whole suite of measures to make our communities, our tax and welfare systems, child care, aged care and disability services, as well as our workplaces, more family-friendly.

Australian families crave time. Lack of time is a daily struggle, but it also reoccurs at critical points throughout the lifecycle.

The 'long hours' work culture that dominates many Australian workplaces is a significant barrier to families finding an effective work/life balance. Employees and employers acknowledged that working long hours doesn't necessarily equate with extra productivity. Some admitted it reduces productivity.

HREOC has recommended that the Australian Government develop a national working hours framework which promotes flexibility and encourages workplaces to limit long hours working.

Australia is no longer the land of the long weekend. The average working hours of full time workers in Australia is over 44 hours per week.

Australia remains one of only 2 OECD countries without a national scheme of paid maternity leave. The International Labour Organization's *Maternity Protection Convention* states that countries should provide at least 14 weeks of paid maternity leave. Existing Australian legislation only provides for 12 months unpaid parental leave.

Currently some mothers in Australia have access to paid maternity leave, but it is very unevenly available across the workforce. Recent ABS data shows that paid maternity leave is only used by around one-third (34 per cent) of employed mothers-to-be.

Paid paternity/parental leave is even less widely available. The Parental Leave in Australia Survey shows that only 24 per cent of partners took paid paternity leave although other forms of paid leave are used by almost 70 per cent of partners. The average duration of any kind of leave among fathers is 14 days.⁵

HREOC has recommended a three stage implementation process of 14 weeks paid maternity leave, followed by 2 weeks of paid paternity leave to be taken at the time of birth, followed by the phasing in of 38 weeks paid parental leave which can be shared between parents.

The provision of government funded paid maternity leave, as well as longer paid parental leave which can be shared between men and women, is a key to giving families greater choices. It also reduces the burden on those businesses currently footing the cost of paid maternity leave, and decreases the cost to government of subsidising high cost care for very young infants.

The availability and affordability of child care was repeatedly discussed in HREOC's consultations as being of critical importance to working parents.

High quality early childhood education and care services don't just help parents, they are good for children. Research shows that the long term mental, physical and emotional health of children is linked to quality early childhood education and care services.

The provision of child care is the joint responsibility of all three levels of government. A priority is the completion of a nationally agreed policy framework for early childhood education and care. Governments must also identify a program of reform to improve availability and affordability of all types of child care.

The introduction of a universally available year of pre-school education for all four year olds is also an urgent priority.

Pre-school is clearly beneficial for improving the development and wellbeing of children and for supporting working parents.

The child care industry is one heavily dominated by women, and is characterised by low pay and poor working conditions.

HREOC has proposed that addressing these workforce issues and staff shortages is an essential part of improving the availability of child care.

Unpaid care work makes an enormous social and economic contribution to the nation, in addition to its value to the individuals receiving care. Access Economics estimates that unpaid care would cost \$30.5 billion a year to replace if it were no longer provided informally. The challenge for governments is to ensure that people can do this unpaid work, without bearing unreasonable penalties.

HREOC has various proposals to assist carers of people with disability and frail older people. First, we have recommended an increase to the carer's leave available under existing workplace relations law, from ten to twenty days paid leave each year.

The additional 10 days would not accumulate and so would only assist those employees who really need it, without adding unduly to liabilities of businesses.

As well as this, many carers have told us there are times in the caring cycle when balancing work and care becomes impossible. Rather than forcing carers out of the workforce and losing their valuable skills, HREOC has recommended the introduction of 12 months unpaid carers leave, similar to the existing job-protected maternity leave entitlement.

A recent study found that patchy workforce participation due to caring responsibilities for many retiring women baby boomers is seeing half of these women with less than \$8 000 in superannuation savings.

This is pretty disturbing when it is estimated that a single person requires an annual retirement income of around \$35,000 per year for a comfortable retirement! One proposal is to extend the Superannuation Co-contribution Scheme to people who take time out of paid work because of caring responsibilities.

HREOC is also recommending that an inquiry be undertaken into the feasibility of establishing a superannuation-like framework for carers with no attachment to paid employment.

This would financially acknowledge the work of carers, giving them added security and recognition.

The gap between men's and women's wages is a key barrier to families making choices that best suit them. With the difference between men's and women's wages slipping wider still, it's about time the Australian government made a substantial commitment to improving pay equity.

HREOC has also stressed the need for monitoring and research on wages and conditions in our increasingly deregulated labour market. While skills shortages mean that professionals and those in high demand employment will probably be fine, the danger is that we could easily see the development of a low skilled, poorly paid, casual workforce made up of people in precarious employment and with little bargaining power.

Such low standard work is already the reality for many part time workers, the majority of whom are women. While part time work does leave more time for families, much part time work is casual, has poor career paths, and little access to training, development or promotion.

Improving the quality of part time work by developing industry assistance and resources to increase the number of quality part time jobs is key among HREOC's recommendations.

A one-size fits all approach will not help every family strike a good balance between work and family responsibilities. They need to be supported to make choices that recognise their diversity and specific needs.

The operation of Family Tax Benefit Part B, for instance, is a policy initiative which discourages families from sharing care by financially benefiting couple families with one full time worker and one full time carer. HREOC recommends that Family Tax Benefit Part B be modified to provide families better choices to share paid work and care.

While no one paper can comprehensively examine every issue, this paper stresses the need for a holistic response. Our recommendations represent priority areas for further work but they are only the beginning of the story.

I would like to record my thanks to all the people – especially those of you in this room today – who wrote submissions and spoke to us with openness and honesty.

Now this debate must be turned over to you. We are really keen to get your ideas and feedback about our proposals and ways in which we can move the debate forward. We have the opportunity for more discussion today but I also urge you to talk to your friends, family and work colleagues about this project and encourage them to have a look at our information on the web and send us their feedback. We've also brought along some feedback forms for you to fill in.

Thank you for attending today and I'm looking forward to hearing your views after our panel discussion today.

¹ Women currently earn 83.4 per cent of the male dollar (full time adult ordinary time earnings): ABS *Average Weekly Earnings* Cat No 6302.0 February 2007, trend data.

² See Eileen Appelbaum, Thomas Bailey, Peter Berg and Arne L Kallenberg *Shared Work-Valued Care: New norms for organizing market work and unpaid care work* Economic Policy Institute Washington DC 2002, p vii. "Shared work" has many meanings according to the authors, but includes the following: sharing paid work among people through shorter working weeks, reduced hours and flexible schedules; sharing access to good jobs; recognising that equal access in paid work requires recognition that unpaid care work *is* work; and that men and women must share the important work of providing care. "Valued care" also has many meanings, including: employees' access to flexible scheduling so they can take greater control of their time at and away from paid work; child care and elder care shared as private and public responsibilities; high quality care services; and decent working conditions for paid carers (pp 14-15). The model replaces what the authors characterise as the "unencumbered worker – devalued caregiver" model (pp 4-13).

³ Managing Work/Life Balance International, *The Way Ahead Report on the year 2007 Survey*, May 2007.

⁴ Australian Government Office for Women, *Better Conditions, Better Business: A report on carer and family-friendly provisions in Australian small and medium enterprises*, Commonwealth of Australia, 2007.

⁵ See Gillian Whitehouse, Marian Baird, Chris Diamond and Amanda Hosking *The Parental Leave in Australia Survey: November 2006 report* December 2006
<http://www.uq.edu.au/polsis/parental-leave/level1-report.pdf>.