

Future of Work
Working Hours and Work Intensification
Policy
ACTU CONGRESS 2003

Policy Framework

1. The changing nature of work has been central to ACTU policy development over recent years. Economic change has led to significant change in the workplace and the workforce. ACTU and union research and policy responses have included:
 - (a) the 1998 *Work, Time, Life* report and the ensuing 1998 ACTU Council resolution initiating the campaign over working time and employment security issues;
 - (b) the *Working Hours Case*;
 - (c) extensive and detailed surveys of workers showing that work intensification, working time, work-family balance and health and safety issues arising from excessive working hours, are top industrial priorities;
 - (d) union and ACTU campaigns and cases over casual and fixed term employment, work loads and staffing, contracting and labour hire, and the protection of employee entitlements; and
 - (e) the recent *Future of Work* report prepared by Sydney University's ACIRRT.

2. The Congress resolves to continue campaigning and developing policies relevant to working people in the rapidly changing labour market. The principal challenges include:
 - (a) the erosion of full-time employment and the growth of casual, part-time, contracting and insecure forms of employment;
 - (b) increased fragmentation and unequal distribution of working hours, with longer and often unpaid hours for some, and insufficient, irregular and unpredictable hours for others;

- (c) the intensification of work through reduced staffing, increased workloads and monitoring of individual performance;
 - (d) health and safety problems driven by long hours and work intensification; and
 - (e) employer insolvency and the loss of employee entitlements.
3. Unions and the ACTU will continue to address these issues through:
- (a) promotion of public debate;
 - (b) collective bargaining campaigns;
 - (c) arbitral strategies;
 - (d) lobbying for legislative and public policy change; and
 - (e) building alliances with other organisations as part of union campaigns.
4. This policy deals principally with working hours. Alternative Congress policies deal with other aspects of the challenges of workplace change.

Working Hours

5. Congress reaffirms the centrality of working hours and related issues to the contemporary workplace. Workers need regular, predictable and sufficient hours of work to enable them to meet financial needs as well as family and social responsibilities.
6. Specific issues requiring continuing action concerning working hours include excessive hours, unpaid overtime, unpredictable hours, unfair and unsafe roster and shift arrangements, and insufficient hours for many part-time employees.
7. Unions and the ACTU will work to ensure that working hours and workloads do not pose a risk to health and safety, and do not prevent appropriate involvement in family and community life. Congress resolves to continue the campaign for reasonable hours of work to apply in every industry and occupation.
8. Congress recognises that workers in each industry will have different concerns and priorities in relation to working time arrangements, and that these should be taken up by unions in bargaining campaigns. In particular it is noted that many workers need access to paid overtime in order to achieve a basic standard of living.

Long Working Hours

9. Congress notes the outcome of the *Working Hours Case* enabling workers to refuse to work unreasonable overtime. To build on the achievement of this case the ACTU and unions will:
- (a) Further investigate the effect of the *European Union Directive on Working Time*, which provides for a limit of an average 48 hours per week, including overtime, in the European Union.
 - (b) Strengthen the enforcement of payment for overtime, and seek paid overtime rights where they are currently inadequate.
 - (c) Bargain to include the right to refuse overtime in agreements.
 - (d) Utilise disputes procedures and arbitration where appropriate to deliver practical outcomes implementing the right to refuse unreasonable overtime.
 - (e) Over a period of time seek to achieve through bargaining a maximum of 48 hours per week (inclusive of overtime), appropriately averaged, as a limit on the working week.
 - (f) Draw upon health and safety standards in developing limits on overtime and working time.
 - (g) Work to improve the pay and conditions of those workers depending on paid overtime which exceeds, in combination with ordinary hours, 48 hours per week.
 - (h) At an appropriate time seek further limits on total hours of work and, in appropriate circumstances, a 48 hour cap on average total weekly hours of work in the award system and in legislation.
 - (i) Seek viable opportunities for increased employment as an alternative to excessive hours of work.
 - (j) Continue to bargain and campaign for reductions in the standard working week to 35 hours in appropriate industries.
 - (k) Acknowledge that some occupations require employees to work longer hours to meet the training requirements for advancement or certification/registration and therefore such training issues need to be addressed in the same context as any move to reduce hours worked.

Work Intensification

10. Long working hours are often the result of reduced staffing and increased workloads. Addressing staffing levels and workloads are therefore important components of a policy on working hours. The ACTU and unions will:
 - (a) Campaign and bargain for staffing levels in workplaces to be commensurate with work expectations.
 - (b) Seek, where appropriate, to establish reasonable links between staffing levels and workloads, such as staff to client ratios.
 - (c) Focus on the health and safety implications of unreasonable workloads.
 - (d) Establish rights improving the ability of employees to balance work and family commitments.
 - (e) Improve the standards of assessment for individual performance appraisals so that workers cannot be penalised for refusing overtime and unreasonable workloads.
 - (f) Seek to distribute work, in a workplace, more fairly between workers performing long hours and others seeking more work.

Insufficient and Unpredictable Hours of Work

11. Congress recognises that employment growth has been strongest in part-time employment, with a relative decline in full-time jobs. Many part-time jobs however are casual and low paid, resulting in the need for many part-time workers to access greater and more predictable hours of work.
12. To achieve improvements in this area the ACTU and unions will:
 - (a) Improve enforcement of the rights of permanent part-time workers to the pro rata entitlements of full-time workers, including access to training and promotion.
 - (b) Seek the right for regular casual workers to transfer to permanent part-time or full-time work.
 - (c) Improve the regularity and predictability of working hours for casual, part-time and shift work employees.
 - (d) Extend regulation of working hours and casual and part-time employment to labour hire and contracting firms.

- (e) Establish minimum and maximum ranges of hours per week/month for part-time employees.
- (f) Improve the quality of part-time employment by generating real choices for employees such as the right to convert to part-time work in the lead up to retirement, in returning from maternity leave, or where required for family or personal reasons.