

Future of Work
Work and Family
Policy
ACTU CONGRESS 2003

Background

1. Congress notes that in Australia and around the OECD, the issue of work and family balance has become a focus of political, community and workplace debate. There are three key reasons why work and family balance is increasingly an issue for Australian workers.
 - (a) Changes in family formation, living arrangements, marital separation and labour force participation (especially maternal labour force participation) mean that in the majority of families with dependants, all the adults have responsibilities to paid employment. Only one third of dependant children in couple families, and half of those in lone parent families have a “stay at home” parent.
 - (b) At the same time the proportion of the population requiring care has increased, and is predicted to continue to do so. This has been accompanied by a reduced reliance on institutional care, and increasing reliance on community care.
 - (c) These changes in family life have been accompanied by changes in the way work is organised. In response to competitive pressure there has been an extension of long hours of work and the introduction of employee initiated flexibility over working time.
2. Congress notes that, in the period 2000-2003 ACTU test cases have seen parental leave extended to regular casual employees, and that workers have the right to refuse overtime on the grounds of conflict with their family responsibilities. The ACTU has been instrumental in the national campaign on paid maternity leave.
3. Congress believes that workplaces must provide employees with sufficiently flexible work practices which support the choices they

make about family formation; the care of infants and young children; transitions out of and back into work for child-bearing and child-rearing; and the ongoing management of caring responsibilities.

4. Congress notes that workers' needs in relation to work and family are influenced by complexly inter-related factors, including:
 - (a) labour force issues, including overall participation levels, skills and access to training;
 - (b) population policies, fertility levels, and trends in family formation and composition;
 - (c) taxation and social security, particularly family support measures;
 - (d) the quality and availability of alternative care providers; and
 - (e) workplace culture.
5. Congress determines that, over the coming three years the ACTU's priorities will be to:
 - (a) Pursue improvements to the award safety net to enhance the capacity of employees to manage their work and family commitments.
 - (b) Assist affiliates in bargaining for improved provisions at the workplace level.
 - (c) Continue to campaign in the community for paid maternity leave.
 - (d) Lobby for improved childcare funding, to ensure families have access to high quality affordable childcare.
 - (e) Lobby for legislative rights to employee initiated flexibility in working arrangements.
 - (f) Lobby for the establishment of work based elder care facilities that are affordable and responsive to the needs of frail older people and their carers.

Improving the Award Safety Net

6. Congress strongly endorses the decision of the Executive to initiate a three staged approach to variation of the safety net to achieve, over time, a range of work and family measures that support working families at different stages of their life course.

7. Congress notes the Work and Family Test Case currently before the Commission which seeks to:
 - (a) extend unpaid parental leave;
 - (b) provide a right to return to part-time employment;
 - (c) oblige employers to give proper consideration to employee requests for flexibility around when and where work is performed;
 - (d) give all employees access to family emergency leave; and
 - (e) facilitate short periods of leave throughout the working year for family care.
8. Future applications will seek to provide paid leave in relation to pregnancy, birth, bonding and breastfeeding, and to improve and extend paid personal leave.
9. Congress supports the development of workplace and community-based campaigns in support of these claims, and encourages affiliates to actively campaign within their workplaces and the community in support of these claims.
10. The ACTU will develop resources to assist affiliates, particularly workplace representatives, to campaign in support of these claims.

Bargaining for Work and Family

11. Bargaining has been used by unions for the improvement of living standards and the quality of working life, including work and family. Consistent with the need to ensure bargaining is relevant to union members, affiliates will support the work and family test cases by bargaining for:
 - (a) Improved employees' say over the way in which their working day, working week or working year is arranged, in order to meet their caring responsibilities.
 - (b) Improved access to paid and unpaid leave in order to meet caring responsibilities.
 - (c) Continued bargaining for the introduction of paid maternity leave, and for improvements in the duration and quality of existing paid maternity leave arrangements.

12. Further, the ACTU will produce a set of bargaining claims and guidelines aimed at assisting workers bargain with their employers for the ability to better combine work and family, covering issues such as:
 - (a) ensuring access to gender-appropriate training at times when workers with family responsibilities can attend;
 - (b) minimum hours for part-time and casual workers;
 - (c) the definition of service for the purposes of accruing leave to include parental leave;
 - (d) access to a telephone and other forms of communication at work for family-related reasons; and
 - (e) assistance with childcare for pre-school and school-aged children which meets the needs of varying work patterns, including shiftwork.

Campaigning for Paid Maternity Leave

13. Congress affirms its support for the introduction of a national system of paid maternity leave, which would:
 - (a) support women's equal participation in society, by recognising that the burden of parenthood falls unequally between women and men;
 - (b) support families, and assist parents in their parenting role;
 - (c) improve Australia's international competitiveness through higher levels of female employment, and retention of skills in the workforce;
 - (d) allow adequate recovery for mothers and support the establishment of breastfeeding;
 - (e) improve children's living standards through improved female labour market attachment;
 - (f) assist narrow gender pay inequity; and
 - (g) in combination with other policies, improve Australia's declining fertility rate.
14. Congress notes that during 2002 the Federal Sex Discrimination Commissioner, the ALP and the minor parties declared support for the introduction of a nationally legislated system of paid maternity leave.

With Labor Governments in each State, identical legislation should be pursued at a state level.

15. Over the next three years the ACTU will continue to:
 - (a) Campaign within the Australian community for a national paid maternity leave scheme, funded at a minimum of 14 weeks payment at the federal minimum wage, payable to all women. In conjunction with the introduction of paid maternity leave, the ACTU will campaign for a review of existing family payments to ensure appropriate income support for all families of new-born babies.
 - (b) Work with affiliates, the ALP, HREOC, women's organisations, family and community groups to ensure that the model of leave which is adopted:
 - (i) balances the rights and obligations of government, employers, and employees;
 - (ii) ensures Australia complies with its international obligations;
 - (iii) supports parents in their parenting role;
 - (iv) promotes the interests of women and their newborn babies; and
 - (v) ensures that paid maternity leave is available to women regardless of their educational level or occupation, and regardless of the size, sector or industry of their employer.
 - (c) Work with affiliates to develop and prosecute the second work and family safety net adjustment case which will provide for paid leave associated with pregnancy, childbirth and lactation.

Legislation

16. Congress notes that the following legislative reforms to the *Workplace Relations Act* being sought by the ACTU will be of assistance to working families.
 - (a) The Commission be required to ensure that awards contain effective and innovative provisions to assist workers to combine work with family responsibilities, including provisions relating to hours of work.

- (b) The Commission be required specifically to examine proposed agreements in relation to whether or not they positively assist the workers covered by the agreement to combine work with family responsibilities, and in particular, that flexible hours provisions be held to contravene the no disadvantage test if they could result in disadvantage to workers with family responsibilities.
 - (c) Personal/carer's leave be extended as a minimum standard of employment to apply to all employees who do not have access to at least this standard.
 - (d) Paid maternity leave of 14 weeks, in line with the *ILO Maternity Protection Convention*, be introduced.
17. Congress further endorses the introduction of legislation guaranteeing employee rights to request flexible working hours or arrangements, and corresponding obligations on employers to consider such requests.