

Future of Work

Work and Family Policy

Introduction

1. Congress believes there is a need for policy settings and practical measures to assist workers manage their work and family responsibilities. Increased workforce participation of mothers, the intensification of work and the de-institutionalisation of care for the elderly, chronically ill and dependents with a disability, has increased the need for support for workers with caring responsibilities.
2. Congress believes that workplaces must provide employees with sufficiently flexible work practices which allow them to meet their caring responsibilities.
3. Congress notes that the ACTU Family Provisions Test Case 2005 delivered significant improvements to award based work and family entitlements, particularly in relation to working parents of pre-school age children. Unions and the ACTU now seek to build on these achievements.

Improving the Safety Net

4. Over the next three years the ACTU's priorities will be to improve the National Employment Standard (NES) and Award provisions to:
 - a) Extend the NES right to request flexible work arrangements to all employees whose caring responsibilities have an impact on their work schedule. Employers should be obliged to give proper consideration to an employee's request and disputes should be able to be resolved by an independent party;
 - b) Enhance paid personal/carers leave so that it is available to care for all dependents (such as kin and extended family) and for a broader range of carer responsibilities not limited to illness or injury or emergencies (such as arranging hospice care, attending routine appointments and so on);

- c) Ensuring that workers taking paid personal/carers leave do not suffer a diminution in the amount they ordinarily earn.
- d) Increase the amount of paid personal/carer's leave;
- e) Include the provision of palliative care leave as a minimum standard; and
- f) Improve leave associated with the birth and/or adoption of a child, in particular seek that the NES and modern awards:
 - (i) Provide employees with the right to return to work part-time from parental leave;
 - (ii) Improve paid leave provisions in relation to pregnancy, childbirth, bonding and breastfeeding; and
 - (iii) Include paid parental leave as a minimum employment standard.

Bargaining for Work and Family

5. The ACTU will develop resources aimed at assisting workers to bargain for the above improvements in collective agreements, and the following additional improvements:
 - a) Greater employee control over their work arrangements in order to meet their caring responsibilities;
 - b) Equality of opportunities for casual and part-time employees in the workplace;
 - c) Working arrangements that provide respite for working carers (such as purchased leave arrangements);
 - d) Resource support for carers (including workplace information and referral services) and workplace based care (where appropriate).
 - e) Extend the scope of personal / carers leave to include employees whose caring responsibilities have an impact on their work schedule.

6. Unions will, with the support of their members, bargain to ensure that enterprise agreements include working arrangements that support workers with family or caring responsibilities.

Paid Parental Leave

7. Congress welcomes the Government's introduction of 18 weeks paid parental leave by 2011. A national system of paid parental leave is a significant achievement that the ACTU and unions have long campaigned for.
8. Congress supports the Government's position that the paid parental leave scheme is in addition to existing employer schemes. Congress calls on the Government to ensure that the government funded component will not be used to reduce employees' existing employer provided paid parental leave entitlements.
9. With the support of the ACTU, unions will bargain to maintain and enhance existing paid parental leave entitlements in conjunction with the new federal paid parental leave scheme.
10. Unions commit to bargain for the following improvements to the Government's scheme:
 - a) Payment of employer superannuation contributions to be made on paid parental leave;
 - b) The provision of at least two weeks paid partner leave;
 - c) Employer top up on the government scheme to full income replacement level;
 - d) Increases in employer provided paid parental leave to at least reach the World Health Organisation standard of 26 weeks leave;
 - e) Accrual of all entitlements during the period of leave;
 - f) Reduction of the workforce participation criteria required for eligibility for paid parental leave to an average of one (7 hour) day over 6 months; and
 - g) Greater flexibility for parents to take their leave entitlement including at half pay.
11. The ACTU determines to work with the Australian community to:
 - a) Continue to pursue improvements to the Government paid parental leave scheme as advocated in this policy;
 - b) Continue to assist affiliates to bargain for improved paid parental leave provisions in workplaces; and

- c) Work with affiliates to develop and prosecute a second work and family safety net adjustment case which will provide for improved paid leave associated with pregnancy, childbirth, bonding and breastfeeding to be included in the NES and award safety net.

Using the New Laws to Assist Employees with Family Responsibilities

- 12. Congress welcomes the provisions of Fair Work Act that will assist working families, including extended parental leave, access to 10 days per annum personal leave and the right to request flexible work for parents of pre-school or disabled children. Unions will work to ensure employees can access these new provisions, and will build on these in bargaining.
- 13. In particular, Unions will monitor employee requests and employer refusals for flexible work arrangements to ascertain the effectiveness of these provisions in assisting employees with family responsibilities.
- 14. Congress also welcomes the prohibition on discrimination, including on grounds associated with family or caring roles.
- 15. However Congress notes that to be unlawful, adverse treatment on these grounds must also be a breach of state or federal anti-discrimination law. Unions will campaign to ensure there are no gaps in the application of the anti-discrimination provisions of the Act. Unions will also enforce these provisions where they are aware of adverse or discriminatory treatment.
- 16. Congress is concerned that some aspects of the Fair Work Act, such as the requirement for modern awards to contain an individual flexibility clause, may be promoted by employers to undermine hard won wages and conditions and to undermine collective organisation.
- 17. For this reason it is essential that the flexibility clause:
 - a) Includes parameters which have been collectively negotiated and agreed;
 - b) Does not undermine entitlements to penalty and overtime rates;
 - c) Includes adequate safeguards and third party scrutiny; and
 - d) Be regularly monitored to ensure no disadvantage to employees.

Improved Funding for Care Services and Increased Support for those Caring for Dependents at Home

18. Congress supports improved funding for the quality care of dependents including pre-school, school aged, elderly, chronically ill and dependents with a disability.
19. In addition, to assist with the growth of de-institutionalised care, Congress calls on the Government to increase funding for the support of dependents at home including adequate respite support for informal (unpaid) carers of dependents at home.
20. Congress advocates for improved financial support and practical assistance to carers and will advocate for improvements to the social, financial and savings capacity of those caring for dependents.