

## The International Corner

### Work-Family Interface in Australia

by Juliet Bourke and Fiona Lau, Aequus Partners.



Juliet Bourke

Juliet Bourke, BA, LLB, LLM (Hons), is a partner at Aequus Partners in Sydney, Australia. Aequus Partners is a highly respected management consultancy that combines the disciplines of psychology and law to assist organisations with flexible work practices, diversity and well-being.

Juliet lectures on discrimination in employment and management issues. She is the Foundation Chair of the Equal Employment Opportunity Network of Australia, the President of the NSW EEO Practitioners' Association and a member of CCH's Human Resources Management Editorial Board. Juliet regularly writes and speaks nationally and international on work/family, flexibility and diversity issues. She is the author of *Corporate women, children, careers and workplace culture* (2000).

Juliet Bourke is also a part-time chairperson with the Government and Related Employees Appeals Tribunal, in which capacity she conciliates and determines workplace disputes.

In November 2007, Juliet Bourke was awarded an Achievement Award for Most Outstanding Contribution by a Member by the NSW Women Lawyers. This year she received the University of NSW Alumni Award.

---

In Australia, the work-family agenda arose from a focus on gender equity; that is, in the 1980s and 1990s enabling *women* to balance their *child-care* responsibilities was perceived as a pathway to achieving gender equity in the workplace. Over time the work-family agenda has evolved to recognize men's changing parenting patterns, as well as a broader range of caring responsibilities such as elder care and the emerging desire of older workers to downshift. While there are some mutterings about extending the work-family agenda to also include "work-life," this is a minority voice, and Australian public policy is firmly focused on the family.

This International Corner will provide broad demographic details about the workforce participation of men and women in Australia, as well as public policy initiatives to improve work-family balance. The most recent of these public policy changes has been the introduction of the "Right to Request flexibility" on January 1, 2010.

## *1. A Demographic Picture*

As of December 2009, the percentage of women in the labor force was 58.7 percent, while for men it was 72.3 percent [i]. The overall 13.6 percent gap belies a much greater workforce difference between men and women, namely in their patterns of work participation. In particular, women are more likely than men to work part time (comprising 70 percent of the part-time workforce), usually when they are in their peak years of child-rearing, and less likely to be employed when their children are ages 0–4 years (51.3 percent of women with children aged 0–4 years)). Further, men are more likely to work additional hours during these peak years of child-rearing. Hence, the stereotypical couple family is often described as the 1½ model, namely with a male full-time breadwinner and a female caring for children and working part time.

On its face, this model has benefits in terms of helping families integrate their work and caring responsibilities; however, all is not perfect. A national survey in 2009 found that approximately 25 percent of employees felt that work “often or almost always” interfered with both activities outside work and time spent with family and friends, and, additionally, 54.2 percent of employees frequently felt rushed or pressed for time [ii].

The length of the Australian work week [iii] and access to workplace flexibility have been key parts of the Australian work-family debate. For women, who are more likely to work on a part-time basis (that is, under 35 hours per week), the focal point of the discussion is usually about access to *quality* part-time work, as well as predictable hours. These pressures have resulted in an ever expanding range of public policy initiatives to improve work-family balance.

## *2. Critical Public Policy Initiatives*

Three public policy initiatives to promote and protect employees with caring responsibilities are profiled below, concerning (1) leave entitlements; (2) workplace flexibility; and (3) recognition and support strategies.

### *2.1 Leave Entitlements*

Most Australian employees [iv] are entitled to a range of leave entitlements to help them manage their work and family life. Under national legislation the minimum entitlements per annum include 12 months unpaid parental/adoption leave for parents, 18 weeks paid maternity leave (from 2011), 4 weeks paid annual leave, 10 days paid personal/carer’s leave for personal illness or to provide care, 2 days unpaid carer’s leave, and 2 days of compassionate leave [v].

### *2.2 Workplace Flexibility*

Australian employees with caring responsibilities are protected from discrimination via industrial [vi] and discrimination laws [vii]. Discrimination may be direct (e.g., refusing to hire an employee with caring responsibilities) or indirect (e.g., by imposing requirements or conditions that unreasonably disadvantage an employee with caring responsibilities). Discrimination and industrial legislation, whether state or federal, is generally consistent across Australia, and a body of case law interpreting this legislation has found that unreasonably denying an employee access to a flexible work practice to facilitate their caring responsibilities amounts to discrimination.

In 2010, additional rights commenced for parents of young children (under school age) and parents of children with a disability (if the child is under 18 years of age). In essence, the National Employment Standard provides eligible employees with the “right to request” (r2r) a change in their work arrangements (e.g., time, location) so that they can provide care. The employee must make a request in writing demonstrating: (i) the reason for the change (i.e., how the requested change will assist the employee to care for their child), and (ii) the nature of the change. The employer must respond in writing within 21 days of the request. The response must identify whether the request is granted or refused, and, if refused, the response must detail the reasons why. These reasons must demonstrate that the refusal was made on “*reasonable business grounds*” [viii]. The r2r is designed to increase the transparency, consistency, and thoughtfulness of decision-making by employers. It is anticipated that the r2r will increase the number of applications for flexibility by eligible and ineligible employees [ix], but this is yet to be tested.

### 2.3 Recognition and Support Strategies

The federal and state governments regularly sponsor initiatives to research and promote family-friendly work practices. For example, on March 15, 2010, the Annual Work-Life Balance Award Winners will be announced by the Federal Government to recognize organizations that assist employees to integrate work and family life. The 2010 Awards reflect a new permutation of the National Work and Family Awards that have been conducted annually since 1992.

In terms of financial support, the Federal Government has provided grants of up to AUS\$15,000 to individual small businesses to help offset the cost of family-friendly initiatives (e.g., establishing a playroom for sick children) and provides a rebate for child care amounting to 50 percent of out-of-pocket expenses up to a maximum of AUS\$7,500 per annum. Finally, the previous Federal Government sponsored a range of research initiatives to improve access to flexibility in female-dominated sectors (e.g., child care) [x], and these are also being pursued by the current government.

#### Going Forward

Work-family politics were a cornerstone of the 2007 Australian federal election, reflecting the priority given to these issues in community debate. Going forward, we can anticipate further public policy initiatives to advance the work-family agenda, such as the expansion of the r2r to cover all caring responsibilities.

For further information, please see Bourke, J., MacKenzie, S. , & Andrews, J. (2010). Implementing family-friendly practices in Australia: National, industry, and organizational insights. In Chinchilla, N., Las Heras, M., & Masuda, A. D. *Balancing Work and Family* (pp. 119-137). Massachusetts: HRD Press.

[i] Australian Bureau of Statistics (2009), Data Cube Work, Australian Social Trends, Cat 4102.0  
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Main+Features50Dec+2009>

[ii] Australian Work and Life Index (2008), Work, Life and Workplace Culture,  
<http://www.unisa.edu.au/hawkeinstitute/cwl/documents/awali08.pdf>

[iii] Although the working week is regulated to amount to 38 hours a week, with reasonable overtime (the Fair

Work Act 2009 (Commonwealth)), in fact, 21.7 percent of all full-time employees work 50+ hours per week: Australian Bureau of Statistics (2009) Data Cube Work, Australian Social Trends, Cat 4102.0  
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Main+Features50Dec+2009>

[iv] It is estimated that 75.9 percent of employees have leave entitlements: Australian Bureau of Statistics (2009), Data Cube Work, Australian Social Trends, Cat 4102.0  
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Main+Features50Dec+2009>

[v] Part 2 Fair Work Act 2009 (Commonwealth)

[vi] For example, the Fair Work Act 2009 (Commonwealth) prohibits an employer from taking adverse action against an employee (or prospective employee) because of their “family or carer’s responsibilities (s. 340). Adverse action is defined as including discrimination and dismissal (s. 342).

[vii] For example, the Equal Opportunity Act 1995 (Victoria) provides that an employer must not unreasonably refuse to accommodate the responsibilities of a parent or carer.

[viii] For further details, see:

[http://www.workplaceflexibility.com.au/new\\_right\\_to\\_request\\_flexibility\\_in\\_Australia.html](http://www.workplaceflexibility.com.au/new_right_to_request_flexibility_in_Australia.html)

[ix] For further details, see:

[http://www.workplaceflexibility.com.au/r2r\\_NES\\_survey\\_report\\_1\\_Sept\\_2009\\_executive\\_summary.pdf](http://www.workplaceflexibility.com.au/r2r_NES_survey_report_1_Sept_2009_executive_summary.pdf)

[x] For further details, see: <http://www.workplace.gov.au/NR/rdonlyres/3443DD73-AC59-452B-90C5-6BE1DC4A1D0A/0/FlexibilityBenefits.pdf>

The Sloan Work and Family Research Network appreciates the extensive support we have received from the Alfred P. Sloan Foundation and the Boston College community.

E-mail: [wfnetwork@bc.edu](mailto:wfnetwork@bc.edu) - Phone: 617-552-1708 - Fax: 617-552-9202



[www.bc.edu](http://www.bc.edu)

*The Sloan Work and Family Research Network is funded by the Alfred P. Sloan Foundation*