

WORK CARE & FAMILY POLICIES

ELECTION BENCHMARKS 2013



Work + Family
Policy Roundtable

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**Work + Family
Policy Roundtable**

Work, Care & Family Policies

Election Benchmarks 2013



The Roundtable is a network of 30 academics from 18 universities and research institutions with expertise on work, care and family policy. Further information about the Roundtable is available on the website at www.workandfamilypolicyroundtable.org

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Work, care and family policies in Australia

Australia is in the midst of a profound demographic and workplace change, with more women in the paid workforce and an aging population, both of which create significant national challenges. A more feminised workforce, with higher rates of labour market participation, means more workers have caring responsibilities and face the challenge of combining them with paid work. An older population means providing more care to older citizens and requires changes to workplace and caring arrangements to suit their needs.

Recent years have seen some important work, care and family policy reforms, including paid parental leave, childcare reform, and the right to request flexibility in the National Employment Standards. However, more change is needed to ensure a good society that enables workforce participation while supporting social and family relations, where work and care can easily be combined with positive benefits for all. In the long run, productivity is dependent upon social reproduction before all else, making the successful combination of work, care and family an ongoing economic, as well as social, goal.

Work, care and family issues were key areas of electoral interest in the last four national elections in 2001, 2004, 2007 and 2010. In 2013, these issues have not diminished in importance for Australians.

The Work and Family Policy Roundtable proposes a set of benchmarks against which election policies for improving paid work, care and family outcomes in Australia can be assessed. The Benchmarks are in keeping with the Roundtable's goals of contributing to the development of evidence-based policy, producing clear policy guidelines and evaluating policy proposals.

The Roundtable believes work, care and family policy proposals should:

- Recognise that good management of the work-life interface is a key characteristic of good labour law and social policy;
- Adopt a life-cycle approach to facilitating good work-family interaction;
- Support women and men to be paid workers and share unpaid work and care;
- Facilitate employee voice and influence over work arrangements;
- Ensure sustainable workplaces and workers (eg: through 'do-able', quality jobs and appropriate staffing levels);
- Ensure gender equality, including pay equity;
- Protect the well-being of children and other dependants;
- Ensure predictable hours, earnings and job security;
- Promote social justice and the fair distribution of social risk;
- Treat individuals fairly, regardless of their household circumstances;
- Ensure flexible working rights are practically available to all workers through effective regulation, education and enforcement;
- Recognise and support the ongoing need for income support where earning capacities are limited by care responsibilities or other social contributions; and
- Adopt policy and action based on rigorous, independent evidence.



Positive policies for better work, care and family outcomes

The Work and Family Policy Roundtable is a network of researchers with expertise on work, care and family policy. Its goal is to propose, comment upon, collect and disseminate research to inform evidence-based public policy in Australia.

The Roundtable held its first meeting in 2004 and since then has actively participated in public debate about work, care and family policy in Australia providing research-based submissions to relevant public inquiries, disseminating current research through publications for public commentary and through the media.

These Benchmarks were developed by the Roundtable at a two-day research workshop supported by the Academy of Social Sciences in Australia (ASSA) in November 2012.

In the context of the 2013 election, the Roundtable has identified eight policy areas that are of particular importance. These policy areas reflect the key contemporary issues facing Australians as they attempt to combine work, care and family.

- [Accessible, affordable, flexible, quality childcare](#)
- [Paid parental leave](#)
- [Job security, flexibility and working time](#)
- [Pay equity](#)
- [Workforce participation and the tax transfer system](#)
- [Superannuation and retirement savings](#)
- [Work and care for an aging Australia](#)
- [Institutional support and leadership for work and care](#)

Accessible, affordable quality childcare

Since the 2010 election there have been positive changes in childcare. The National Quality Framework (NQF) has been introduced to: improve the quality of service provision through better child/teacher ratios; improve staff training requirements; and develop an early years learning framework which includes the employment of a university-qualified early childhood education teacher in all centres with more than 25 children. The National Partnership Agreement on Early Childhood Education and Care (ECEC) has also continued to be rolled out, with a mid-2013 deadline for universal access to 15 hours of pre-school education for all children in the year before they start school.

These are important developments for Australian children, parents and childcare workers. However, public concern about the affordability of childcare is acute. Official data shows the price paid for childcare by consumers has increased at three times the general rate of inflation since 2009 (Megalogenis 2012). This is despite growing government subsidies and support for the early childhood education and care sector which is budgeted to reach \$22.3 billion over the next four years (Commonwealth Budget 2012-13). Public concern about the lack of flexibility and affordability of childcare services in Australia highlights the patchwork nature of policy development in this area.

Duplication and inconsistencies between the state/territory and federal governments are continuing problems in urgent need of a response. Concerns about the costs associated with implementation of the NQF make a review of funding arrangements essential. Direct payments to childcare services that are linked to high quality provision would be a positive policy change, but would need to be accompanied by appropriate safeguards.

Decent wages for educators and teachers are critical for the development and sustainability of a high quality early childhood education and care sector. The low wages that are endemic in the sector must rise to attract and retain a skilled workforce. Currently the sector faces labour shortages, unfilled vacancies and difficulties in recruitment with around 180 educators leaving the sector each week (DEEWR 2011). Early childhood qualified teachers should be paid at parity with their colleagues in the school system.

We recommend:

1. Increasing direct Australian Government funding to approved services to enable them to meet the increased wages and other costs associated with the NQF;
2. Improving pay and conditions for all ECEC staff, including pay parity for teachers;
3. Adopting the Henry Tax Review recommendations for combining the Child Care Benefit and Child Care Rebate and reducing the withdrawal rate to ensure that the greatest level of assistance is directed to families in greatest need;
4. Conducting an inquiry into the development of a national model of funding for an integrated, high quality, flexible and equitable ECEC system that meets the needs of contemporary families and workplaces; and
5. Evaluating the implementation of universal provision of 15 hours of pre-school for all children in the year before they enter school, with a view to progressively extending guaranteed access to high quality care and education to 3 year old children and then to 2 year old children.

Paid parental leave

All political parties now support paid parental leave. The policy challenge is to ensure the effective working of the new leave scheme and improve its provisions based on research evidence.

Since January 2011, the Australian Government has provided 18 weeks Parental Leave Pay (PLP) indexed at the national minimum wage. This leave scheme acknowledges the contribution of working mothers to the workforce and the need to support parents on the arrival of a new baby. The main objectives of PLP are: to provide financial support to primary carers (mainly mothers) of newborn and newly adopted children, allowing them to take time off work to care for their child; to enhance the health and development of mothers and children; to encourage women to continue to participate in the workforce; and to promote gender equality.

Eligibility for the scheme rests upon Australian residency, income (\$150,000 or less), and an employment/work test (ie: having worked for at least 10 of the 13 months before the birth or adoption, and for at least 330 hours in that 10 month period, with no more than an 8 week gap between 2 consecutive working days). Payment is made through employers to eligible long-term employees while others receive their payment via the Family Assistance Office.

Recent figures show that half of the 150,000 applications for PLP are mothers who earn less than \$43,000 per year, suggesting that the scheme is providing support for those least likely to have access to employer-paid parental leave (Baird and Whitehouse 2012). This is a positive outcome for gender and socio-economic equity.

There is a good case for increasing the participation of men in the longer term care of young children. As a first step to address this, Dad and Partner Pay (DaPP) of 2 weeks at the national minimum wage is now available (since 1 January 2012) on a 'use it or lose it' basis. There is also a good case for increasing the period of DaPP and PLP, and the rate of payment in relation to the recipient's regular rate of pay. Other forms of leave are paid at replacement earnings and many OECD countries provide more than 18 weeks PLP leave.

There is a need to address the mismatch in eligibility for unpaid parental leave under the National Employment Standard (NES) and eligibility for the PLP. Recent evidence suggests that 5% of mothers (and 12% of single mothers) eligible for the PLP were *not* eligible for statutory unpaid parental leave under the NES, on the basis of their work history (Martin et al. 2012). For these women, the PLP provides vital financial support, but they have no right to return to work after time off. In addition, the right to return to work guarantee in the NES must be better enforced and pregnant women should be entitled to be safe at work regardless of their length of service.

The failure to ensure superannuation contributions are made during paid parental leave remains a weakness in the scheme, with long term negative consequences for women's retirement savings. This embeds lower lifetime earnings and retirement income, especially for women who take the majority of parental leave. This runs counter to recommendations of the Productivity Commission.

We recommend:

1. Extending the Australian Government funded PLP/DaPP to 52 weeks of shared/paid parental leave;
2. Designating up to 12 weeks of the 52 weeks PLP as DaPP on a ‘use it or lose it’ basis;
3. Encouraging employers to top up the Australian Government funded PLP to full replacement earnings (as some already do), consistent with payment rates applying to other forms of paid leave;
4. Removing the mismatch in eligibility in the NES to allow employees who have not been employed with the same organisation for more than 12 months to have access to unpaid leave for the purposes of receiving PLP and/or DaPP;
5. Amending legislation so that pregnant employees can transfer to safe work if necessary, without a 12 month service requirement or the requirement for them to have completed paperwork applying for parental leave;
6. More effective enforcement of the ‘return to work’ guarantee in the NES unpaid parental leave provisions and, where a pregnant worker loses her job, introducing a presumption of discrimination unless demonstrated otherwise by the employer; and
7. Ensuring that PLP and DaPP include superannuation contributions.

Job security, flexibility and working time

Provision of unpaid care is essential to the well-being of our society and economy. Children, the frail aged, disabled and the sick, all require care. In 2009, 12% of the population (2.6 million people) had caring responsibilities for people other than children, such as a family member or friend with a disability or illness, or suffering frailty due to old age (ABS 2012). The provision of unpaid care has a significant impact on workforce participation, especially for women who are much more likely than men to be primary carers throughout their life-course (ABS 2012).

A range of recent disability and health care reforms are built around an increased reliance on unpaid carers (FaHCSIA 2012). At the same time, the national productivity and participation agenda calls for (and in the case of income support policy, mandates) increased labour force participation amongst women, the mature aged and those with disabilities (Daley et al. 2012; Australian Government 2010). Public policies that rely on both the provision of unpaid care and increased labour force participation are contradictory and unsustainable unless jobs are available and offer flexibility, security and predictable working time. Flexible working arrangements are central to working carers’ attempts to combine work and care, but more attention also needs to be paid to the importance of regular and predictable hours and job security as a basis from which workers can seek the flexibility they need to manage their caring responsibilities (Heron and Charlesworth 2012). This is a particular issue for sole parents, where only one adult has the responsibility for providing care. While current policy settings assume that paid work can be fitted around care responsibilities, without good quality jobs that provide flexibility to meet ongoing as well as unpredictable care demands, balancing work and care will continue to be a struggle for many working carers.

Australian women often undertake part-time or casual work as a strategy to reconcile work and care, but such jobs do not have the same security and predictability as full-time employment. This is a significant issue, as 46% of female employees work part-time and 54%

of all employees working part-time are employed on a casual basis (ABS 2011). Where workers are defined as ‘casual’ they are excluded from a number of National Employment Standards (NES) rights such as those relating to paid carers – ie: personal leave and annual leave – all of which are vital to managing work and care (Heron and Charlesworth 2012). If the NES are to support working carers, annual leave and carer’s leave must be extended to all employees. The Australian Human Rights Commission (AHRC) also recommends that the NES provide a dedicated carer’s leave allocation separate from personal leave and extend access to carer’s leave to all employees (AHRC 2013).

Award provisions in some feminised industries allow for casual-like flexibility in the number and scheduling of part-time hours, unlike in full-time employment, this undermines part-time workers’ status and rights (Heron and Charlesworth 2012). This suggests that Australia may not be meeting its obligations under the ILO Part-Time Work Convention (No. 175).

The right to request (RTR) flexible working arrangements in the NES allows those with children under school age to request changes to their working arrangements. However, this RTR lacks any practical right to appeal an employer’s unreasonable refusal to consider the request and eligibility is limited to workers with 12 months service with their employer. Recent research shows that most workers do not know about the RTR. It also shows that men are less likely than women to make a request, and men are more likely to be refused (Skinner et al. 2012). International evidence suggests that the right could be extended to a broader population of workers without creating difficulties for business. The UK Government will shortly extend this right to all employees, as is the case in the Netherlands and Germany.

We recommend:

1. Making the NES more inclusive by extending paid annual leave to casual employees on a pro-rata basis and providing a separate allocation of carers leave to all employees;
2. Increasing job security for working carers by introducing measures to support casual workers moving to an ongoing contract after a certain period of employment;
3. Establishing firm working time minima in all modern awards, including a minimum engagement of 3 hours for casual workers and requiring written agreement to a regular pattern of hours and adequate notice of changes to hours for part-time workers;
4. Enhancing the operation and uptake of the NES right to request flexible work by:
 - Widening coverage to all employees regardless of caring responsibilities
 - Removing the 12 month service requirement for eligibility
 - Ensuring that employers are obligated to reasonably accommodate requests for flexible work by providing a right to appeal refusals as applies to other NES
 - Developing and disseminating detailed guidance material on the RTR and initiating a Fair Work Ombudsman campaign to raise awareness of this right; and
5. Protecting workers against discrimination on the basis of their part-time status in line with Australia’s international law obligations under ILO Convention 175.

The gender wage gap (GWG) for full-time ordinary earnings is widening in Australia. In August 1994, the GWG was 15.9% and in November 2011 it was 17.4% (equal to \$247.90 per week). The GWG is wider for full-time total earnings (20.8%) and wider again for average total earnings of full-time and part-time employees (35.3%). Significant deterioration since May 2008 is of considerable concern and we now have the widest GWG in nearly two decades (Todd and Preston 2012).

The national GWG masks differences between states and industries. The widest gaps are in health care and financial services (Todd and Preston 2012). Women in the private sector have experienced slower wage growth over 2006–11, relative both to male private sector employees, and to female and male employees in the public sector (Jefferson and Preston 2012). Clearly this has contributed to the overall deterioration in the GWG. There is also growing evidence of gender inequity in the remuneration of female graduates, even as they leave university, suggesting a need for strategies to reduce the pay gap amongst graduates, as well as across the broader occupational spectrum (Coates and Edwards 2009).

On the positive side, the 2012 Equal Remuneration Case gave a significant pay increase to a majority of the 150,000 workers in the community services industry. There are also new reporting requirements for employers in the *Workplace Gender Equality Act 2012* which have the potential to improve pay equity. However, the Equal Remuneration Case also highlights the need for further changes as recommended by the House of Representatives 2009 *Making it Fair* report.

We recommend:

1. The Australian Government formally respond to the *Making it Fair* report, to address the historical undervaluing of women's work particularly in 'caring' jobs;
2. Establishing a Pay Equity Unit to address pay equity by establishing information and advisory mechanisms for job applicants (or those renewing contracts), and measures to encourage all employers to narrow the pay gap;
3. Ensuring that the Gender Equality Indicators established as part of the *Workplace Gender Equality Act 2012* are designed effectively to collect data on overall remuneration gaps by occupation, part-time, full-time and contract status, and establish industry-specific benchmarks that will achieve real advances in gender pay equity; and
4. Ensuring the effective application of the equal remuneration principles in the *Fair Work Act 2009* to address systemic inequalities in modern awards and to reduce differences between male-dominated and female-dominated awards in such areas as the definition of ordinary hours and the payment of penalty rates.

Income support and tax transfer policies play an important role in shaping our work and care patterns and influence the choices households make about who works and who cares. The design of the current tax transfer regime penalises women who move between work and care by imposing high effective marginal tax rates on earnings. When women increase their paid labour by returning to work or increase their total hours of work, the value of their family payments and childcare benefit decreases while other means-tested levies increase (Apps 2007). This is a particular problem when moving between income support payments to paid work as the taper rates and concession card levels can seriously limit the gains from earnings.

The disincentive that high effective marginal tax rates pose to women's work participation was acknowledged by the Henry Tax Review. The Review found that the system is inherently biased against paid work because of the removal of benefits as earned income increases, and the declining availability of government payments as a substitute for paid work. For sole parents, current policy is particularly prescriptive and the shift to Newstart for all those with a youngest child aged 8 makes it very difficult for parents to care for young children and find appropriate work. The lack of secure, predictable, flexible work opportunities for working carers undermines women's continued workforce participation and given the particular challenges faced by sole parents, there is a good argument for specific, additional financial support for those who have limited earning and time resources.

The introduction of the higher tax-free threshold (\$18,200) introduced on 1 July 2012 is a positive change that will reduce the effective marginal tax rates for women returning to part-time work in lower paid jobs. However, more needs to be done to reduce the tax and welfare penalties for those in the middle-income bracket. Reducing the withdrawal rate of some family related payments would alleviate several of the disincentives women face in increasing their participation in paid work.

We recommend:

1. Reviewing effective marginal tax rates and their impact on women's workforce participation;
2. Reviewing the Newstart payment levels to ensure their adequacy;
3. Providing a payment to sole parents with children in primary school to help ensure adequate income and parental time to meet children's needs;
4. Reducing the withdrawal rates on most family related benefits; and
5. Ensuring that income support recipients, especially sole parents, have access to secure, predictable, flexible and adequate hours of work in quality jobs, and to affordable care services.

Women's access to employer-paid superannuation contributions is limited by their lower average earnings and fewer years in paid employment. This is largely due to their unpaid household work, including childcare and care of family members with a disability, chronic illness or frailty associated with ageing. These factors effectively reduce women's lifetime earnings and their superannuation contributions (Preston and Jefferson 2005).

Recent policy attention has focussed on the coverage of compulsory occupational superannuation and Australian Bureau of Statistics data show that 24% of men and 34% of women have no superannuation (ABS 2009). Employers are not required to pay superannuation contributions for employees paid less than \$450 per month, which affects the low paid (Clare 2012). In general terms, women's superannuation balances are approximately 60% of men's (ABS 2009).

The new superannuation contribution tax rebate of up to \$500 annually is a positive step towards improving gender equity and support for lower income earners. However, current policy is less comprehensive than the Henry Tax Review recommendation of a zero per cent superannuation taxation rate for those earning below the tax-free threshold (Bateman and Kingston 2010). The relatively generous provision of Australia's superannuation tax system is regressive, favouring top income earners.

Increasing the compulsory employer contribution rate from 9% to 12% will increase superannuation balances. However, it will not address gender inequity in occupational superannuation associated with low income or intermittent workforce participation common to those with caring responsibilities (Jefferson 2012). A number of other nations address the latter issue by providing 'carer credits' to top up superannuation (AHRC 2013).

We recommend:

1. Investigating the introduction of 'carer credits' into superannuation accounts for those with significant care responsibilities;
2. Implementing the Henry Tax Review recommendations on taxation of superannuation contributions, as part of a more equitable and neutral approach to superannuation reform;
3. Implementing all recommendations in this document related to income replacement and superannuation payment for paid parental leave, gender pay equity, taxation and transfers;
4. Maintaining the age pension to reflect relativities with average earnings and work-related benefits; and
5. Removing the \$450 per month minimum earning requirement for payment of employer superannuation contributions.

Work and care for an aging Australia

The aging of the Australian population has created new economic and policy challenges. Older workers are being encouraged to work for longer in a bid to boost productivity and sustain living standards. This requires workplaces to meet the changing health needs of a mature-aged workforce and provide support for workers as carers of the frail aged. As workers and carers, mature-aged employees may need to alter their work hours. The right to request flexibility should be available to all workers, including the mature aged and those caring for the frail aged.

Recent aged care reforms appropriately recognise the need to provide training for unpaid carers as well as increasing respite services (DoHA 2012). While there is a range of respite options for carers of aged and disabled people provided in the package, these are all short-term and not designed to support a mature aged worker with caring responsibilities to maintain their workforce participation. This is a policy gap that must be addressed. Most unpaid care falls to women, making a flexible and sustainable aged care system critical to women's labour force participation during periods of intensive care responsibility.

We recommend:

1. Extending current respite services for the aged and chronically ill to be available for regular and longer periods of time rather than only in emergencies. This would include long day care options;
2. Introducing a new paid leave provision for employees who provide palliative care for a family member or other dependant; and
3. Extending the right to request flexibility to all employees (see: Job Security, Flexibility and Working Time recommendation).

Institutional support and leadership for work and care

The daily life of Australian families has fundamentally changed over the past few decades. The majority of Australian women with young children are now engaged in paid work. The 2011 Census shows that around 45% of all mothers return to work when their youngest child is less than 1 year old, and about 58% when their youngest child is under 2 years old (Megalogenis and Gosper 2012). In addition, 4.1 million employees in 2009 – both men and women – were either parents of a child under 15 years or had responsibility to care for a person with a disability, chronic illness or frailty due to old age. This means almost 40% of the workforce has significant caring responsibilities they must combine with their working lives (AHRC 2013). These social realities make the development of a rational and equitable work and care regime an urgent matter which is essential to Australia's future well-being, economic productivity and social inclusion.

Better work, family and care outcomes in Australian workplaces rely on more positive workplace leadership and culture. This is especially significant in small firms, which make up

the majority of all Australian workplaces. Initiatives to increase workplace productivity or leadership should give a high priority to work, care and family issues, given the role that positive policy and action can make to productivity, participation and well-being.

Existing research suggests that first line supervision and organisational norms and practices shape access to key supports like flexibility and leave (Pocock et al. 2012). First-line supervision and workplace cultures that are less supportive of the reconciliation of work and family are associated with higher levels of negative work-life and work-family interference (Skinner and Pocock 2008). Poorly designed jobs and work overload can inhibit access to leave, including annual leave – with more than half of Australian workers not using their paid holiday leave in the year in which it accumulates – with negative consequences for reconciling work and family (Pocock et al. 2010).

Many workers who are not content with their current work arrangements do not make use of their right to request flexibility at work because their jobs are insecure, they believe their supervisors will view such requests negatively, or there is no history of flexible work in their workplace (Pocock et al. 2012).

Important workplace culture and leadership issues such as sexual harassment and discrimination against pregnant workers, working carers, older employees, and those affected by domestic violence are of increasing significance in a workforce that is increasingly female, responsible for the care of others, and aging.

Australia is a wealthy country and well placed to become a global leader in the area of work, care and family policy. The importance of good data for policy design, development and evaluation must not be underestimated. Good research, thorough cost-benefit analysis, continuous evaluation, piloting and an ongoing program of policy development are critical to cost-effective change.

We recommend:

1. Increasing public capacity to support and encourage workplace leadership that specifically addresses work, care and family challenges, and the increasing feminisation of the workforce, including leadership to prevent sexual harassment and discrimination and increase flexibility that supports working carers;
2. Establishing federal and state departments of Work, Life and Community responsible for the overarching design and implementation of an equitable Australian work and care and family regime; and
3. Ensuring the Australian Government undertakes systematic research about work, care and family policy challenges facing Australia; and that funding is provided to maintain existing surveys and data sets and research capacity to investigate changes at work and in Australian households.

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