

FLEXIBLE WORK ARRANGEMENTS PARENTS AND WORK LIFE BALANCE



Government of South Australia
SafeWork SA

Work Life Balance

INFORMATION SHEET

June 2012

#6

Extra hours, multiple jobs and weekend work are all impacting on Australian family life. The provision of flexible work arrangements that enable families to arrange care for children around their work is a critical factor for many Australians in allowing them to participate and be productive in the workforce.

WORKING PARENTS

Parents in the workforce are now a significant and ongoing pressure group calling for flexibility at work.

It is a widespread trend that couple households now rely on having both parents in the workforce, and single parents are now required to seek work from the time their youngest child starts school.

Financial reasons is the most common response (73%) given by women for either starting work or returning to the workforce within two years of the birth of their child.¹

Australian Bureau of Statistics (ABS) data reveals that there are over 1.5 million two-parent families with children in Australia, with almost two-thirds having both parents in the workforce. In the majority (80%) of these working families, at least one of the parents said they were often or always pressed for time.²

RUSHED AND TIME PRESSURED

One-parent families represent 20% of Australian families with children under 15 years of age, and over half of those single parents are employed.³ According to the ABS, around two-thirds of employed single parents always or often feel rushed or pressed for time.²

When compared with two-parent families, single-parent families were also much less likely to have a say in their start and finish times (45%) or to be able to work extra hours in exchange for time off (48%).²

The main reason parents gave for feeling time pressured was trying to achieve a balance between work and family. Over half (58%) of all working couple families had at least one parent who usually worked extra hours, with a similar proportion regularly working in the evenings.⁴

In particular, women experience more emotional impact from work life conflict – over half feeling rushed, pressured and exhausted, and having a higher frequency of conflict than men. Women's working life cycles are different to men's, with more career breaks and more part-time paid work, and these differences make work life balance harder to manage.⁵

Parents use a range of work arrangements to help them care for their children. These include flexible working hours, part-time work, shiftwork, work from home and job sharing arrangements.

In 2008, of all families with children aged 0-12 years with at least one parent employed, 64% indicated that at least one parent normally used one or more of these work arrangements to help them care for their children.

Managing the competing demands of work, family and social life is an issue that affects many South Australians. By promoting a work life balance culture and environment in the workplace, employers can improve their ability to attract and retain workers, in turn enriching our health and wellbeing and building stronger communities.

The South Australian Government is committed to Work Life Balance through the SA Strategic Plan Target 13 'Improve the quality of life for all South Australians through the maintenance of a healthy work-life balance.'

SafeWork SA is the lead agency for the target through the Work Life Balance Strategy.

www.safework.sa.gov.au/worklifebalance

'Knowing that my children are safe and happy in affordable, quality after school care enables me to stay focused at work. Having flexible work hours also means that I can pick them up in time to support them with their homework but also have some fun together before starting dinner.'

Emily



¹ABS November 2005

²ABS December 2009

³ABS December 2010

⁴ABS media release, September 2009, 'Too much work makes Australia's parents pressed for time.'

⁵Women's Forum Australia Survey, 2009.

'Family-friendly workplaces are essential for the reconciliation of work and family life. There is a potential business case for family-friendly measures as they may improve the quality of the enterprise-workforce, reduce recruitment and training costs, diminish stress among employees, reduce absenteeism and improve worker loyalty; thereby contributing to greater flexibility, productivity and profitability of the enterprise and its workforce1.'

p.190 Organisation for Economic Co-operation and Development (OECD) report 2007 'Babies and Bosses: Reconciling Work and Family Life'.



This represents an increase from 53% in 1999. The proportion who specifically used flexible working hours to help care for their children also increased over this period, from 33% in 1999 to 43% in 2008.⁶

THE BENEFITS OF FLEXIBLE WORKPLACE ARRANGEMENTS

Family-friendly work arrangements are practices or resources that help workers better balance their work and family obligations by making the workplace more flexible.

Family obligations include caring for dependent children, partners or ageing parents, or for other close relationships where ongoing or temporary assistance is needed.

Family friendly work arrangements can make your business attractive to new applicants, help retain valued workers and enable higher levels of productivity from more committed workers.

Case studies have shown that where management use and actively promote the use of flexible work arrangements, workers feel that the company policies really are endorsed by management and it is okay to use them without any ramifications.

The importance of modelling best practice work life balance by management cannot be underestimated.

WHAT ARE PARENTS SEEKING?

Some examples of what parents are seeking are:

- positive organisational culture and management support for flexible work
- flexible leave options
- flexibility in working time to allow them to adjust their schedules to coordinate with school or child care centre hours

- flexible sick and carers leave to cover health and medical appointments
- awareness of available options for both male and female parents, and particularly for culturally and linguistically diverse workers
- paid parental leave (above the legislative minimum) for both men and women
- regular fixed shifts or set days for shifts to help them secure quality child care places
- leave arrangements to suit workers' personal circumstances (e.g. leave for school holidays through purchased leave arrangements, extended leave without pay to provide full-time care to family members in emergencies)
- enabling children to access the workplace (where safe) or providing a carer's room, child care facilities or information about where parents can access these facilities near their workplace for emergency care
- the option to salary sacrifice child care costs
- access to affordable quality child care, out of school hours care and vacation care
- child care referral services
- reimbursement of child care costs when they are required to come to work on days when they do not usually work
- quality part-time work with the ability to increase or decrease hours
- the ability to bring children to the workplace in emergency situations
- the opportunity to work from home where possible.

There are many legislative provisions which support parents in the workplace. These range from paid parental leave to a right to request flexible work arrangements.

PAID PARENTAL LEAVE

Paid parental leave (PPL) is an entitlement which gives working parents the opportunity to keep their job and take paid leave to care for a newborn (or adopted) child.

PPL can include both employer-funded and government-funded schemes. Many employers provide a period of PPL through an industrial agreement (such as an enterprise agreement), contracts of employment or workplace policies.

Such incentives can help employers attract and retain valued workers, thereby reducing turnover costs as well as keeping skills and knowledge within the organisation.

The health and wellbeing of new mothers and babies is one of the reasons many employers are choosing to provide paid maternity leave. It enables women to spend the first weeks of a child's life recovering from the birth and nurturing the baby. For this reason, the World Health Organisation has recommended a minimum of 16 weeks leave.

Government Funded Paid Parental Leave Scheme

Australia's first national PPL scheme began on 1 January 2011. The PPL scheme:

- is funded by the federal government
- is for eligible working parents of children born or adopted on or after 1 January 2011
- is paid at the National Minimum Wage for a maximum period of 18 weeks
- can be taken any time within the first year after birth

- allows any remaining entitlement to be transferred to another eligible carer (usually the father) if the primary carer returns to work before they have received all of their PPL entitlement
- allows for funded leave to be received before, after or at the same time as other existing employer-provided paid or unpaid maternity or parental leave, or other employer-funded leave entitlements such as annual leave and long service leave
- complements parents' existing entitlements to employer-provided paid and unpaid leave, such as access to 12 months unpaid parental leave under the National Employment Standards (NES) for long-term employees.

The introduction of this scheme does not replace parents' existing entitlements to any employer-funded PPL under their applicable awards or agreements. Entitlement to such leave does not affect a worker's potential eligibility for the PPL scheme. If an employer currently provides PPL through an industrial agreement, such as an enterprise agreement, the entitlements will continue as long as the agreement applies.

In consultation with their employer, workers can choose to organise their PPL in a way which best meets their financial and caring needs. Subject to the terms of employer-funded paid leave policies, workers can elect to receive PPL from both government-funded and employer-funded schemes consecutively or concurrently.

Any individual who resigns before or during their PPL period may still be eligible for PPL pay.

For further information visit:

www.fairwork.gov.au
www.familyassist.gov.au.

Who is eligible?

You may be eligible for PPL if you:

- are the primary carer of a newborn or recently adopted child
- are an Australian resident
- have met the PPL work test before the birth or adoption occurs
- have received an individual adjusted taxable income of \$150,000 or less in the financial year prior to the date of birth, adoption or date of claim, whichever is earlier, and

- are on leave or not working from the time you become the child's primary carer until the end of the PPL period.

Full-time, part-time, casual, seasonal, contract and self-employed workers may be eligible for the scheme.

Further information regarding eligibility is available from the Family Assistance Office and/or Centrelink.

UNPAID PARENTAL LEAVE

Parental leave is an entitlement available under the *Fair Work Act 2009* for workers who have or will have responsibility for the care of a child.

Workers who have completed at least 12 months continuous service with their employers on a permanent full-time or part-time basis are entitled to parental leave. Each parent can take a maximum of 52 weeks of unpaid leave, unless one parent requests an extension. Leave can be commenced up to six weeks before the expected due date of the baby, but no later than the date of birth.

For adoption leave, the leave must start on the day of placement of the child.

RETURNING FROM PARENTAL LEAVE

A successful parental leave policy should incorporate innovative and flexible arrangements that assist parents before, during and after a period of leave.

A best practice employer should facilitate flexible arrangements in their workplace for new fathers and mothers around the time a child is born.

A worker returning from parental leave is legally entitled to return to the same job they held prior to going on leave. If that job no longer exists, they are legally entitled to return to an available position for which they are qualified and suited, which is nearest in status and pay to their pre-parental leave position.

There are a number of things an employer and worker should consider to ensure a smooth transition back into work, including:

- keeping in touch with the worker during the period of leave
 - All best practice parental leave policies should include details about workers keeping in touch while on leave. Good communication arrangements can help them continue to feel attached to their workplace, career and colleagues.

- A worker can choose whether or not they participate in any work-related activities while on leave; attendance at work meetings or functions cannot be made a condition of their leave. A worker must be paid at their usual rate of pay for any work-related activity performed during a period of leave.

- The federal government's PPL scheme allows workers to keep in touch with their workplace for up to 10 days, from the time they become the primary carer until the end of their PPL period, without losing their entitlement. Similarly, the *Paid Parental Leave Act 2010* provides that, where a worker and employer agree to a 'Keeping in Touch' day, the worker will continue to be eligible for the PPL scheme.

- beginning discussions early about how the worker plans to manage their return to work and what their role will be
- discussing adjustments that the employer may be able to make at the workplace (e.g. access to a place for breastfeeding or expressing breast milk, flexible working arrangements during the early weeks for settling a young child into child care)
- communicating clear expectations around working hours and the taking of leave
- giving appropriate consideration to any requests the worker makes for flexible working arrangements, an obligation set out in the *Fair Work Act 2009*.

BREASTFEEDING AT WORK

The Australian National Health and Medical Research Council's Dietary Guidelines for Infant Feeding recommend that infants be exclusively breastfed for the first six months of life, with ongoing breastfeeding until two years and beyond with appropriate complementary foods (also supported by the World Health Organisation).

Despite this policy support, Australia has a poor record when it comes to exclusive breastfeeding and breastfeeding duration.

With women's workforce participation continuing to increase, workplace support for breastfeeding plays a vital role in improving breastfeeding rates.

It also means that employers need to build their capacity to meet the needs of a changing labour market. Part of this is creating family-friendly workplaces for their workers who are breastfeeding or expressing milk.

The Australian Breastfeeding Association (ABA) provides resources for employers and workers to support breastfeeding and expressing and storing breast-milk at work. One of the programmes supported by ABA is a best practice certification for breastfeeding at work that employers can use as part of a work life balance programme and to recruit and retain female workers.

The Breastfeeding Friendly Workplace Accreditation (BFWA) is a consultancy service for employers provided by the ABA. Through the accreditation process, BFWA assists employers to create a supportive environment for breastfeeding mothers returning to work from maternity leave.

Employers are encouraged to offer employment conditions which are appealing to mothers who are breastfeeding. This adds value to recruitment and retention strategies, demonstrates a commitment to worker health and wellbeing, promotes workplace diversity and equal employment opportunity, and is aligned with corporate social responsibility.

For further information visit:

www.breastfeedingfriendly.com.au
www.breastfeeding.asn.au

PPL BENEFITS FOR EMPLOYERS

Employers offering PPL are signalling their commitment to their workers.

Leading practice organisations know the bottom-line value of an important retention strategy such as paid maternity and paternity leave, and regard it as core to a suite of flexible workplace practices.

PPL is increasingly seen by employers as a benefit to their organisation through:

- increasing the number of workers returning to work after maternity leave
- reducing recruitment and training costs
- improving worker loyalty, morale, job satisfaction and productivity
- providing a cost-effective means of retaining skilled workers
- improving organisational efficiency through the benefits of long service (e.g. institutional memory, industry knowledge, networks and contacts)
- supporting equal employment opportunity and workplace diversity.

ENTITLEMENTS TO FLEXIBLE WORKING ARRANGEMENTS

Since 1 January 2010, under the NES, a worker who is a parent or who has responsibility for the care of a child under six years of age (or under 18 years for a child with a disability) has the right to request a change in their working arrangements to assist them in their caring role.

Flexible, family-friendly working arrangements which a best practice employer may consider for workers returning from parental leave include:

- accessing annual leave in single day periods or part days
- flexible start / finish times and ability to work additional hours to make up for time taken off
- ability to decrease and increase hours worked
- accessing accrued rostered days off in part days or more flexibly
- job share arrangements
- purchased leave and compressed hours

- working part-time for a period or creating part-time work opportunities for both men or women, especially in senior positions
- telecommuting, working from home or another location.

The request for flexible working arrangements must:

- be made in writing
- set out details of the changes sought and reasons for them.

An employer may refuse a request only on reasonable business grounds. If the employer refuses the request, the written response must include the reasons.

Further information can be found in *Work Life Balance Information Sheet #3 'Flexible Work Arrangements'* or visit:

www.fairwork.gov.au/employment/conditions-of-employment/flexible-working-arrangements/pages/default.aspx

PROTECTION AGAINST DISCRIMINATION

Employers also need to be aware of the implications that carer provisions in the *Equal Opportunity Act 1984* may have on employment arrangements.

Discrimination on the basis of caring responsibilities occurs when workers are treated unfairly because they have a responsibility to care for a dependent child or an immediate family member whose need for care and support may impact on their employment.

For further information visit:

www.eoc.sa.gov.au

DISCLAIMER

This publication contains information regarding occupational health and safety. It includes some of your obligations under the occupational health and safety legislation that SafeWork SA administers. To ensure you comply with your legal obligations you must refer to the appropriate Acts and Regulations. This publication may refer to legislation that has been amended or repealed. When reading this publication always refer to the latest laws.

SAFEWORK SA

www.safework.sa.gov.au

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Email: help@safework.sa.gov.au
(the Help Centre closes at 4.15pm on Wednesdays)

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